

ZONING

Chapter 82

ARTICLE 1. GENERAL

- Sec. 82-1. Title.
- Sec. 82-2. Authority.
- Sec. 82-3. Contents.
- Sec. 82-4. Purpose.
- Sec. 82-5. Compliance.
- Sec. 82-6. Force and Effect.
- Sec. 82-7. Abrogation and Greater Restrictions.
- Sec. 82-8. Interpretation and Application.
- Sec. 82-9. Severability.
- Sec. 82-10. Warning and Disclaimer of Liability.
- Sec. 82-11. Vesting of Rights.
- Sec. 82-12. Definitions.
- Sec. 82-13 - Sec. 82-18. Reserved.

ARTICLE II. ZONING DISTRICTS AND ZONING MAPS; USE REGULATIONS

- Sec. 82-19. Zoning Districts.
- Sec. 82-20. Zoning Maps.
- Sec. 82-21. Types of Uses.
- Sec. 82-22 - Sec. 82-27. Reserved.

ARTICLE III. GENERAL REQUIREMENT

- Sec. 82-28. Compliance.
- Sec. 82-29. Zoning District Requirements.
- Sec. 82-30. General Requirements.
- Sec. 82-31. Setbacks from Roads.
- Sec. 82-32. Front, Rear, and Side Yard Setbacks.
- Sec. 82-33. Setbacks for Barnyards, Feedlots, and Farm Structures Housing Animals.
- Sec. 82-34. Height Requirements.
- Sec. 82-35. Floor Area Requirements.
- Sec. 82-36. Impervious Surface Requirements.
- Sec. 82-37. Landscape Buffers.
- Sec. 82-38. Filling and Grading.
- Sec. 82-39. Accessory Structures.
- Sec. 82-40. Outdoor Storage of Junk Material.
- Sec. 82-41. Blasting Limitations.
- Sec. 82-42 - Sec. 82-47. Reserved.

ARTICLE IV. ZONING DISTRICT REQUIREMENTS

- Sec. 82-48. Exclusive Agricultural Zoning District (EA)
- Sec. 82-49. Exclusive Agricultural – Preservation Zoning District (EA-P)
- Sec. 82-50. Agricultural Residential District (A-R)
- Sec. 82-51. General Agriculture Zoning District (GA)
- Sec. 82-52. Heartland (HL)
- Sec. 82-53. Small Estate (SE)
- Sec. 82-54. Single Family 20 (SF-20)
- Sec. 82-55. Single Family 10 (SF-10)
- Sec. 82-56. High Density Residential (HD)
- Sec. 82-57. Mixed Use Commercial (MC)
- Sec. 82-58. Commercial Center (CC)
- Sec. 82-59. Light Industrial (LI)
- Sec. 82-60. Industrial (I)
- Sec. 82-61. Natural Area (NA)
- Sec. 82-62. Wetland (W) (OVERLAY DISTRICT)
- Sec. 82-63 - Sec. 82-68. Reserved.

ARTICLE V. PARTICULAR USE REQUIREMENTS

- Sec. 82-69. Purpose.

- Sec. 82-70. Applicability.
- Sec. 82-71. Agricultural Use Requirements.
- Sec. 82-72. Commercial Use Requirements.
- Sec. 82-73. Industrial Use Requirements.
- Sec. 82-74. Institutional Use Requirements.
- Sec. 82-75. Outdoor Recreational Use Requirements.
- Sec. 82-76. Residential Use Requirements.
- Sec. 82-77. Miscellaneous Use Requirements.
- Sec. 82-78. – 82-83. Reserved.

ARTICLE VI. NONCONFORMING USES, STRUCTURES, LOTS

- Sec. 82-84. Previously Lawful Condition.
- Sec. 82-85. Nonconforming Uses.
- Sec. 82-86. Nonconforming Structures.
- Sec. 82-87. Nonconforming Lots.
- Sec. 82-88. – 82-93. Reserved.

ARTICLE VII. PARKING AND ACCESS REQUIREMENTS

- Sec. 82-94. Purpose.
- Sec. 82-95. Off-Street Parking Space Requirements.
- Sec. 82-96. General Parking Area and Landscaping Requirements.
- Sec. 82-97. Driveway Access Requirements for Parking Areas.
- Sec. 82-98. Prohibition on Commercial Vehicles in Residential Districts
- Sec. 82-99. – Sec. 82-103. Reserved.

ARTICLE VIII. SIGNS

- Sec. 82-104. Purpose and Intent
- Sec. 82-105. Administration
- Sec. 82-106. Prohibited Signs
- Sec. 82-107. General Sign Regulations
- Sec. 82-108. Signs Allowed Without a Permit
- Sec. 82-109. Signs Allowed With a Permit
- Sec. 82-110. Signs Allowed by Zoning Districts.
- Sec. 82-111. Flags
- Sec. 82-112. Nonconforming Signs
- Sec. 82-113. Dilapidated, Unmaintained and Abandoned Signs
- Sec. 82-114 – 82-120. Reserved.

ARTICLE IX. NATURAL FEATURES PROTECTION REQUIREMENTS

- Sec. 82-121. Purpose.
- Sec. 82-122. Applicability.
- Sec. 82-123. Escarpments.
- Sec. 82-124. Bluffs.
- Sec. 82-125. Sinkholes.
- Sec. 82-126. – 82-131. Reserved.

ARTICLE X. PROCEDURES

- Sec. 82-132. Regular Zoning Permits.
- Sec. 82-133. Conditional Use Permits.
- Sec. 82-134. Site Plan Review.
- Sec. 82-135. Variances.
- Sec. 82-136. Appeals.
- Sec. 82-137. Amendments.
- Sec. 82-138. Public Hearings.
- Sec. 82-139. – Sec. 82-144. Reserved.

ARTICLE XI. ADMINISTRATION

- Sec. 82-145. Planning, Zoning and Farmland Preservation Committee.
- Sec. 82-146. Board of Adjustment.
- Sec. 82-147. Planning, Zoning and Land Information Director.
- Sec. 82-148. Code Administrator.
- Sec. 82-149 – 82-154. Reserved.

ARTICLE XII. ENFORCEMENT

Sec. 82-155. Violations.

Sec. 82-156. Prosecution.

Sec. 82-157. Penalties.

Sec. 82-158. After-the-Fact Conditional Use Permit Applications and Variance Petitions.

Sec. 82-159. Reserved.

ARTICLE I. GENERAL

Sec. 82-1. Title.

This chapter shall be known as the “Calumet County Zoning Ordinance.

Sec. 82-2. Authority.

This chapter is adopted pursuant to the authority granted by §§59.70, 59.69, 59.694, 59.696, 59.697, 59.698, and 91.30, Wis. Stats. and all other applicable provision of the Wisconsin Statutes. This chapter shall constitute a comprehensive revision as described in §59.69(5)(d), Wis. Stats., of the 2009 *Calumet County Zoning Ordinance*.

Sec. 82-3. Contents.

This chapter consists of two distinct, but inseparable and integrated parts; written text and zoning maps. The written text and zoning maps, taken together, constitute this chapter. In addition, other maps and materials referenced in the text are used to support this chapter.

Sec. 82-4. Purpose.

The purpose of this chapter is to promote and protect public health, safety, aesthetics, and other aspects of the general welfare; to promote planned and orderly land use development; to protect property values and the property tax base; to prevent overcrowding of the land; to advance uses of land in accordance with its character and suitability; to provide property with access to adequate sunlight and clean air; to maintain the safe and healthful conditions for the enjoyment of recreation; to aid in the protection of groundwater and surface water; to maintain the economic value of water resources; to preserve wetlands; to protect the beauty of landscapes and conserve flora and fauna habitats; to preserve and enhance the County’s rural characteristics; to promote safety and efficiency in the County’s road transportation system; to define the duties and powers of administrative bodies in administering this chapter; and to aid in implementing the County Comprehensive Plan and the County Farmland Preservation Plan.

Sec. 82-5. Compliance.

- (a) *Compliance Required.* No land shall hereafter, be used; and no structure or part thereof, shall hereafter be used, located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without full compliance with the provisions of this chapter.
- (b) *Municipalities.* Unless specifically exempted by law, all cities, villages, towns, and the County are required to comply with this chapter and obtain all necessary permits in areas under the jurisdiction of this chapter. State agencies are required to comply when s. 13.48(13), Wis. Stats. applies.

Sec. 82-6. Force and Effect.

- (a) *Applicability.* This chapter shall affect the unincorporated areas of Calumet County, or applicable portions thereof, as provided in par. (b), *Effect*.

(b) *Effect.* Upon enactment by the Calumet County Board of Supervisors, this chapter shall go into full force and effect as follows:

(1) *Town Board Approval.* This chapter shall go into effect upon approval by the applicable Town Board and upon filing with the Calumet County Clerk by the applicable Town Clerk a certified copy of an approving resolution attached to one copy of this chapter, as provided in s. 59.69(5)(c), Wis. Stats. This date shall be referred to as the effective date for that particular town.

(2) *Comprehensive Revision.* This comprehensive revision provides that the existing zoning ordinance (effective date November 2, 2009), shall remain in effect in a town for a period of up to one year or until the comprehensive revision is approved by the town board, whichever period is shorter. If the town board fails to approve the comprehensive revision within a year neither the existing ordinance nor the comprehensive revision shall be in force in that town.

Sec. 82-7. Abrogation and Greater Restrictions.

(a) *Greater Restrictions.* Wherever this chapter imposes greater restrictions than other similar regulations, the provisions of this chapter shall govern.

(b) *Deed Restrictions, Etc.* It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easement, covenant, deed restriction, or agreement. Calumet County shall not enforce any easement, covenant, deed restriction, or agreement to which it is not a party.

(c) *Prior Permits.* It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any permit previously issued pursuant to law.

Sec. 82-8. Interpretation and Application.

The provisions of this chapter shall be construed to the minimum requirements. Further interpretation and application of the provisions of this chapter shall take into account the purposes of this chapter and any adverse effects that an interpretation may have upon such purposes.

Sec. 82-9. Severability.

If any section, paragraph, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. If any application of this chapter to a particular structure, land, or waters 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.

Sec. 82-10. Warning and Disclaimer of Liability.

This chapter shall not create a liability on the part of, or a cause of action against, Calumet County or any officer or employee thereof, for any damages that may result from reliance on this chapter.

Sec. 82-11. Vesting of Rights.

No rights to any particular use vest in any property owner simply because the use is permitted by this chapter. Such use may be prohibited by future amendments to this chapter. 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 or until the permit expires. No amendment to this chapter, which prohibits a particular use, shall be applicable to any property developed under a previously issued permit, except to that extent that such use is rendered nonconforming.

Sec. 82-12. Definitions.

- (a) *Word Usage.* In the interpretation of this chapter, the provisions and rules of this chapter shall be observed and applied, except when the context clearly requires otherwise:
- (1) *Tense.* Words used or defined in one tense or form shall include other tenses and derivative forms.
 - (2) *Singular and Plural.* Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
 - (3) *Gender.* The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
 - (4) *Shall.* The word “shall” is mandatory.
 - (5) *May.* The word “may” is permissive.
- (b) *Definitions.* When used in this chapter, the following terms shall have the meanings herein assigned to them. Words used in this chapter, but not defined herein, shall carry the meanings as defined in Webster’s Unabridged Third International Dictionary, or a dictionary based on it.

Abandonment of Nonmetallic Mining Operations: The cessation of nonmetallic mining operations for more than 365 consecutive days where the cessation is not specifically set forth in an operator’s application, operation or Reclamation Plan or permit, or is not specifically approved by the Planning, Zoning, and Farmland Preservation Committee upon written request. Abandonment of operations does not include the cessation of activities due to labor strikes or natural disasters.

Accessory Residence: A dwelling unit that is necessary to a non-residential use on the same lot, is the only dwelling unit on the lot, and provides living quarters for the owner, proprietor, commercial tenant, employee, or caretaker of the non-residential use.

Acoustic: Of, relating to, or being a musical instrument whose sound is not electronically modified. See also Acoustical Instrument, Unplugged. Compare to Electronic Instrument.

Adult Entertainment Establishment: An establishment such as, but not limited to the following:

- (1) **Adult Bath House:** An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in “specified sexual activities” as defined in this chapter.
- (2) **Adult Body Painting Studio:** An establishment or business wherein patrons are afforded an opportunity to paint images on a body, which is wholly or partially nude. For purposes of this chapter, the adult body painting studio shall not be deemed to include a tattoo parlor.
- (3) **Adult Bookstore:** An establishment having as a substantial or significant portion of its stock and trade in books, magazines and other periodicals, videos, tapes, and other similar items, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined in this chapter or an establishment with a segment or section devoted to the sale or display of such material.
- (4) **Adult Cabaret:** A nightclub, dance hall, bar, restaurant, or similar commercial establishment that regularly features persons who appear in a state of nudity or semi-nudity; or live performances that are characterized by “specified sexual activities”; or films, motion pictures, videocassettes, slides or other photographic or computer reproductions or depiction that are characterized by the depiction or description of “specified sexual activities” or “nudity”.
- (5) **Adult Massage Parlor:** An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner or physical therapist licensed by the State of Wisconsin and which establishment provides for its patrons the opportunity to engage in “specified sexual activity” as defined in this chapter.
- (6) **Adult Mini Motion Picture Theater:** An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in this chapter for observation by patrons therein.
- (7) **Adult Modeling Studio:** An establishment or business, which provides the services of modeling for the purposes of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.
- (8) **Adult Motion Picture Theater:** An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined in this chapter for observation by patrons therein.

- (9) **Adult Novelty Shop:** An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items including movies, tapes, videos, books, etc., which are distinguished or characterized by their emphasis on, or designed for “specified sexual activity” as defined in this chapter or simulating such activity.
- (10) **Outdoor Adult Motion Picture Theater:** A parcel of land from which individuals may view a motion picture presented out of doors, which presents material distinguishably characterized by an emphasis on matter depicting, describing or relating to “specified sexual activity” or “specified anatomical areas” as defined in this chapter.

Agricultural Accessory Use: means any of the following land uses on a farm:

- (1) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
- (2) An activity or business operation that is an integral part of, or incidental to, an agricultural use.
- (3) A farm residence.
- (4) A business, activity, or enterprise, whether or not associated with an agricultural use that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in par. (1) or (3), that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

Agricultural Use: means any of the following activities conducted for the purpose of producing an income or livelihood:

- (1) Crop or forage production.
- (2) Keeping livestock.
- (3) Beekeeping.
- (4) Nursery, sod, or Christmas tree production.
- (5) Floriculture.
- (6) Aquaculture.
- (7) Fur farming.
- (8) Forest management.

- (9) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation program.
- (10) Any other use that the Department of Agriculture, Trade or Consumer Protection, by rule, identifies as an agricultural use.

Agriculture-Related Use: means a facility integral to agricultural use, regardless of whether it is located on a farm that has at least one of the following as a primary and not merely incidental purpose:

- (1) An agricultural equipment dealership.
- (2) A facility providing agricultural supplies.
- (3) A facility for storing or processing agricultural products.
- (4) A facility for processing agricultural waste.
- (5) A facility used for providing veterinary services primarily to livestock, including the sale of supplies and pharmaceuticals related to animal husbandry.

Agricultural Tourism: A use that provides the public with educational or recreational activities that take place on a farm or anywhere agricultural, horticultural, or silvicultural crops are grown or farm animals or fish are raised and allows visitors to tour, explore, observe, learn about, participate in or be entertained by an aspect of agricultural production, harvesting, or husbandry.

Agriculture, Urban: Small scale agricultural activities which are permitted accessory uses within mixed use hamlet and residentially zoned areas of the county where large tracts of land are not required for management. Examples of urban agriculture include vegetable, flower, herb and spice gardens; raising of fruits, nuts and berries; and specifically, the non-commercial raising and keeping of chickens, rabbits, and bees.

Amplify: To make something louder, especially in the context of a musical or spoken performance.

Amusement Park: A commercially operated facility with various devices for entertainment, which are located primarily outdoors, including miniature golf.

Animal Shelter: A facility for the care and shelter of homeless, stray, or abused animals.

Antenna: Communication equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

Antenna, Building Mounted: Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building.

Antenna, Ground Mounted: Any antenna with its base placed directly on the ground.

Art: The conscious use of skill, taste, and creative imagination in the production of objects whose primary or sole value is intended to be aesthetic. Art is distinct from other forms of production by the application of a personal, un-analyzable creative power, not merely expertness in workmanship.

Art Gallery: An institution or business exhibiting or dealing in works of art.

Auto Sales and Service Lot: Any establishment where more than 3 automobiles are displayed for sale at any time, or where more than 3 automobiles are sold in any calendar year.

Bed and Breakfast Establishment: Any place of lodging that provides 4 or fewer rooms for rent to transient guests, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

Bluff: Land with a slope of 20% or more where the construction grade is 50 feet or higher above the surface water elevation if adjacent to surface water, or, 50 feet above the base of the bluff if not adjacent to surface water. For purposes of this chapter, a bluff is not an escarpment.

Boarding House: A place in which lodging, with or without meals, is offered for compensation to non-transient guests, that provides 4 or fewer rooms for rent, is the owner's personal residence, and is occupied by the owner at the time of rental.

Building: An enclosed structure, 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 enclosed breezeway, 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, 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 4 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 road 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, the State, or a local government unit which is designed, maintained, intended or used for the purpose of

providing sites for nonpermanent overnight use by 4 or more camping units, or by 1 to 3 camping units if the parcel or tract of land is represented as a campground.

Camping: The placement of a temporary shelter used as, or designed to be used for sleeping purposes. Examples of shelters used for camping includes tents, trailers, motor homes, recreational vehicles. For purposes of this chapter, the use of a camping unit, located in the rear yard of a lot occupied by a single family residence, owned and utilized for not more than 30 days in any 1 calendar year, by residents of the single family residence on the lot, shall not be deemed camping.

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

Camping Unit: Any single temporary shelter, except sleeping bags, bed rolls, and hammocks, used for camping by a camping party.

Camp Site: A segment of a campground, which is designated for camping by a camping party.

Cemetery: Land used for burial of dead humans, and dedicated for cemetery purposes, including columbaria, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery. It is not the intention of this chapter to regulate private burials on private property that are completed in compliance with Administrative Code DHS 135.06 or Ch. 157, Wis. Stats.

Cessation: The act of causing to stop, interrupt, pause, terminate, or end operations or activities.

Change of Use: Conversion of the principal use of a lot from one use to another use.

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.

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.

Clearing: The act of removing trees from any part of woodland for the purpose of building development or creation of non-wooded areas.

Code Administrator: An authorized representative of the Planning, Zoning and Land Information Department hired by Calumet County for the purpose of carrying out the terms of this chapter.

Commercial Speech: Speech which promotes at least some type of commerce and in which there is a governmental interest in regulating the speech in a reasonable manner to preserve the purpose and intent of this ordinance.

Commercial Vehicle: Any motor vehicle or trailer typically used for business, industrial, office or institutional purposes or having painted thereon or affixed thereto a sign identifying a business, industry office of institution or a principal product or service of such.

Community Living Arrangement: A facility defined as such in s. 46.03(22), Wis. Stats. and regulated in Section 59.69(15) of Wisconsin Statutes.

Conditional Use: A use allowed under a conditional use permit, special exception, or other special zoning permission issued by the County, but does not include a variance.

Conditional Use Permit: A permit, issued by the Planning, Zoning, and Farmland Preservation Committee, or their designee, stating that a use permitted as a conditional use may be established, expanded, or enlarged subject to any conditions placed on the authorization and the provisions of this chapter.

Daycare Center: A facility, licensed by the Wisconsin Department of Children and Families, which provides supervision and care and/or instruction for 4 or more children under the age of 7 for periods of less than 24 hours per day and operated on a regular basis.

Deck: An unenclosed, unroofed exterior platform structure, with or without railings, which is elevated above preconstruction grade, is typically of wood construction, attached to either a building or free-standing.

Density: The number of residential units in a given land area.

Development Regulation: Means that part of this ordinance that applies to elements including setback, height, lot coverage or impervious surface, and side yard.

Driveway: A means of access to or from a property, site, or use; or a means of circulation within a parking area.

Duplex: Two attached dwelling units on a single lot regardless of the form of ownership of the units. In the Heartland and Small Estate zoning districts, a duplex shall be considered one dwelling unit for purposes of density calculations only.

Dwelling Unit: A building or portion thereof, which provides or is intended to provide living quarters exclusively for one family. In the Heartland and Small Estate zoning districts, a duplex shall be considered one dwelling unit for purposes of density calculations only.

Dwelling Unit, Single Family: A freestanding building, which provides or is intended to provide living quarters exclusively for one family, except dwelling units that meet the definition of a manufactured home.

Electronic Instrument: Any musical instrument where the sound is produced or modified by electronic means.

Electronic Message Center: Any sign that by electronic means conveys a message or advertises a product or service and changes the message from one message to another message.

Entertainment Facility: A commercial operation whose primary purpose is to provide entertainment to large groups of people in a confined area. Examples of entertainment facilities include, but are not limited to, amphitheaters, pavilions or fenced patio areas that accommodate live performances, and rooms separate from the main serving area in taverns or restaurants. For purposes of this chapter, adult entertainment establishments are not considered an Entertainment Facility.

Equipment Compound: An area surrounding, or adjacent to, the base of an existing support structure for a mobile service facility.

Escape Balcony: A horizontal platform affixed to the exterior wall of a structure which is readily accessible from an upper story door or window and which serves as a place from which rescue can be achieved in the event of fire or similar hazard with the structure.

Escarpment: A discontinuous bedrock-controlled, geomorphologic feature composed of any and all outcrops that form a ridge or series of ridges at the bedrock surface along the western edge of the Silurian outcrop belt. In Calumet County it is typically recognizable as a steep slope, or series of cliffs or steep slopes, which face in one general direction, breaks the continuity of the land by separating two comparatively level or more gently sloping surfaces, and is produced by erosion or by faulting.

Expansion: Any structural modification, which increases the existing structure's floor area or footprint. In terms of use, expansion shall be deemed the intensification or addition of services or operations beyond the legal use in existence at the effective date of this chapter or as legally permitted by this chapter.

Fall Zone: The area over which a mobile support structure is designed to collapse.

Family: A person or group of persons living together as a single housekeeping unit.

Family, Camping: A parent or parents with their dependent children and not more than two guests. This definition is to be used for camping related purposes only.

Family Daycare Home: A dwelling unit where supervision and care and/or instruction for not more than 8 children under the age of 7 is provided for periods for less than 24 hours per day, and which is licensed by the Wisconsin Department of Children and Families.

Farm: All land under common ownership that are devoted primarily to agricultural use, including all appurtenant structures and which produces annually at least \$6000 in gross farm revenue. A farm includes all contiguous land, regardless of a location of a public road right-of-way or navigable body of water, under common ownership that is primarily devoted to agricultural use.

Farm Consolidation: The joining together of all or part of 2 or more farm operations, which were in existence before the adoption or amendment of this ordinance, into a single farm operation.

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

Farm Related Residence: A dwelling unit on a farm to be occupied by a person who, or a family in which at least 1 member, earns more than 50 percent of his or her gross income from the farm operations on the parcel, is the owner or operator of the farm, or is a parent or child of the owner or operator of the farm. A migrant labor camp certified under §103.92, Wis. Stats., shall also be considered a Farm Related Residence.

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.

Fence, Closed: A fence whose entire length is more than 50% opaque and whose individual elements or sections are also greater than 50% opaque.

Fence, Open: A fence whose entire length is equal to or not greater than 50% opaque and whose individual elements or sections are also equal to or not greater than 50% opaque.

Floor Area: The sum of the gross horizontal areas of the several floors of the building, measured from the outer lines of the exterior walls of the building, except that the floor area of a dwelling does not include space not useable for living quarters, such as attics, unfinished basement rooms, garages, carports, breezeways, and unenclosed porches or terraces.

Floor Area, Primary: 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.

Footprint, Building: A single horizontal plane bounded by the exterior walls of a building. A lean-to is not considered to be part of a building footprint.

Foundation: A permanent structural system used to transfer the weight of the building to the earth that may include one or more components such as footings, piers, columns, slabs and walls.

Freight Terminal: A location where goods or produce are transported, generally for commercial gain, by ship, aircraft, train, van or truck.

Fresnel Zone: A number of concentric ellipsoids of revolution, which define volumes in the radiation pattern of a (usually) circular aperture. Fresnel zones result from diffraction by the circular aperture. The cross section of the first Fresnel zone is circular. Subsequent Fresnel zones are annular in cross section, and concentric with the first. A Fresnel zone is created in a microwave radio path.

Frontage. The linear dimension of a lot abutting a road measured along the right-of-way line.

Funeral Home: An establishment, occupied by a professional licensed mortician, with facilities for burial preparation or cremation and funeral services.

Garage: An accessory structure (except for public highway garages) primarily intended for and used for the enclosed storage or shelter of motor vehicles.

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

Gross Farm Revenue: Gross receipts from agricultural use of a farm, excluding rent receipts, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year.

Height: The distance measured from the finished grade elevation at the base of the structure to the highest point of the structure.

Historic Building: A building which is one of the following:

- (1) Listed on, or nominated by the State Historical Society for listing on, The National Register for Historic Places in Wisconsin;
- (2) Included in a district which is listed on, or nominated by the State Historical Society for listing on, The National Register For Historic Places in Wisconsin and which has been determined by the State Historical Society to contribute to the historic significance of the district;
- (3) Listed on a certified municipal register of historic properties; or
- (4) Included in a district which is listed on a certified municipal register of historic property, and which has been determined by the municipality to contribute to the historic significance of the district.

Home Artisan: A resident of the premises that grows or creates a product as a hobby, and offers that product to the public for sale. Examples of Home Artisans are the person who works full or part time and as a hobby grows and sells flowers, canned goods, or creates and sells arts and crafts.

Home Business: A business conducted on the same lot as, and in conjunction with, the primary residence of the operator. Home businesses shall employ no more than 1 person not a resident of the premises. Examples include trade or contractors establishments (such as plumbing, heating and air conditioning, excavating, general carpentry and woodworking and craftsmanship, liquid waste hauling, painting, electrical, and well drilling), veterinary offices, automotive and Farm Implement Sales & Service, repair shops, horse and buggy repair, tack repair, upholstery, and picture framing. The list of examples is not intended to be exhaustive.

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 1 person residing in the dwelling unit, and is accessory, incidental, and secondary to the use of the building as a residence and does not change the essential residential character or appearance

of the dwelling unit. Examples of home occupations include **home artisans**, barber/beauty shops, canning, tailoring, and professional home offices. Traveling in-home dealerships and other types of traveling in-home sales, which do not result in the public coming to the dealers home shall not be considered home occupations and shall be exempt from this chapter.

Hotel: A building containing lodging rooms, a common entrance lobby, halls, and a stairway; where each lodging room does not have a doorway opening directly to the outdoors, except for emergencies, and where more than 50 percent of the lodging rooms are for rent to transient guests, with or without meals, for a continuous period of less than 30 days.

Impervious Surface: Surfaces which do not absorb precipitation including buildings, structures, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, or packed stone. For purposes of this chapter, impervious surfaces buried within 2 feet of the ground surface shall still be deemed impervious surfaces. Impervious surfaces shall not include natural stone or rock in its original, pre-land disturbance, environmental location.

Impervious Surface Ratio: A measure of the intensity of use of a parcel of land determined by dividing the total area of all impervious surfaces within the site by the total area of the site.

Inoperable Vehicle: Any motor vehicle or recreational equipment, such as a snowmobile, all-terrain vehicle or boat, which lacks a current registration, or 2 or more wheels, or track, or any other component part, which renders the vehicle illegal for use on or unable to be operated on public roads or public trails or navigable water.

Institutional Residential: Convents, monasteries, sheltered care facilities, nursing homes, and protective living facilities where the residents live in an institutional environment. The residents may be members of an institution, or would have institutional care, or would be treated by staff.

Institutional Recreation Camp: An area containing 1 or more permanent buildings used periodically for the accommodation of members of associations or groups for recreational purposes.

Junk Material: Any material or object that is broken, deteriorated, inoperable, worn out, or in such condition as to be generally unusable in its present state for its original purpose and that has been collected or is stored for conversion to some other use or for destruction or salvage. Any material or object that can be used for its original purpose as readily as when new without being altered, changed, or reconditioned is not considered junk. Junk materials include, but are not limited to, building supplies, cardboard, fabric, glass, metal, organics, paper, plastic, rubber, synthetics, and wood. Junk objects include, but are not limited to, appliances, automobiles, batteries, furniture, implements, machinery, tools, trailers, trash, used tires (including used tires that are holding down covers over hay or straw if the sidewalls of those tires have not been cut to provide drainage), and vehicles. Junk also includes debris, garbage, refuse, trash, waste, and other material and objects commonly designated as junk. However, nothing in this ordinance is intended to prohibit the storage of idle but operable farm equipment.

Karst: An area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include areas with soils less than 60 inches thick over bedrock, caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps, and depressional areas with no surface drainage.

Kennel: A kennel is any establishment wherein or whereon 5 or more dogs over the age of 5 months are kept for breeding, sale, or sporting purposes, or where boarding care is provided for compensation. In the Small Estate, Single Family Residential-20,000, Single Family Residential-10,000, High Density, Mixed Use Commercial, Recreational Commercial, and Commercial Center districts the housing of 4 or more dogs is prohibited.

Land Disturbance: Any filling, grading, dredging, excavating or similar activity, which alters the surface of a site for the purpose of preparing a site, for development, creating ponds, or altering the topography of a site. Activities, which meet the definition of nonmetallic mining or solid waste facility, shall not be considered as a land disturbance.

Landing: A horizontal platform, the purpose of which is to provide a turn or resting place in a stairway.

Lean-to: A roof of a single pitch with a higher end abutting a wall or larger building containing no exterior walls.

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

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.

Loft: An upper room in an accessory structure, directly under the roof, used for storage. A loft covers only a portion of the lower floor area, leaving one or more sides open to the lower floor. For the administration of this chapter a loft and attic are synonyms

Lot: A continuous parcel of land, not divided by a public road right-of-way, occupied or intended to be occupied by a principal structure or use and the accessory structures or uses permitted thereto, and sufficient in size to meet the lot width and lot area provisions of this chapter. For purpose of this chapter, the terms “parcel”, “tract” “property”, and other similar terms shall be used interchangeably for the term “lot”.

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.

Lot Line: A line bounding a lot, which divides 1 lot from another lot or from a street or road.

Lot Line, Front: A lot line nearest to the centerline of the public or private road from which the lot takes access.

Lot Line, Rear: In the case of rectangular or most trapezoidal shaped lots, that lot line that 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 20 feet in length, entirely within the lot, parallel to, and at the maximum possible distance from, the front lot line.

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

Lot of Record: Any lot, the description of which is properly recorded with the Calumet County Register of Deeds, which at the time of its recordation complied with all applicable laws, chapters, and regulations.

Lot Width: The horizontal distance of a line, which connects 2 side lot lines, runs through the building zone 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.

Loudspeaker: Any of various devices, usually electronic, that changes electrical signals into sounds by which speech, music, etc., can be intensified and made audible throughout a room, hall, or the like.

Maintenance and Repair: General activities or actions necessary to continue or restore the safe and healthy use of a land feature or structure which has been damaged or has deteriorated through natural processes, aging or wear, and which does not involve structural alterations or structural repairs to the structure. Activities that are under official orders to correct a health or safety violation, shall also be considered maintenance and repair.

Manufactured Home: A dwelling unit which is, or was as originally constructed, designed to be transported after fabrication on its own wheels, or by a motor powered vehicle, arriving at a site where it is to be occupied as a residence (whether occupied or not) complete and ready for occupancy (with or without major appliances and furniture) except for minor and incidental unpacking and hook-up operations, and designed, equipped and used primarily for sleeping, eating and living quarters or is intended to so used, and includes any additions, attachments, annexes, foundations, and appurtenances. Also referred to as a mobile home.

Manufactured Home Park: Any plot or plots of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for more than 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 use of the manufactured home park and its facilities. Manufactured home parks shall not include automobile or manufactured homes sale lots on which unoccupied manufactured homes are parked for the purposes of inspection and sale.

Marina: A place for docking or storage of pleasure boats or providing services to pleasure boats and the occupants thereof, including minor servicing and repair to boats, sale of supplies or fuel, or provisions of food, beverages, and entertainment at on-shore facilities.

Meteorological Tower: A tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and

vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. Also, referred to as a MET tower.

Mining Site Enlargement: Any horizontal increase beyond dimensions of the original application for the project site.

Mobile Service: means a radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes: (A) both one-way and two-way radio communication services; (B) a mobile service which provides a regularly interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation; and, (C) any service for which a license is required in a personal communications service established pursuant to the proceeding entitled “Amendment to the Commission’s Rules to Establish New Personal Communications Services” (GEN Docket No. 90–314; ET Docket No. 92–100), or any successor proceeding. [See 47 USC 153(33)].

Mobile Service Facility: 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.

Mobile Service Provider: A person who provides mobile service.

Mobile Service Support Structure: A freestanding structure that is designed to support a mobile service facility.

Mobile Tower Permit: A permit, other than a building permit, or approval issued by the County which authorizes any of the following activities by an applicant:

- (1) class 1 collocation;
- (2) class 2 collocation; or,
- (3) construction of a mobile service support structure.

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

Motel: A building or group of buildings containing rooms, which are offered for compensation for the temporary accommodations of transient lodging that has individual entrances from outside the building to serve each sleeping unit where there is no permanent occupancy of any such unit except by the owner or the motel manager.

Multiple Occupancy Development: A development on a single lot wherein a building is provided with 3 or more occupancy units, or wherein 2 or more detached buildings are provided with 2 or more occupancy units, regardless of the characteristics of the user(s) of the occupancy units and regardless of the ownership of the building or buildings or of the occupancy units; or a single family dwelling unit or duplex under interval ownership (time share), in which any or all of the occupants reside for a continual period of 30 days or less.

Natural Feature: A geologic formation, vegetative area, or other feature of the landscape, which is protected by regulations in this chapter.

Noncommercial Speech: Speech other than commercial speech. Speech that is related to core elements of free speech such as those relating to artistic expression, political, social and religious matters.

Nonconforming Lot: A single parcel that was legally recorded with the Register of Deeds prior to the date that the town in which the parcel is located initially adopted this Chapter. A lot legally created prior to the adoption of this chapter but after November 2, 2009 for the purpose of creating a building site for a residence utilizing density or a conditional use permit for a nonfarm residence under the Base Farm Tract System is not considered a nonconforming lot.

Nonconforming Structure: A dwelling, building or structure that existed lawfully before the current zoning ordinance was enacted or amended, but does not conform with one or more of the development regulations in this current zoning ordinance.

Nonconforming Use: A use of land, a dwelling, or a building that existed lawfully before this current zoning ordinance was enacted or amended, but does not conform with the use restrictions in the current ordinance.

Nonfarm Residence: A single family residence other than a farm related residence.

Nonmetallic Mining/Nonmetallic Mining Operation:

- (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. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.
- (2) Processes carried out at a nonmetallic mining site that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. 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, scalping and dewatering.

Nonmetallic Mining Refuse: Waste soil, rock, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mining operation. This term does not include merchantable by-products resulting directly from or displaced by the nonmetallic mining operation.

Nonmetallic Mining Site: The location where a nonmetallic mining operation is conducted or is proposed to be conducted, including all surface areas from which minerals are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited, and areas disturbed by the nonmetallic mining operation by activities such as the construction or improvement of roads or haul ways.

Occupancy Unit: A room, or interconnected rooms, consisting of living quarters physically separated from any other unit in the same building. The unit may include facilities for cooking, eating, and other facilities convenient to human living.

Open Space: Area on a lot that is open to the sky, contains no structures, parking, driveways, or other impervious surfaces, and contains no nonmetallic mining uses. (See also Open Space, Preserved.)

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

Operation: As it relates to towers, antennas, transmitters, and renewable energy systems, other than nominal use; when a facility is used regularly as an integral part of an active system, it shall be deemed in operation.

Personal Service Establishment: A use which is any of the following: clothing and shoe repair or rental shops, barber/beauty shops, portrait/photography studios, home appliances or electronic repair shops, tanning salons, travel agencies, fitness centers, or related uses. The list of examples is not intended to be exhaustive.

Personal Transport Vendor: An individual who transports persons for hire by means of horse and buggy or carriage, bicycle, tricycle and cart, or similar means. Personal transport vendors do not include drivers of such items as planes, buses or automobiles.

Planned Residential Development: An area of land, controlled by a developer, to be developed as a single entity for more than 1 dwelling unit, the plan for which does not necessarily comply with the various dimensional and locational requirements for the zoning district in which it is located, but in which each dwelling unit is located on its own lot. Planned residential developments are often referred to as “cluster developments” or “conservation developments”.

Pound: An enclosure for 2 or more stray, unlicensed, or unwanted animals. Pound services include the collection, care, and disposing of animals.

Prime Farmland: An area with a class I or II land capability classification as identified by the Natural Resources Conservation Service of the Federal Department of Agriculture, or, land, other than land described first herein, that is identified as prime farmland in the certified *Calumet County Farmland Preservation Plan*.

Processing Plant: A food manufacturing facility, which starts with raw foodstuffs to produce more satisfactory or desirable food products.

Public Boat Launching Facilities: Facilities which provide access to navigable water for boats and other recreational craft, available to the general public, with or without support services, whether owned or operated by a governmental entity or not.

Reclamation: The rehabilitation of a nonmetallic mining site, including, but not necessarily limited to, removal of nonmetallic mining refuse, grading of the site, replacement of topsoil, stabilization of soil conditions, establishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution, construction of fences and, if practical, restoration of plant, fish and wildlife habitat.

Recreation Camp: See Institutional Recreation Camp.

Renewable Energy Facilities: One or more mechanical systems which captures and converts, or generates, energy that is naturally regenerated over a short time scale and derived directly from the sun (such as thermal, photochemical, and photoelectric), indirectly from the sun (such as wind, hydropower, and photosynthetic energy stored in biomass), or from other natural movements and mechanisms of the environment (such as geothermal and tidal energy). Renewable energy does not include energy resources derived from fossil fuels, waste products from fossil sources, or waste products from inorganic sources.

Renewable Energy Facilities, Non-Commercial: A renewable energy facility whose main purpose is to supply energy to a home, business or other use on the same lot as the renewable energy facility.

Residence: The use of premises for the act or fact of dwelling.

Residence, Single Family: The use of premises for the act or fact of dwelling in a single family dwelling unit. Structures which are delivered to the site in halves or other modular arrangements (consisting of complete wall sections) or large units fabricated off premise by the manufacturer of the basic unit and designed and intended to be attached to the basic unit and which when joined together exceed 18 feet in width throughout and meet minimum floor area requirements of this chapter.

Resource Recovery Facility: An establishment where refuse is processed and converted to energy.

Retreat Center: An establishment providing a place where 6 or more people stay overnight for a period of withdrawal for prayer, meditation, study, and/or instruction. Retreat Centers are not schools, bed and breakfast establishments, motels, hotels, private residences, or other similar land use establishments.

Riding Stable, Commercial: Any establishment where horses are kept for riding or recreation by the public, or where horses are stabled for compensation, sale, or where the stable is used to showcase the horses in an organized event.

Roadside Stand: A use or structure involving only the display and sale of agricultural products, which are produced exclusively on the premises.

Salvage Yard: Any land or structure where waste or scrap materials including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, glass, and inoperable vehicles or appliances, are either stored, stockpiled, bought, sold, exchanged, bailed, packed, disassembled, or hauled.

Search Ring: 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.

Setback: The minimum horizontal distance from areas such as the centerline of a road; from the edge of the right-of-way of a road, including all points on the arc of the radius of the right-of-way, if applicable; from the ordinary high water mark; from where a bluff plateau meets a bluff slope; or from a property line; to a structure or use.

Sign: Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify a person or entity, or to communicate information of any kind to the public and which is intended to be visible from any road or from navigable water.

Sign, Abandoned: A sign which advertises a use that has ceased, or relates to an individual, firm, or association, profession, business, commodity, or product that no longer exists, or relates to an activity or purpose that is no longer applicable.

Sign, Directional: An off-premise sign intended solely for the purpose of directing people to an establishment that is not located on a State highway.

Sign Face Area: The entire surface area of a sign display face upon which copy could be placed; or, if no background or frame, the total area of the smallest rectangle or rectangles, which can encompass all words, letter, figures, emblems, and any other element of the sign's message. When a sign has more than 1 display face, the combined surface area of all display faces that can be viewed simultaneously shall be considered the sign face area.

Sign, Off-Premise: A sign, which is not located on the lot on which the individual, firm, association, corporation, profession, business, commodity, or product promoted on the sign, is located.

Sign, On-Premise: A sign located on the same lot on which the individual, firm, association, corporation, profession, business, commodity, or product promoted on the sign is located.

Sign, Projecting: A sign, generally oriented perpendicular to the face of a building wall, which is attached to a building and which extends more than 6 inches from a building wall, typically having 2 viewable sides.

Sign, Wall: A sign affixed to or painted on a building wall and all other signs, oriented parallel to the face of a building wall, which are attached to a building wall and where no part

of the structure of the sign extends more than 6 inches out from a wall as measured from the nearest points of attachment to the building nor above the roof of the building, nor beyond the end of a wall.

Sinkhole: Any depression or opening in the ground surface through which gathered surface water enters bedrock and eventually joins groundwater.

Sinkhole Channel: A linear depression in the ground surface through which water flows, intermittently or continuously, into a sinkhole depression or sinkhole opening.

Sinkhole Channel Cross-Sectional Area: The amount of surface of a 2-dimensional vertical plane within a sinkhole channel positioned perpendicular to the centerline of the sinkhole channel. The uppermost extent of the plane shall be a line extending between two associated sinkhole channel edges.

Sinkhole Depression: A depression in the ground surface through which gathered surface water enters the underlying bedrock and eventually joins groundwater.

Sinkhole Opening: An opening in the uppermost surface of bedrock through which gathered surface water enters the bedrock and eventually joins the groundwater.

Site Area: The total area devoted to a planned residential development or a manufactured home park development.

Site Plan Review: A procedure whereby anticipated negative effects of a use or development are ideally mitigated prior to its establishment through negotiation in order to ensure that the use or development is compatible with surrounding uses.

Slope: The relationship of the change in vertical distance to the change in horizontal distance, expressed as a percentage.

Solid Waste Facility: A facility or land for solid waste treatment, solid waste storage, or solid waste disposal and includes commercial, industrial, municipal, State and Federal establishments or operations such as, without limitation because of a numeration, sanitary landfills, dumps, incinerators, land disposal sites, coal ash disposal, transfer stations or facilities, waste storage facilities, collection and transportation services and processing, and waste separation and recycling collection facilities. A solid waste facility does not include a salvage yard.

Stairs: A series of narrow horizontal platforms 4 feet or less in width and 16 inches or less in depth, arranged in an elevated vertical position or vertical slope so as to provide ingress or egress to a structure or to traverse rocky, wet or steep terrain, or to access the shore, pier or wharf.

Structural Alteration: Any change in the supporting members of a building or structure, such as foundations, load bearing wall columns, sill, 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 a building or structure, such as foundations, load bearing wall columns, sill, and rafters.

Structure: Anything constructed, erected, manufactured, or moved, the use of which requires a more or less permanent location on or in the ground.

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. Accessory structures do not include items such as boats, truck bodies, semi-trailer boxes, manufactured homes, buses, railroad cars and trailers.

Structure, Enclosed: 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.

Structure, Existing: 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.

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 months.

Structure, Principal: A building or other structure, which houses the principal use of the lot, including any functional appurtenances, such as decks, stairways, and balconies, which are attached to, or are located within 4 feet of, said building or structure.

Substantial Evidence: 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 conclusion.

Substantial modification: 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 200 feet or less, increases the overall height of the structure by more than 20 feet;
- (2) for structures with an overall height of more than 200 feet, increases the overall height of the structure by 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 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 2,500 square feet.

Support structure: 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.

Tiny Home: A dwelling that is 400 square feet or less in floor area excluding lofts.

Total Farm Area: All contiguous parcels zoned EA in common ownership at the time the owner(s) first create a new lot or parcel for residential use. Joint ownership parcels may be included in the total farm area if partially owned or owned jointly by the owner of the farm. If joint ownership is the basis for a new residential lot, all landowners must sign the application at the time of the rezone.

Trade and Contractor Establishment: Uses such as plumbers, heating and air conditioning contractors, excavators, carpenters, painting contractors, waste water treatment system contractors, electricians, well drillers, and similar uses. A trade and contractor establishment differs from a home business in that the trade and contractor establishment is the primary use of the property and is not limited in the number of persons employed.

Trailer: A portable structure built on a chassis which can be towed by an appropriate motor vehicle and is designed to be used as a temporary dwelling for travel, recreation, or vacation use, and which does not fall into the definition of a manufactured home.

Trailer Camp: Any privately or publicly owned parcel or tract of land designed, maintained, intended, or used for the purpose for supplying accommodations for use by trailer or recreational vehicles on a temporary basis, open to the public and designated as a trailer camp area.

Transfer Station or Facility: A solid waste facility at which transferring of solid waste from one vehicle or container to another, generally of larger capacity, occurs prior to transporting to the point of processing or disposal.

Transient: A person who travels from place to place away from his or her permanent address for vacation, pleasure, recreation, culture, or business.

Transient Lodging: A commercial lodging establishment, which rents sleeping quarters or dwelling units to transient guests for periods of less than 30 days.

Unincorporated Area: All lands and waters located within Calumet County, which are located outside the municipal boundaries of a village or city.

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 Consistent with Agriculture: Any activity that will not:

- (1) convert land that has been devoted primarily to agricultural use.
- (2) limit the surrounding land's potential for agricultural use.

- (3) conflict with agricultural operations on the land subject to a farmland preservation agreement or with agricultural operations on other properties.

Use, Principal: A basic use of a lot or structure, or one of the basic uses of a lot or structure where more than one basic use exists on a lot.

Use, Temporary: Unless permitted, a longer duration by this chapter or by conditions of a permit, a use which is conducted for not more than 7 consecutive days nor more than 10 days in any 1 year period.

Utility Facilities – Type A: Any structure or equipment, except for communication towers and wind energy facilities, used or designed for the production, transmission, delivery, or furnishing of heat, electricity, light, water, power, sewer services, or telecommunications either directly or indirectly to or for the public, where the land area bounded by the location of such structure or equipment is 1,000 square feet or less. Private solar arrays on residential properties are considered Type A Utility Facilities.

Utility Facilities – Type B: Any structure or equipment, except for communication towers and wind energy facilities, used or designed for the production, transmission, delivery, or furnishing of heat, electricity, light, water, power, or sewer services, or telecommunications either directly or indirectly to or for the public, where the land area bounded by the location of such structure or equipment is more than 1,000 square feet. Commercial solar arrays with the primary purpose of supplying power to the utility electrical grid are considered Type B Utility Facilities.

Utility Pole: A structure owned or operated by an alternative telecommunications utility, as defined in Wis. Stat. §196.01(1d); public utility, as defined in Wis. Stat. §196.01(5); telecommunications utility, as defined in Wis. Stat. §196.01(1); political subdivision; or cooperative association organized under Wis. Ch. 185; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in Wis. Stat. §182.017(1g)(cq); for video service, as defined in Wis. Stat. §66.0420(2)(y); for electricity; or to provide light.

Variance (Area): A modification to a dimensional, physical, or locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the Board of Adjustment.

Walkway: An unenclosed, unroofed exterior platform structure, with or without railings, not exceeding 4 feet in width.

Waste Separation and Recycling Collection Facility: A system of containers, equipment or other structures used to collect source separated newsprint, aluminum, glass or plastic for the purpose of recycling.

Wharf: A structure used for docking watercraft or for loading and unloading cargo or passengers and is parallel to the shoreline.

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.

Wind Energy System: A system as defined and regulated in Wis. Stat. 66.0401 and Chapter 79, Wind Energy Systems of the Calumet County Code.

Yard: A required area on a lot, unoccupied by buildings and open to the sky, extending along the lot line to a specified depth or width.

Yard, Front: A yard extending along an entire front lot line from the front lot line to the depth or width as specified in the yard requirements for the applicable district.

Yard, Rear: A yard extending along an entire rear lot line from the rear lot line to the depth or width as specified in the yard requirements for the applicable district.

Yard, Side: A yard extending along an entire side lot line from the side lot line to the depth or width as specified in the yard requirements for the applicable district.

Zoning Permit, Regular: A permit, issued by the Code Administrator, stating that a use or a structure or sign; or use permitted as a conditional use, may be established, expanded or enlarged subject to any conditions placed on the permit and the provisions of this chapter.

Sec. 82-13 - Sec. 82-18. Reserved.

ARTICLE II. ZONING DISTRICTS AND ZONING MAPS; USE REGULATIONS

Sec. 82-19. Zoning Districts.

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

- | | |
|---|---|
| (a) Exclusive Agricultural (EA) | (i) Single Family Residential-20,000 (SF20) |
| (b) Exclusive Agricultural Preservation (EAP) | (j) Single Family Residential-10,000 (SF10) |
| (c) General Agricultural (GA) | (k) High Density Residential (HD) |
| (d) Heartland (HL) | (l) Mixed Use Commercial (MC) |
| (e) Small Estate Residential (SE) | (m) Commercial Center (CC) |
| (f) Agricultural Residential (AR) | (n) Industrial (I) |
| (g) Wetland Overlay District (W) | (o) Light Industrial (LI) |
| (h) Natural Area (NA) | |

Sec. 82-20. Zoning Maps.

- (a) *District Locations.* Zoning districts shall be bound and defined as shown on zoning maps prepared for each town. The zoning maps shall be entitled, *Zoning Maps of Calumet County.*

- (b) *Interpretation of Zoning District Boundaries.* The following rules shall be used to determine the precise location of zoning district boundaries shown on the *Zoning Maps of Calumet County*:
- (1) *Corporate Limits.* Boundaries shown as following or approximately following the limits of any municipal corporation shall be construed as following such limits.
 - (2) *Roads.* Boundaries shown as following or approximately following roads shall be construed as following the centerlines of such roads.
 - (3) *Lot Lines.* Boundaries shown as following or approximately following private lot lines or other property lines as shown on maps prepared by the Calumet County Planning, Zoning and Land Information Department, shall be construed as following such lines.
 - (4) *Waterways.* Boundaries shown as following or approximately following the centerlines of streams, rivers, or other watercourses shall be construed as following the centerline of such watercourses. In the event of a natural change and location of such watercourses, the zoning district boundaries shall be construed as moving with the centerline.

Sec. 82-21. Types of Uses.

- (a) *Principal Uses.* These uses are sorted and assigned to specific zoning districts, per Article IV, *Zoning District Requirements*. Such uses shall be established only if they are located in the zoning district to which they are assigned. These uses are further divided into the following 3 categories:
- (1) *Permitted Uses.* These uses are permitted by right, provided all requirements of this chapter are met.
 - (2) *Permitted Uses Subject to the Site Plan Review Process.* These uses are permitted by right, provided all requirements of this chapter are met. However, the site design to accommodate the use shall be subject to the site plan review procedure described in Sec. 82-134, *Site Plan Review*.
 - (3) *Uses Permitted as Conditional Uses.* These uses are not permitted by right; rather, the allowance is subject to the discretionary judgment of the Planning, Zoning and Farmland Preservation Committee, as described in Sec. 82-133, *Conditional Use Permits*.
- (b) *Accessory Uses.* Accessory uses are permitted in all zoning districts as accessory to an existing permitted principal use. All accessory uses must be common and typical to the permitted principal use.
- (c) *Temporary Uses.* Uses which are conducted for not more than 7 consecutive days, nor more than 10 days in any 1 year period, shall be known as temporary uses.

- (1) *Permit.* Temporary uses shall not require a regular zoning permit.
 - (2) *Setbacks.* Temporary uses shall meet all setback and yard requirements of this chapter.
 - (3) *Structures.* Temporary uses shall not involve the construction or alteration of any permanent structure.
- (d) *Uses Not Listed.* A proposed use that cannot be classified as a listed principal use shall be considered an unclassified use. The Planning, Zoning and Land Information Department Director, upon referral and recommendation by the Code Administrator, shall determine if the proposed unclassified use is similar to other uses listed for the zoning district applicable to the site of the proposed unclassified use. If there is no similar determination, the Director may refer unclassified uses to the Planning, Zoning and Farmland Preservation Committee for processing in the form of a Conditional Use Permit application.

Sec. 82-22 - Sec. 82-27. Reserved.

ARTICLE III. GENERAL REQUIREMENT

Sec. 82-28. Compliance.

- (a) No lot shall hereafter be created or altered which does not fully comply with the requirements of this chapter including width, frontage, area, ratio and density requirements of this chapter, except;
- (1) Remnant lots created as result of a farm consolidation.
 - (2) Lots created in the EA and EA-P zoned district as result of rezone described in 82-48(f)(2).
 - (3) Lots created for Utility Facilities under 82-77(b)

Sec. 82-29. Zoning District Requirements.

- (a) *Required Compliance.* Unless greater requirements are listed elsewhere in this chapter, all developments shall meet the minimum requirements for the applicable district shown in Article IV.

Sec. 82-30. General Requirements.

- (a) *Lot of Record Required.* Every building hereafter erected, structurally altered, or relocated shall be placed on a legal lot of record.
- (b) *Number.* Except for multiple occupancy developments, only one single family residence or duplex shall be permitted on a lot unless a second such structure is permitted in the zoning district in which is located as a conditional use or through a site plan review process.

- (c) *Lot Enlargement.* Lots, which qualify as building sites may be enlarged through acquisition of adjacent property as long as the remaining tract of land meets the standards of this ordinance.
- (d) *Density.* New residential development shall conform to the density requirements identified in the *Calumet County Land Subdivision Ordinance*, or its successor code, or any amendments or comprehensive revisions thereto of that ordinance.
- (e) *Road Frontage.* All newly created lots must have the minimum frontage abutting upon a public road, or an approved private road, that is equal to, or greater than the required lot width identified in this Chapter unless a flag lot is created in accordance with the Calumet County Land Division Ordinance.
- (f) *Access to Road.* No building shall be placed on a lot, which does not have an access to a public road.

Sec. 82-31. Setbacks from Roads.

- (a) *Minimum Setbacks Required.* Except for signs authorized in Article VIII, *Signs*, all structures shall meet the minimum required road setbacks in subs. (1) through (5).
 - (1) *State and Federal Roads.* The required setback for all structures fronting on State and Federal roads shall be 125 feet from the centerline of the road.
 - (2) *County Roads.* The required setback for all structures fronting on County roads shall be 100 feet from the centerline of the road.
 - (3) *Town Roads.* The required setback for all structures fronting on all town roads shall be 75 feet from the centerline of the road.
 - (4) *Private Roads.* The required setback for all structures fronting on private roads or private road easements serving 3 lots or more shall be 30 feet from the edge of the traveled roadway.
 - (5) *Platted Subdivision Road.* In a platted subdivision the setback shall be at least 30 feet from a road right-of-way.
- (b) *Road Setback Averaging.* A setback of less than the required setback for the appropriate class of road shall be permitted in cases where the primary principal buildings on the adjacent lots are located closer to the road than the required setback.
 - (1) Where there are existing principal structures within 250 feet of the proposed principle structure in both directions, the setback shall equal the average of the distances that the two existing principal structures are set back from the road centerline.
 - (2) Where there is an existing principal structure within 250 feet of the proposed principle structure in only one direction, the setback shall equal the average of the distance that the existing principal structure is set back from the road centerline and

the required setback identified in 82.31 (a).

- (3) In all cases of road setback averaging, the road setback shall not be reduced to less than 10 feet from the road right-of-way.
- (c) *Vision Clearance.* No structure in excess of 3 feet in height, vehicle, equipment, or object of natural growth, except annually harvested crops, which are not trees, shall be located in a vision clearance triangle as described herein. In each quadrant of any public road intersection or road-railroad intersection, there shall be a vision clearance triangle bounded by the road (and/or track) centerlines and a line connecting points on them in accordance with the following:
- (1) 330 feet from the centerline intersection along all railroads.
 - (2) 250 feet from the centerline intersection along all State and/or Federal roads.
 - (3) 200 feet from the centerline intersection along County roads.
 - (3) 150 feet from the centerline intersection along town roads outside a platted subdivision.
 - (4) 125 feet from the centerline intersection along town roads within, or bounded by, a platted subdivision.
 - (5) For lots served by public sewer and which are located in a platted subdivision the vision clearance triangle shall be bounded by the intersection of the platted lot lines abutting the roads as measured 25 feet from said intersection along said lot lines.
 - (6) No vision clearance triangle shall be required when a private road intersects with a public road or railroad.
- (d) *How Measured.* The setback distances shall be measured from the nearest portion of the structure, not including up to two feet of roof overhang. An unroofed 4 foot stair, or, a 4 foot unenclosed, unroofed landing or balcony may be permitted, provided that these items are not located within any public road right-of-way.
- (e) *Exceptions.* Except as restricted in par. (c), *Vision Clearance*, the following structures shall be permitted within the required setback of roads, provided that they do not violate any other provision of this chapter:
- (1) Structures which are not buildings and which are less than 6 inches above preconstruction grade.
 - (2) Public utility poles, lines, and related equipment without permanent foundations.
 - (3) Minor structures, as listed in Sec. 82-39(b)(1), *Minor Structures Exempt*.
 - (4) Open fences, which do not exceed 6 feet in height, provided they are not located within a public road right-of-way or a vision clearance triangle.

- (5) Signs less than 3 feet in height as provided in Article VIII, *Signs*.
- (6) Structures such as ramps and landings, lifts designed and intended to comply with the requirements of the Americans with Disabilities Act where no feasible alternative locations exist provided said structures are not located within a public road right-of-way or a vision clearance triangle.

Sec. 82-32. Front, Rear, and Side Yard Setbacks.

Unless a greater setback is required elsewhere in this chapter, the following shall apply to all front, rear, and side yards established in Article IV, *Zoning District Requirements*:

- (a) *How Measured.* The yard distances shall be measured from the nearest portion of the structure, not including up to two feet of roof overhang.
- (b) *Exemptions.* The following structures are permitted in front, rear, and side yards provided they do not violate any other provision of this chapter:
 - (1) Public utility poles, lines, and related equipment without permanent foundations.
 - (2) All fences, provided they are not located within a public road right-of-way or vision clearance triangles, and, provided they do not impede drainage. The Code Administrator reserves the right to have the fence ordered removed or altered if it is evident the structure is impeding, or negatively impacting, the drainage on adjacent parcels or to a navigable body of water.
 - (3) Structures which are not buildings and which are less than 6 inches above pre-construction grade.
 - (4) Minor structures, as listed in Sec. 82-39(b)(1), *Minor Structures Exempt*.

Sec. 82-33. Setbacks for Barnyards, Feedlots, and Farm Structures Housing Animals.

- (a) Barnyards, feedlots, manure pits and farm structures housing animals shall be located at least 100 feet from navigable water and shall be located so that manure will not drain into navigable water.
- (b) Barnyards, feedlots, manure pits and farm structures housing animals shall be located at least 200 feet from any dwelling unit other than that of the animal keeper's dwelling unit.

Sec. 82-34. Height Requirements.

- (a) *General Height Requirements.* Unless restricted or permitted increases are identified elsewhere in this chapter, maximum height requirements for principal and accessory structures are listed in Article IV, *Zoning District Requirements*.

- (b) *Fences.* No closed fence shall exceed 9 feet in height from original grade as measured along the length of the fence.
- (c) *Airport Height Restrictions.* Additional height requirements may exist near municipally owned airports as administered by the municipality.
- (d) *Exemptions.* The following shall be exempted from the height requirements of this section:
 - (1) Agricultural structures provided such structures are used solely for agricultural purposes.
 - (2) Structures authorized by condition of a Conditional Use Permit.
 - (3) Special structures such as elevator penthouses, grain elevators, observation towers in parks, communication towers, electrical poles and towers, and smoke stacks.
 - (4) Renewable energy facilities provided such structures shall not exceed in height 1.1 times their distance from the nearest lot line.
 - (5) Public or Semi Public Facilities, such as schools, churches, monuments, libraries, governmental offices and stations, may be erected to a height of 60 feet provided that all required setbacks and yards are increased by not less than 1 foot for each foot the structure exceeds 35 feet in height.

Sec. 82–35. Floor Area Requirements

- (a) *Residential Dwelling Units.* Except for occupancy units within a multiple occupancy development and except as specified in par.(b), for dwelling units in all districts, the minimum floor area shall be 750 square feet.
- (b) *Tiny Homes.* Homes with floor area less than 400 square feet and designed for occupation by 3 or less people may be approved as a conditional use by the Planning, Zoning and Farmland Preservation Committee. Tiny Homes shall be placed on a permanent foundation and all relevant State, County and Local building codes must be addressed by the applicant as conditions of any conditional use request.
- (c) *Manufactured Home Parks.* Manufactured homes in manufactured home parks shall have a minimum floor area of 550 square feet as identified in Sec. 82-76(b), *Manufactured Home Parks*.

Sec. 82-36. Impervious Surface Requirements.

- (a) *Maximum Limitations.* Unless restricted or permitted increases are identified elsewhere in this chapter, impervious surface ratios shall not exceed the maximum limitations identified in Article IV, *Zoning District Requirements* and par. (c) below.
- (b) *Calculation.* The percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel

by the total surface area of that lot or parcel, and multiplied by 100.

- (c) *Treated Impervious Surfaces.* Surfaces that can be documented to demonstrate they meet any of the following standards shall be excluded from the impervious surface calculations under this section.
- (1) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
 - (2) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.
 - (3) The property owner must demonstrate that the runoff from an impervious surface is being treated with an appropriately designed system.
 - (4) *Existing Impervious Surfaces.* Existing impervious surfaces that were lawfully placed when constructed, but that do not comply with the impervious surface standards in this section may be maintained, repaired or replaced within the existing footprint of the structure or surface or relocated or modified with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of this ordinance. Other provisions of this ordinance such as setbacks apply.

Sec. 82-37. Landscape Buffers.

- (a) *Purpose.* These requirements are intended to reduce potential adverse impacts that a particular land use might have on occupiers of adjacent properties, such as glare of lights, dust, litter, and visual appearance. With vegetative screening, such adverse impacts will be lessened.
- (1) *Applicability.* The landscape buffer requirement applies where a commercial, industrial, or institutional use is proposed to be located on a lot which adjoins an existing residential use in a Small Estate Residential, Single Family Residential-20,000, Single Family Residential-10,000 or High Density Residential zoned district.
- (b) *General Requirements.*
- (1) *Screening.* Landscape buffers shall be located in such manner that principal buildings and outdoor storage areas associated with the proposed use are screened as viewed from the vantage point of the principal buildings on affected adjoining lots.
 - (2) *Location.* Landscape buffers may be located in an area devoted to meeting minimum side or rear yard requirements. Landscape buffers shall not be located in a public road right-of-way or vision clearance triangle.
 - (3) *When Established.* Landscape buffers, when required, shall be established on a lot at the time of the lot's development.

- (4) *Individual Buffers.* Landscape buffers shall be provided on each lot as required by this section independent of existing landscape buffers on adjoining lots.
 - (5) *Maintenance.* Installation and maintenance of the required landscape buffers shall be the responsibility of the owner of the lot.
 - (6) *Number of Trees.* There shall be at least 10 evergreen trees per 100 linear feet of landscape buffer, or 15 deciduous trees per 100 linear feet of landscape buffer, or a combination of thereof that are at least 4 feet in height at the time of the establishment of the landscape buffer.
- (c) *Landscape Buffer Exemptions.*
- (1) Landscape buffers shall not be required when the principal building and outdoor storage areas associated with the proposed use are located at least 300 feet from the nearest lot line.

Sec. 82-38. Filling and Grading.

A general zoning permit is required for filling, grading, excavating (including pond development), and ditching under this section in any zoning district for filling and grading of the following areas.

- (a) $>2,000/<12\%$. The filling, grading, ditching, or excavating exceeds 2,000 square feet on slopes of less than 12 percent.
- (b) $>1,000/12-20\%$. The filling, grading, ditching, or excavating exceeds 1,000 square feet on slopes of 12 to 20 percent.
- (c) $>20\%$. The filling, grading, ditching, or excavating is on slopes of more than 20 percent.
- (d) *Exemptions.* No regular zoning permit shall be required if:
 - (1) An erosion control permit has been issued under Chapter 10 of the Calumet County Code of Ordinances.
 - (2) The filling and grading is incidental to a project authorized by a regular zoning permit.
 - (3) For planting, growing, cultivating, and harvesting agricultural crops, installation of public utilities or sanitary waste disposal systems, or construction of public roads and walkways, nor projects authorized by state or federal agencies under s. 30.19, Wis. Stats.
- (e) *Construction Grades.* Final grading around any structure shall comply with the grade elevation established on the stormwater management plan or other drainage plan for the particular subdivision. When a stormwater management plan or drainage plan is nonexistent for a lot, the final grade and maintained grade shall not be higher than the average of the grade on the adjacent properties. The Code Administrator may require that a grading and

drainage plan be prepared and approved prior to the issuance of a zoning permit for new construction. Dependent on the amount of grading proposed, the Code Administrator may require the plan include a cross section of the adjacent parcels, and the parcel subject of the grading, to ensure the proposed grading will not result in adverse runoff onto the adjacent parcels. In areas where drainage is not parallel to lot lines, the site plan for the zoning permit application shall address the direction and handling of surface water flow. In no case shall water be diverted onto a town road surface.

Sec. 82-39. Accessory Structures.

- (a) *Permit Required.* All accessory structures shall require the authorization of a regular zoning permit unless exempted by this section. The following standards apply:
- (1) Accessory structures shall comply with all setback and height requirements for accessory structures in the district to which they are accessory.
 - (2) Accessory structures permitted under this section shall not be permitted until its associated principal structure is present or under construction or a zoning permit has been issued for the construction of the principal structure on the lot. Construction of the permitted principal structure must commence within one year of starting construction of the accessory structure.
 - (3) Accessory structures shall not be designed for human habitation and shall contain no living quarters.
 - (4) Accessory structures are limited to one floor or story. Lofts are permitted within accessory structures for storage purposes only.
 - (5) Buildings accessory to an agricultural use, whereby the building is used solely in conjunction with the agricultural use and located on a farm, shall not be restricted in size or height.
 - (6) Building originally constructed as accessory to an agricultural use, whereby the building was used solely in conjunction with an agricultural use and located on a farm shall not be included in calculating the available accessory building square footprint for current non-farm residences.
 - (7) Within the Exclusive Agricultural Residential, Exclusive Agricultural Preservation, General Agriculture, Heartland, Light Industrial, and Industrial districts, the use of shipping containers as accessory structures shall be permitted. The following standards apply:
 - (A) *Number of Containers:* Provided all applicable zoning district requirements are met, a maximum of two (2) shipping containers may be used for personal storage, and a maximum of four (4) shipping containers may be used for agricultural use located on a farm, solely in conjunction with an agricultural practice.
 - (B) *Location:* Shipping containers shall be placed within the buildable area of the side and rear yard of a lot.

(C) *Screening Requirements*: Shipping containers shall be screened from all adjacent properties and public roads by use of a building, closed fence, or by vegetative screening as described in Sec. 82-37(b).

(b) Exempt Accessory Structures

- (1) *Minor Structures*. Minor structures such as birdhouses, birdbaths, clothesline poles, flagpoles, temporary fire pits less than 5 feet in diameter, ice shanties, school bus waiting shelters, non-commercial fuel storage tanks, tree houses or play houses which do not exceed 120 square feet in footprint, or 16 feet in height and/or cover more than 10% of the lot area.
- (2) *Fences*. Agricultural fences which meet the requirements of Ch. 90, Wis. Stats.
- (3) *Non-Commercial Solar Panels*. Non-commercial solar panels attached to a permitted principal or accessory structure.
- (4) *Small Structures*. Accessory structures that have a footprint less than 120 square feet and are less than 9 feet in height, and meet all required setbacks contained in this chapter.

(c) Items Prohibited as Accessory Structures

- (1) Items such as, but not limited to, boats, truck bodies, semi-trailer boxes, manufactured homes, buses, railroad cars, and trailers shall not be used as accessory structures.
- (2) Shipping containers shall not be used as accessory structures in the Small Estate, Single Family – 20, Single Family – 10, High Density Residential, Mixed Use Commercial, Commercial Center, Natural Area, and Wetland Overlay zoning districts.

(d) Temporary Shipping Containers or Storage Pods

- (1) Temporary shipping containers or storage pods may be used for personal storage and are permitted in all districts when used for the moving process or if an act of nature destroys/damages permanent structure(s) on the property. Temporary shipping containers and storage pods must meet all applicable setbacks for a structure and shall be removed from the property within 3 months of the initial placement.

Sec. 82-40. Outdoor Storage of Junk Material.

The purpose of this subsection is to regulate the location and accumulation of junk. Calumet County has found it necessary to regulate by ordinance the storage and disposal of automobiles, tires, junk, and similar miscellaneous waste due to the fact that there has been a proliferation of unlicensed junk yards, tire piles, and dumps of similar miscellaneous materials within Calumet County. The proliferation presents a threat to the public health and safety of the citizens of Calumet County and to the natural environment and property values. The provisions of this subsection of this ordinance are

adopted pursuant to the authority granted to Calumet County by Wis. Stat. 59.69, 84.31(2)(b) & (9), 175.25, and 342.40(3).

- (a) *Where Prohibited.* In the Single Family Residential-20,000, Single Family Residential-10,000, Small Estate Residential, Agricultural Residential, High Density Residential, Mixed Use Commercial, Commercial Center, and Wetland Overlay districts, the outdoor storage of junk material is prohibited.
- (b) *Where Allowed.* In the Natural Area, Exclusive Agricultural, General Agricultural, Heartland, Light Industrial, and Industrial Districts, the outdoor storage of junk material, including no more than 2 inoperable vehicles, is allowed on a lot with a principal structure if screened from the road right-of-way or a developed adjacent building by a closed fence capable of screening the junk or a vegetative screening buffer.
- (c) *Exemption.* The storage of idle, but operable farm equipment on an operating farm, or legally licensed and permitted salvage yards, sanitary landfills, or other waste disposal or storage activities, which a valid license from the State of Wisconsin and/or other municipality is required, has been issued, and is valid.

Sec. 82-41. Blasting Limitations.

The purpose of this subsection is to establish uniform and permissible limits of blasting resultants for blasting for the erection or placement of structures greater than 15 feet in height above the ground surface, and, to reasonably assure that blasting resultants do not cause injury, damage, or unreasonable annoyance to persons or property outside any controlled blasting site area. Blasting associated with nonmetallic mining operations shall be per Sec. 82-73(b), *Nonmetallic Mining*.

- (a) *Application Required.* No person shall blast for the footing, foundation, or other method of support for the erection or placement of structures greater than 15 feet in height above the ground surface, unless:
 - (1) *License Required.* The individual possesses a valid State of Wisconsin Blasters License with the proper classification or supervised by a holder of a valid State of Wisconsin Blaster's License with the proper classification.
 - (2) *Permit Required.* The individual possesses all necessary State permits and complies with all applicable local, State, and Federal regulations, including, but not limited to, the requirements of this ordinance.

Sec. 82-42 - Sec. 82-47. Reserved.

ARTICLE IV. ZONING DISTRICT REQUIREMENTS

Sec. 82-48. Exclusive Agricultural Zoning District (EA)

- (a) *Purpose.* The intent of EA district is to protect and enhance the agricultural industry from scattered nonagricultural development that may displace agricultural uses. This district contains land that is suitable for productive farm operations; that exhibit good food and fiber

production; demonstrate productivity for dairying, grazing, and livestock; produce specialty crops such as fruits, plant materials, trees and vegetables; or are integral to such a farm operation. Although some residential development is allowed, it is limited in density and location so as to not be incompatible with the agricultural operations and uses of the EA district. This district is intended to help implement recommendations of the county farmland preservation plan.

(b) Permitted Uses	
Agricultural Use	Residences that existed prior to November 2, 2009
Essential services under 91.44 (1) (f) that are required to be located in a specific place under state or federal law	Undeveloped natural resources and open space areas
Non-commercial Communication Towers, Antennas, Transmitters under Wis. Stat. 91.44 (1) (f) 82-77 (d)	Utility Facilities Type A 82-77(b)
The following uses provided that they are conducted by the owner or operator of a farm, operated in a building, structure, or improvement that is incidental to an agricultural use or that employs no more than 4 full time employees, and does not impair or limit the current or future agricultural use of the farm as follows; Wis. State. 91.01 (1)(d)	
Airstrips & Landing Fields, Private 82-77 (a)	Greenhouses
(c) Conditional Uses	
Agricultural-related uses	Home Business 82-72 (g)
Farm Implement Sales & Service	Sawmills / Planing Mills 82-73 (a)
Fertilizer Distribution Plants	Slaughterhouses
Grain Mills	
The following uses provided that they are conducted by the owner or operator of a farm, operated in a building, structure, or improvement that is incidental to an agricultural use or that employs no more than 4 full time employees, and does not impair or limit the current or future agricultural use of the farm as follows; Wis. Stat. 91.01 (1)(d)	
Bed & Breakfast Establishments	Farm Markets 82-71(a)
Boardinghouses 82-72 (i)	Fruit/Vegetable/Cheese Processing Plants
Bulk Storage of Fuel Products	Manufacturing, Assembly, Processing
Commercial Riding Stables 82-75 (c)	Trade or Contractor Establishments 82-72 (d)
Commercial Trucking Establishments	Veterinarian Clinics primarily devoted to serving livestock
Transportation, communication, pipeline, electric transmission, utility, or drainage uses as follows; 91.46 (4)	
Mobile Service Facilities/Mobile Service Support Structures 82-77(e)	Utility Facilities Type B 82-77 (b)
Permanent Met towers 82-77 (d)	
Temporary Met towers 82-77 (d)	
Governmental, institutional, religious, or nonprofit community uses as follows; Wis. Stat. 91.46 (5)	
Airstrips & Landing Fields, Commercial/Government 82-77 (a)	Public Highway Garages
Churches and Community Centers 82-74 (a)	Temporary Concrete or Asphalt Batch Plants 82-73 (f)
Parks and Recreational Trails	Town Halls/Community Centers
Public and Private Schools	
Nonmetallic Mining as identified in Wis. Stat. 91.46 (6)	
NOTES:	
* The conversion of a pre-11/2/2009 farm residence to a single family residence is a permitted use.	
** The conversion of a post-11/2/2009 farm residence to a single family residence, or the creation of a new single family residence requires a rezone under 82-48 (f)(2).	

(d) Accessory Uses

(1) Farm residence.

- (2) Temporary manufactured homes used as residences for farm employees who earn more than 50% of their gross income from the farm or parents, or adult children of the farm operator. Temporary manufactured homes shall be located on the same lot, and within 300 feet of the dwelling unit of the farm operator and be removed when the home is no longer occupied by the farm employee, parent or adult children of the farm operator.
 - (3) Unattached structures for personal storage that are accessory to a permitted nonfarm residential structure. The total building footprint for all nonfarm residential accessory structures shall not exceed 4000 square feet.
 - (4) A use not listed as a permitted or conditional use that is an integral part of, or incidental to, an established agricultural use conducted on the farm.
 - (5) Facilities or improvements on a farm that are an integral part of, or incidental to, a permitted agricultural use including:
 - A. Facilities used to keep livestock on the farm.
 - B. Facilities used to store or process inputs primarily for agricultural uses on the farm.
 - C. Facilities used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
 - D. Manure digester, bio-fuel facility, small scale energy systems, solar systems or other facilities that produce energy primarily from materials grown or produced on the farm, primarily for use on the farm.
 - E. Waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
 - F. Temporary roadside stands up to 160 square feet in size used solely for the sale of products produced on the farm. Roadside stands must be placed outside the right-of-way and may not interfere with or present a hazard to any person, property, or traffic.
 - G. Agricultural Tourism.
 - A. Home Occupations 82-72 (f) compliant with Wis. State. 91.01 (1)(d)
 - B. Family Daycare Homes compliant with Wis. State. 91.01 (1)(d)
 - J. Any other use that DATCP, by rule, identifies as an accessory use.
- (e) Conditional Use Standards. A conditional use permit may be issued in an Exclusive Agricultural Zoned district only if all the following apply:

- (1) The use and its location in the farmland preservation zoning district are consistent with the purpose of the farmland preservation zoning district.
 - (2) 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.
 - (3) The use is reasonably designed to minimize conversion of land at and around the site of the use from agriculture or open space use.
 - (4) 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.
 - (5) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
 - (6) All other Conditional Use standards identified in Sec. 82-133
- (f) Zoning Amendments in the EA – Exclusive Agricultural District
- (1) No land in the EA district shall be rezoned to any other district, except as provided in (2) below, unless following a public hearing the County Board finds all of the following are or will be met:
 - A. The land is better suited for a use not allowed in the EA district.
 - B. The rezoning is consistent with the Town and County Comprehensive Plans, and the Calumet County Farmland Preservation Plan.
 - C. 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.
 - (2) The following apply when the rezoning of land from the EA district would enable one or more single family residences:
 - A. The owner(s) of a farm shall be eligible to rezone 1 acre of property for every 20 acres of total farm area owned for a new single family residence in the Towns of Brillion and Charlestown and 1 acre of property for every 40 acres of total farm area for a new single family residence in the Town of Woodville, including any preexisting residence, to the Agricultural – Residence District (A-R).
 1. Any balance of acreage used from the **total farm area** to enable rezoning for a single family residence under subsection A. must be simultaneously rezoned to the EA-P zoning district. Land in the EA-P district cannot be used together with other land not in the EA-P district to achieve the acreage normally necessary to build another single family residence under subsection A.

- a. The ratio identified under (f)(2)A. must be applied first to a farm related residence constructed after November 2, 2009 and converted to a single family residence if any parcel proposed to be used for the ratio under (f)(2)A. is part of a total farm area in which the residence was constructed after November 2, 2009.
2. Each new single family residence in the A-R District must be placed on a parcel created by CSM. Parcel shall have a minimum of 150 feet in width and be at least 1 acre in size, exclusive of road right-of-way.
 - a. A note shall be included on Parcels created indicating future additions or divisions shall be prohibited unless the change is included on a new CSM that is approved by the Planning, Zoning and Farmland Preservation Committee.
3. Each newly created lot in the A-R District must abut a public road. Flag lots are permitted as defined in the Calumet County Land Division Code. The narrow portion of an approved flag lot may be exempt from the ratio requirements identified 82.48(f)(2)A. if it is located on an existing farm access drive.
4. The new single family residence shall not adversely affect agricultural operations in surrounding areas or be situated such that future inhabitants of the residence might be adversely affected by agricultural operations in surrounding areas.
5. The new single family residence and the new driveway needed to serve the residence shall not divide existing farm fields, but instead shall be beyond the farm field or towards the edge of a farm field where a location beyond the field is not practical.
6. The proposed location of the new single family residence must not be well suited for agricultural use by virtue of:
 - a. Being wooded.
 - b. Having unfavorable topography for farming.
 - c. An odd shape for farming.
 - d. Unsuitable soil characteristics.
 - e. Other factors that limit its agricultural suitability.
7. The associated land division of the A-R District under 2.a. must be accompanied by a right-to-farm notice per the Farmland Preservation

Plan, and such notice must be recorded prior to issuance of a zoning permit for the residence.

8. The process for farm consolidation shall follow the process identified in 82-48 (f) but the ratio requirements identified in 82-48 (f)(2)A. may be exceeded if needed to follow existing natural and other geological features or existing agricultural structures and amenities on the property. Nonfarm residences constructed after November 2, 2009 are required to conform to all standards of this ordinance.

B. As part of intergovernmental cooperation, the Planning, Zoning and Farmland Preservation Committee may consider an action that permits a non-farm residence on a farm in which the total farm area or base farm tract crosses into a zoning jurisdiction other than what is governed by this chapter if that zoning jurisdiction has a farmland preservation zoning district that is certified by DATCP.

(g) Dimensional Standards. The following requirements apply to the Exclusive Agricultural District:

Exclusive Agricultural - EA Dimensional Requirements, Setbacks and Height		
	Dimensional Requirements	Residential and Other Uses Approved as a Site Plan Review or Conditional Use
Lot Requirements		
Lot Width	600 feet	150 feet
Lot Area	20 ac.	1 ac.
Max Impervious Surface	25%	25%
Max Residential Ratio	1/20 Ratio	-
Principal Structure Setbacks		
Yards – Side & Front - Principal	25'	25'
Yards – Rear - Principal	50'	50'
Structure Height - Principal	35'	35'
Accessory Structure Setbacks		
Yards – Side & Front - Accessory	15'	15'
Yards – Rear - Accessory	20'	20'
Structure Height - Accessory	25'	25'
Road set back: Sec. 82-31	125 / 100 / 75	
For accessory buildings less than 200 square feet, the minimum required side yard setback is 5 feet.		

Minor exempt structures are identified in Sec. 82-39(b)(1)
See Sec. 82-33 for setbacks related to barnyards, feedlots, manure pits and farm structures housing animals.

Sec. 82-49. Exclusive Agricultural – Preservation Zoning District (EA-P)

- (a) Purpose. The intent of EA-P District is to further protect and enhance the agricultural industry from scattered nonagricultural development. This district contains land that is suitable for productive farm operations; exhibit good food and fiber production; demonstrate productivity for dairying, grazing, and livestock; produce specialty crops such as fruits, plant materials, trees and vegetables; or are integral to such a farm operation. The EA-P zoning designation indicates that these lands have been used to allow for limited residential development in the EA District and that no further single family residential ratio for development is permitted.

(b) Permitted Uses	
Agricultural Use	Undeveloped natural resources and open space areas
Essential services under 91.44 (1) (f) required to be located in a specific place under state or federal law	Utility Facilities Type A 82-77(b)
(c) Conditional Uses	
The following uses provided that they are conducted by the owner or operator of a farm, operated in a building, structure, or improvement that is incidental to an agricultural use or that employs no more than 4 full time employees, and does not impair or limit the current or future agricultural use of the farm as follows; Wis. Stat. 91.01 (1)(d)	
Airstrips & Landing Fields, Private 82-77 (a)	Family Daycare Homes
Boardinghouses 82-72 (i)	Greenhouses
Agricultural-related uses as follows Wis. Stat. 91.01 (3)	
Bulk Storage of Fuel Products	Grain Mills
Farm Implement Sales & Service	Veterinarian Clinics Primarily Devoted to Serving Livestock
Transportation, communication, pipeline, electric transmission, utility, or drainage uses as follows; 91.46 (4)	
Mobile Service Facilities/Mobile Service Support Structures 82-77(e)	Non-commercial Communication Towers, Antennas, Transmitters 82-77 (d)
Permanent Met towers 82-77 (d)	Utility Facilities Type B 82-77 (b)
Temporary Met towers 82-77 (d)	
Governmental, institutional, religious, or nonprofit community uses as follows; Wis. Stat. 91.46 (5)	
Parks and Recreational Trails	Temporary Concrete or Asphalt Batch Plants 82-73 (f)
Nonmetallic Mining as identified in Wis. Stat. 91.46 (6)	

- (d) Accessory Uses
- (1) Existing Farm residences.
 - (2) Temporary manufactured homes used as residences for farm employees who earn more than 50% of their gross income from the farm or parents, or adult children of the farm operator. Temporary manufactured homes shall be located on the same lot, and within 300 feet of the dwelling unit of the farm operator and be removed when the home is no longer occupied by the farm employee, parent or adult children of the farm operator.
 - (3) A use not listed as a permitted or conditional use, that is an integral part of, or incidental to, an established agricultural use conducted on the farm,

- (4) Facilities or improvements on a farm that are an integral part of, or incidental to, a permitted agricultural use including:
 - A. Facilities used to keep livestock on the farm.
 - B. Facilities used to store or process inputs primarily for agricultural uses on the farm.
 - C. Facilities used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
 - D. Manure digester, bio-fuel facility, small scale energy systems, solar systems or other facilities that produce energy primarily from materials grown or produced on the farm, primarily for use on the farm.
 - E. Waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
 - F. Agricultural Tourism.
 - G. Any other use that DATCP, by rule, identifies as an accessory use.
- (e) Conditional Use Standards. A conditional use permit may be issued in an Exclusive Agricultural Zoned district only if all the following apply:
 - (1) The use and its location in the farmland preservation zoning district are consistent with the purpose of the farmland preservation zoning district.
 - (2) 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.
 - (3) The use is reasonably designed to minimize conversion of land at and around the site of the use from agriculture or open space use.
 - (4) 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.
 - (5) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
 - (6) All other Conditional Use standards identified in Sec. 83-133
- (f) Zoning Amendments in the Exclusive Agriculture - Preservation District
 - (1) No land in the EA-P district shall be rezoned to any other district, except as provided below, unless following a public hearing the County Board finds all of the following are met and the rezone is approved by a 2/3 super majority vote.

- A. The land is better suited for a use not allowed in the EA district.
- B. The rezoning is consistent with the Town and County Comprehensive Plans, and the Calumet County Farmland Preservation Plan.
- C. 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.

(g) Dimensional Standards. The following requirements apply to the Exclusive Agricultural-Preservation District:

Exclusive Agricultural Preservation – EA - P		
	Dimensional Requirements	
Lot Width	600'	
Lot Area	20 ac.	
Max Impervious Surface	25%	
Max Residential Density	N/A	
Setbacks	Principal	Accessory
Yards – Side & Front	25'	25'
Yards - Rear	50'	25'
Structure Height	35'	25'
Road set back: per Sec. 82-31	125' / 100' / 75'	
For accessory buildings less than 200 square feet, the minimum required side yard setback is 5 feet.		
Minor exempt structures are identified in Sec. 82-39(b)(1)		
See Sec. 82-33 for setbacks related to barnyards, feedlots, manure pits and farm structures housing animals.		

Sec. 82-50. Agricultural Residential District (A-R)

(a) Purpose. The intent of A-R District is to provide for limited residential development on smaller lots that will not impact the agricultural production of surrounding lands. These lands are generally located within the EA-P and EA districts and have been created with the intent to preserve large tracts of agricultural lands and associated agricultural uses first; and to allow limited residential development and small low impact agricultural service business opportunities second.

(b) Permitted Uses	
Agricultural Use	Mobile Service Facilities/Mobile Service Support Structures 82-77(e)
Bed & Breakfast Establishments	Non Commercial Communication Towers
Boardinghouses 82-72 (i)	Single Family Residences
Farm Related Residence	Utility Facilities – Type A 82-77(b)
Greenhouses	
(c) Site Plan Approval	

Duplexes	Non-commercial Communication Towers, Antennas, Transmitter 82-77(d)
Farm Markets 82-71(a)	Public Boat Launch Facilities
Kennels 82-72 (a)	Veterinarian Clinics
(d) Conditional Uses	
Animal Shelters and Pounds 82-77 (c)	Retail Stores/Showrooms
Art Galleries	Trade or Contractor Establishments 82-72 (d)
Auto Repair 82-72 (c)	Utility Facilities - Type B 82-77 (b)
Home Business 82-72 (g)	

- (e) Accessory Uses. The following uses are allowed in the AR district, subject to other applicable requirements contained in this ordinance.
- (1) Unattached structures for personal storage that are accessory to a permitted residential structure. The total building footprint for all accessory structures shall not exceed 3200 square feet.
 - (2) Other accessory structures and uses that are incidental to the principal use, provided that the structure or use does not include any activity commonly conducted as a business.
 - (3) Temporary roadside stands used solely for the sale of products produced on the farm.
 - (4) Home Occupation per Sec. 82-72 (f).
 - (5) Family Daycare Home.
- (f) Dimensional Requirements. The following requirements apply to the Agricultural Residential District:

Agriculture Residential – A - R Dimensional Requirements, Setbacks and Height		
Dimensional Requirements		
Lot Width	150'	
Lot Area	1 ac.	
Max Impervious Surface	25%	
Max Residential Density	N/A	
Structure Setbacks	Principal	Accessory
Yards – Side & Front	25'	15'
Yards - Rear	40'	20'
Structure Height	35'	25'
Road set back: per Sec. 82-31	125' / 100' / 75'	
For accessory buildings less than 200 square feet, the minimum required side yard setback is 5 feet.		
Minor exempt structures are identified in Sec. 82-39(b)(1)		
See Sec. 82-33 for setbacks related to barnyards, feedlots, manure pits and farm structures housing animals.		

Sec. 82-51. General Agriculture Zoning District (GA)

- (a) Purpose. This district is intended to maintain agricultural lands, which have historically demonstrated high agricultural productivity. It is also intended to accommodate certain non-agricultural uses, which require spacious areas to operate where natural resource exploitation occurs. Lands eligible for designation in this district shall generally include those designated as farmland preservation areas in the *Calumet County Farmland Preservation Plan*. This district is also intended to provide farmland owners with additional management options by allowing limited residential development, or with residential density limits and other requirements set so as to maintain the rural characteristics of this district.

(b) Permitted Uses	
Agricultural Use	Farm Related Residences
Airstrips & Landing Fields, Private 82-77 (a)	Greenhouses
Bed & Breakfast Establishments	Mobile Service Facilities/Mobile Service Support Structures 82-77(e)
Boarding Houses 82-72 (i)	Non-commercial Communication Towers, Antennas, Transmitters 82-77 (d)
Camping 82-75 (b)	Parks and Recreational Trails
Cemeteries	Permanent MET Towers 82-77 (d)
Churches and Community Centers 82-74 (a)	Single Family Residences
Commercial Fishing Facilities	Temporary MET Towers 82-77 (d)
	Utility Facilities - Type A 82-77 (b)
(c) Site Plan Approval	
Airstrips & Landing Fields, Commercial/Government 82-77 (a)	Lumber/Building Supply Yards
Commercial Riding Stables 82-75 (c)	Public Boat Launch Facilities
Farm Implement Sales & Service	Public Highway Garages
Farm Markets 82-71(a)	Public and Private Schools
Fire/Police Stations	Town Halls/Community Centers
Golf Courses	Temporary Concrete or Asphalt Batch Plants 72-73 (f)
Grain Mills	Veterinarian Clinics
Kennels 82-72 (a)	Wineries/Micro Breweries
(d) Conditional Uses	
Agricultural Tourism Operations	Home Business 82-72 (g)
Airports 82-77 (a)	Manufacturing, Assembly, Processing
Ammunition Manufacturing and Wholesale Distribution	Nonmetallic Mining 82-73 (b)
Animal Shelters and Pounds 82-77 (c)	Resource Recovery Facilities 82-73 (e)
Art Galleries	Retreat Centers
Asphalt/Concrete Plants	Salvage Yards 82-73 (c)
Bulk Storage of Fuel Products	Sawmills / Planing Mills 82-73 (a)
Campgrounds and Trailer Camps 82-75 (a)	Sewage Disposal/Treatment Plants
Commercial Storage Facilities 82-72 (e)	Slaughterhouses
Commercial Trucking Establishment	Solid Waste Facilities 82-73 (d)
Fertilizer Distribution Plants	Taxi and Limousine Service
Fruit/Vegetable/Cheese Processing Plants	Trade or Contractor Establishments 82-72 (d)
Gun Clubs/Shooting Ranges 82-75 (d)	Utility Facilities - Type B 82-77 (b)
Institutional Recreation Camps	Wholesale Establishments and Distributorships 82-73 (g)

- (e) Accessory Uses. The following uses are allowed in the GA district, subject to other applicable requirements contained in this ordinance.
- (1) Unattached structures for personal storage that are accessory to a permitted residential structure. The total building footprint for all accessory structures shall not exceed 4000 square feet.
 - (2) Other accessory structures and uses that are incidental to the principal use, provided that the structure or use does not include any activity commonly conducted as a business.
 - (3) Temporary manufactured homes used as residences for farm employees who earn more than 50% of their gross income from the farm or parents, or adult children of the farm operator. Temporary manufactured homes shall be located on the same lot, and within 300 feet of the dwelling unit of the farm operator and be removed when the home is no longer occupied by the farm employee, parent or adult children of the farm operator.
 - (4) Temporary roadside stands used solely for the sale of products produced on the farm.
 - (5) Home Occupation per Sec. 82-72 (f)
 - (6) Family Daycare Homes.
- (f) Dimensional Requirements. The following requirements apply to the General Agricultural District:

General Agricultural - GA Dimensional Requirements, Setbacks and Height		
	Dimensional Requirements	Residential and Other Uses Approved as a Site Plan Review or Conditional Use
Lot Requirements		
Lot Width	600 feet	150 feet
Lot Area	20 ac.	1 ac.
Max Impervious Surface	25%	25%
Max Residential Density	1/10	-
Principal Structure Setbacks		
Yards – Side & Front - Principal	25'	25'
Yards – Rear - Principal	50'	50'
Structure Height - Principal	35'	35'
Accessory Structure Setbacks		
Yards – Side & Front - Accessory	15'	15'
Yards – Rear - Accessory	20'	20'
Structure Height - Accessory	25'	25'

Road set back: Sec. 82-31	125 / 100 / 75
For accessory buildings less than 200 square feet, the minimum required side yard setback is 5 feet.	
Minor exempt structures are identified in Sec. 82-39(b)(1)	
See Sec. 82-33 for setbacks related to barnyards, feedlots, manure pits and farm structures housing animals.	

Sec. 82-52. Heartland (HL)

- (a) Purpose. This district is primarily intended for mostly rural areas of Calumet County where agricultural activity has been declining or is threatened, but where a mixture of rural residential and agricultural activity is desirable or existing. The district primarily provides for residential development at modest densities consistent with the generally rural environment and also provides for certain non-residential uses that require relatively large land areas and/or which are compatible with surrounding residential uses. This district secondarily provides for continued agricultural uses of land.

(b) Permitted Uses	
Agricultural Use	Manufactured Homes 82-76 (a)
Bed & Breakfast Establishments	Mobile Service Facilities/Mobile Service Support Structures 82-77(e)
Boardinghouses 82-72 (i)	Non-commercial Communication Towers, Antennas, Transmitters 82-77 (d)
Camping 82-75 (b)	Parks and Recreational Trails
Cemeteries	Temporary MET Towers 82-77 (d)
Churches and Community Centers 82-74(a)	Single Family Residences
Farm Related Residence	Utility Facilities - Type A 82-77 (b)
Greenhouses	
(c) Site Plan Approval	
Airstrips & Landing Fields, Commercial/Government 82-77 (a)	Lumber/Building Supply Yards
Airstrips & Landing Fields, Private 82-77 (a)	Permanent MET Towers 82-77 (d)
Commercial Riding Stables 82-75 (c)	Public Boat Launch Facilities
Duplexes	Public Highway Garages
Farm Implement Sales & Service	Public and Private Schools
Farm Markets 82-71(a)	Temporary Concrete or Asphalt Batch Plants 82-73 (f)
Fire/Police Stations	Town Halls/Community Centers
Golf Courses	Veterinarian Clinics
Kennels 82-72 (a)	Wineries/Micro Breweries
(d) Conditional Uses	
Agricultural Tourism Operations	Institutional Residential
Ammunition Manufacturing and Wholesale Distribution	Libraries/Museums
Animal Shelters and Pounds 82-72 (c)	Manufacturing, Assembly, Processing
Asphalt/Concrete Plants	Manufactured Home Parks 82-76 (b)
Art Galleries	Nonmetallic Mining 82-73 (b)
Auto Repair 82-72 (c)	Planned Residential Developments 82-76 (c)
Campgrounds and Trailer Camps 82-75 (a)	Retail Stores/Showrooms
Daycare Centers 82-72 (j)	Retreat Centers
Fertilizer Distribution Plants	Salvage Yards 82-73 (c)
Fruit/Vegetable/Cheese Processing Plants	Sawmills / Planing Mills 82-73 (a)
Grain Mills	Sewage Disposal Treatment Plants
Gun Clubs/Shooting Ranges 82-75 (d)	Solid Waste Facilities 82-73 (d)

Home Business 82-72 (g)	Trade or Contractor Establishments 82-72 (d)
Institutional Recreation Camps	Utility Facilities - Type B 82-77 (b)

- (e) Accessory Uses. The following uses are allowed in the HL district, subject to other applicable requirements contained in this ordinance.
- (1) Unattached structures for personal storage that are accessory to a permitted residential structure. The total building footprint for all accessory structures shall not exceed 3200 square feet.
 - (2) Other accessory structures and uses that are incidental to the principal use, provided that the structure or use does not include any activity commonly conducted as a business.
 - (3) Temporary roadside stands used solely for the sale of products produced on the farm.
 - (4) Home Occupation per Sec. 82-72 (f)
 - (5) Family Daycare Homes.
 - (6) Temporary manufactured homes used as residences for farm employees who earn more than 50% of their gross income from the farm or parents, or adult children of the farm operator. Temporary manufactured homes shall be located on the same lot, and within 300 feet of the dwelling unit of the farm operator and be removed when the home is no longer occupied by the farm employee, parent or adult children of the farm operator.
- (f) Dimensional Requirements. The following requirements apply to the Heartland District:

Heartland - HL Dimensional Requirements, Setbacks and Height		
	Dimensional Requirements	Residential and Other Uses Approved as a Site Plan Review or Conditional Use
Lot Requirements		
Lot Width	300 feet	150 feet
Lot Area	10 ac.	1 ac.
Max Impervious Surface	25%	25%
Max Residential Density	1/10	-
Principal Structure Setbacks		
Yards – Side & Front - Principal	25'	25'
Yards – Rear - Principal	40'	40'
Structure Height - Principal	35'	35'

Accessory Structure Setbacks		
Yards – Side & Front - Accessory	15'	15'
Yards – Rear - Accessory	20'	20'
Structure Height - Accessory	25'	25'
Road set back: Sec. 82-31	125 / 100 / 75	
For accessory buildings less than 200 square feet, the minimum required side yard setback is 5 feet.		
Minor exempt structures are identified in Sec. 82-39(b)(1)		
See Sec. 82-33 for setbacks related to barnyards, feedlots, manure pits and farm structures housing animals.		

Sec. 82-53. Small Estate (SE)

- (a) *Small Estate Residential (SE)*. This district is intended to provide for single-family residential and planned residential development on smaller lots at a slightly higher density than the Heartland district. The district is intended for residential areas where high density is inappropriate or undesirable and for transitional areas that are beginning to convert from undeveloped land to residential uses.

(b) Permitted Uses	
Agricultural Use	Mobile Service Facilities/Mobile Service Support Structures 82-77(e)
Bed & Breakfast Establishments	Parks and Recreational Trails
Camping 82-75 (b)	Single Family Residences
Cemeteries	Utility Facilities - Type A 82-77 (b)
(c) Site Plan Approval	
Airstrips & Landing Fields, Private 82-77 (a)	
Churches and Community Centers 82-74 (a)	Non-Commercial Communication Towers, Antennas, Transmitters 82-77 (d)
Commercial Riding Stables 82-75 (c)	Planned Residential Developments 82-76 (c)
Duplexes	Public Boat Launch Facilities
Fire/Police Stations	Public and Private Schools
Golf Courses	Temporary Met Towers 82-77 (d)
Model Homes	Town Halls/Community Centers
(d) Conditional Uses	
Airstrips & Landing Fields, Commercial/Government 82-77 (a)	Medical/Dental Clinics
Art Galleries	Multiple Occupancy Developments 82-76(e)
Boardinghouses 82-72 (i)	Permanent MET Towers 82-77 (d)
Daycare Centers 82-72 (j)	Personal Service Establishments
Home Business 82-72 (g)	Professional Office/Studios
Hospitals	Temporary Concrete or Asphalt Batch Plants 82-73 (f)
Institutional Residential	Utility Facilities - Type B 82-77 (b)
Libraries/Museums	

- (e) *Accessory Uses*. The following uses are allowed in the SE district, subject to other applicable requirements contained in this ordinance.

- (1) Unattached structures for personal storage that are accessory to a permitted residential structure. The total building footprint for all accessory structures shall not exceed 3200 square feet.
 - (2) Other accessory structures and uses that are incidental to the principal use, provided that the structure or use does not include any activity commonly conducted as a business.
 - (3) Home Occupation per Sec. 82-72 (f)
 - (4) Family Daycare Homes.
 - (5) Temporary roadside stands used solely for the sale of products produced on the farm.
- (f) Dimensional Requirements. The following requirements apply to the Small Estate District:

Small Estate - SE Dimensional Requirements, Setbacks and Height		
	Dimensional Requirements	Residential and Other Uses Approved as a Site Plan Review or Conditional Use
Lot Requirements		
Lot Width	250 feet	150 feet
Lot Area	5 ac.	1 ac.
Max Impervious Surface	25%	25%
Max Residential Density	1/5	-
Principal Structure Setbacks		
Yards – Side & Front - Principal	25'	25'
Yards – Rear - Principal	40'	40'
Structure Height - Principal	35'	35'
Accessory Structure Setbacks		
Yards – Side & Front - Accessory	15'	15'
Yards – Rear - Accessory	20'	20'
Structure Height - Accessory	25'	25'
Road set back: Sec. 82-31	125 / 100 / 75	
For accessory buildings less than 200 square feet, the minimum required side yard setback is 5 feet.		
Minor exempt structures are identified in Sec. 82-39(b)(1)		
See Sec. 82-33 for setbacks related to barnyards, feedlots, manure pits and farm structures housing animals.		

Sec. 82-54. Single Family 20 (SF-20)

- (a) Purpose. This district is intended to provide for exclusive single-family residential and planned residential development at fairly high densities. Generally, these districts will be

located along the waterfront and in or near existing communities where smaller lots dominate the development pattern. The permitted uses are restricted in order to maintain strictly residential character of these areas.

(b) Permitted Uses	
Cemeteries	Single Family Residences
Mobile Service Facilities/Mobile Service Support Structures 82-77(e)	Utility Facilities - Type A 82-77 (b)
Parks and Recreational Trails	
(c) Site Plan Approval	
Churches and Community Centers 82-74 (a)	Public Boat Launch Facilities
Model Homes	Public and Private Schools
Planned Residential Developments 82-76 (c)	
(d) Conditional Uses	
Bed & Breakfast Establishments	Private Lodges and Clubs
Libraries/Museums	Utility Facilities - Type B 82-77 (b)

- (e) Accessory Uses. The following uses are allowed in the SF-20 district, subject to other applicable requirements contained in this ordinance.
- (1) Unattached structures for personal storage that are accessory to a permitted residential structure. The total building footprint for all accessory structures shall not exceed 1200 square feet.
 - (2) Other accessory structures and uses that are incidental to the principal use, provided that the structure or use does not include any activity commonly conducted as a business.
 - (3) Home Occupations per Sec. 82-72 (f)
 - (4) Family Daycare Homes.
 - (5) Urban Agriculture 82-71(b)
- (f) Dimensional Requirements. The following requirements apply to the Single Family 20 District:

Single Family 20 – SF-20 Dimensional Requirements, Setbacks and Height		
	Dimensional Requirements	
Lot Width	100'	
Lot Area	20,000 Sq. Ft.	
Max Impervious Surface	25%	
Max Residential Density	N/A	
Setbacks	Principal	Accessory
Yards – Side & Front	10'	5'

Yards - Rear	30'	5'
Structure Height	35'	20'
Road set back: per Sec. 82-31	125' / 100' / 75'	
For accessory buildings less than 200 square feet, the minimum required side yard setback is 5 feet.		
Minor exempt structures are identified in Sec. 82-39(b)(1)		

Sec. 82-55. Single Family 10 (SF-10)

- (a) Purpose. This district is intended to provide for single-family residential and planned residential development at slightly higher densities than the Single Family Residential 20 district. Generally, this district will be located in or near existing communities where public sewer and water are available. The permitted uses are generally the same as those in Single Family Residential 20 district.

(b) Permitted Uses	
Cemeteries	Parks and Recreational Trails
Mobile Service Facilities/Mobile Service Support Structures 82-77(e)	Single Family Residences
	Utility Facilities - Type A 82-77 (b)
(c) Site Plan Approval	
Churches and Community Centers 82-74 (a)	Public Boat Launch Facilities
Model Homes	Public and Private Schools
Planned Residential Developments 82-76 (c)	
(d) Conditional Uses	
Bed & Breakfast Establishments	Private Lodges and Clubs
Libraries/Museums	Utility Facilities - Type B 82-77 (b)

- (e) Accessory Uses. The following uses are allowed in the SF-10 district, subject to other applicable requirements contained in this ordinance.
- (1) Unattached structures for personal storage that are accessory to a permitted residential structure. The total building footprint for all accessory structures shall not exceed 1200 square feet.
 - (2) Other accessory structures and uses that are incidental to the principal use, provided that the structure or use does not include any activity commonly conducted as a business.
 - (3) Home Occupations per Sec. 82-72 (f)
 - (4) Family Daycare Homes.
 - (5) Urban Agriculture 82-71(b)
- (f) Dimensional Requirements. The following requirements apply to the Single Family 10 District:

Single Family 10 – SF-10 Dimensional Requirements, Setbacks and Height		
	Dimensional Requirements	
Lot Width	65'	
Lot Area	10,000 Sq. Ft.	
Max Impervious Surface	25%	
Max Residential Density	N/A	
Setbacks	Principal	Accessory
Yards – Side & Front	10'	5'
Yards - Rear	25'	5'
Structure Height	35'	20'
Road set back: per Sec. 82-31	125' / 100' / 75'	
For accessory buildings less than 200 square feet, the minimum required side yard setback is 5 feet.		
Minor exempt structures are identified in Sec. 82-39(b)(1)		

Sec. 82-56. High Density Residential (HD)

- (a) Purpose. This district is intended to provide areas for a variety of residential uses, including multiple occupancy development, manufactured home parks, and single family residential development at fairly high densities. This district is intended to be located in areas with an existing mixture of residential types, certain regions that are served by public sewer, and other locations where high density residential developments are appropriate. This district is not intended to develop into centers with commercial activity and, thus, most commercial uses are not permitted. These lots are typically located where sewer and water are available.

(b) Permitted Uses	
Banks	Parks & Recreational Trails
Bed & Breakfast Establishments	Private Lodges and Clubs
Boardinghouses 82-72 (i)	Single Family Residences
Cemeteries	Taxi and Limousine Service
Duplexes	Utility Facilities - Type A 82-77 (b)
Mobile Service Facilities/Mobile Service Support Structures 82-77(e)	Zero Lot Line Duplexes 82-76 (d)
Model Homes	
(c) Site Plan Approval	
Churches and Community Centers 82-74 (a)	Planned Residential Developments 82-76 (c)
Daycare Centers 82-72 (j)	Post Offices
Golf Courses	Public Boat Launch Facilities
Manufactured Home Parks 82-76 (b)	Public and Private Schools
Manufactured Homes 82-76 (a)	Restaurants or Taverns 82-72 (b)
Multiple Occupancy Developments 82-76 (d)	Town Halls/Community Centers
(d) Conditional Uses	
Entertainment Facility	Passenger Bus Terminals

Fire/Police Stations	Personal Service Establishments
Hospitals	Personal Transport Vendors
Institutional Residential	Professional Office/Studios
Laundromats and Laundry Service	Retail Stores/Showrooms
Libraries/Museums	Utilities Facilities – Type B 82-77(b)
Medical/Dental Clinics	

- (e) Accessory Uses. The following uses are allowed in the HD district, subject to other applicable requirements contained in this ordinance.
- (1) Unattached structures for personal storage that are accessory to a permitted residential structure. The total building footprint for all accessory structures shall not exceed 1200 square feet. In manufactured home parks, 82-76 (b)(12), the accessory structure size is restricted to 120 square feet.
 - (2) Other accessory structures and uses that are incidental to the principal use, provided that the structure or use does not include any activity commonly conducted as a business.
 - (3) Home Occupations per Sec. 82-72 (f)
 - (4) Family Daycare Homes.
- (f) Dimensional Requirements. The following requirements apply to the High Density Residential District:

High Density Residential – HD Dimensional Requirements, Setbacks and Height		
	Dimensional Requirements	
Lot Width	75'	
Lot Area	16,200 Sq. Ft.	
Max Impervious Surface	35%	
Max Residential Density	N/A	
Setbacks	Principal	Accessory
Yards – Side & Front	10'	5'
Yards - Rear	25'	5'
Structure Height	35'	20'
Road set back: per Sec. 82-31	125' / 100' / 75'	
For accessory buildings less than 200 square feet, the minimum required side yard setback is 5 feet.		
Minor exempt structures are identified in Sec. 82-39(b)(1)		

Sec. 82-57. Mixed Use Commercial (MC)

- (a) Purpose. This district permits both residential and commercial uses and is designed to accommodate those areas of Calumet County with an existing desirable mixture of uses, or such a mixture of uses is desired. Typically, this district will be located within or near existing communities but it is also intended for outlying or smaller nodes of development. In addition, this district can be used as a transition between business centers and strictly residential areas. Recreational uses such as golf courses, resorts, multiple occupancy developments, marinas and restaurants are also served by this district.

(b) Permitted Uses	
Accessory Residences	Personal Service Establishments
Art Galleries	Post Offices
Banks	Private Lodges and Clubs
Bed and Breakfast Establishment 82-72 (h)	Professional Office/Studios
Boardinghouses 82-72 (i)	Public Boat Launching Facilities
Cemeteries	Restaurants or Taverns 82-72 (b)
Churches and Community Centers 82-74 (a)	Retail Stores/Showrooms
Duplexes	Single Family Residences
Farm Markets 82-71(a)	Taxi and Limousine Service
Laundromats and Laundry Service	Town Halls/Community Centers
Libraries/Museums	Travel Information Centers
Medical/Dental Clinics	Utility Facilities - Type A 82-77 (b)
Mobile Service Facilities/Mobile Service Support Structures 82-77(e)	Veterinarian Clinics
Model Homes	Zero Lot Line Duplexes 82-76 (d)
Parks and Recreational Trails	
(c) Site Plan Approval	
Auto Sales and Service Lot	Passenger Bus Terminals
Daycare Centers 82-72 (j)	Planned Residential Developments 82-76 (c)
Fire/Police Stations	Public Highway Garages
Greenhouses	Public and Private Schools
Home Business 82-72 (g)	Radio/TV Stations
Institutional Residential	Recreational Fishing Equipment Sales
Marinas/Excursion Boating/Charter Fishing	Recreational Vehicle Sales/Service or Model Home/Model Home Sales
Multiple Occupancy Developments 82-76 (d)	Retreat Centers
Municipal/Commercial Parking Lots	Ski Resorts
Non-commercial Communication Towers, Antennas, Transmitters 82-77 (d)	
(d) Conditional Uses	
Amusement Park	Lumber/Building Supply Yards
Auto Repair 82-72 (c)	Personal Transport Vendors
Commercial Storage Facilities 82-72 (e)	Wineries/Micro Breweries
Conference Facilities	Freight Terminals
Entertainment Facility 82-72 (m)	Sewage Disposal/Treatment Plants
Farm Implement Sales & Service	Temporary Concrete or Asphalt Batch Plants 82-73 (f)
Gas Stations 82-72 (l)	Outdoor Theatre
Grain Mills	Utility Facilities - Type B 82-77 (b)
Golf Courses	Roadside Stands
Hospitals	

- (e) Accessory Uses. The following uses are allowed in the MC district, subject to other applicable requirements contained in this ordinance.

- (1) Unattached structures for personal storage that are accessory to a permitted residential structure. The total building footprint for all accessory structures shall not exceed 1200 square feet.
 - (2) Other accessory structures and uses that are incidental to the principal use, provided that the structure or use does not include any activity commonly conducted as a business.
 - (3) Home Occupations per Sec. 82-72 (f)
 - (4) Family Daycare Homes.
 - (5) Residences accessory to a permitted use or approved conditional use.
 - (6) Urban Agriculture 82-71(b)
- (f) Dimensional Requirements. The following requirements apply to the Mixed Use Commercial District:

Mixed Use Commercial – MC Dimensional Requirements, Setbacks and Height		
	Dimensional Requirements	
Lot Width	100'	
Lot Area	20,000 Sq. Ft.	
Max Impervious Surface	50%	
Max Residential Density	N/A	
Setbacks	Principal	Accessory
Yards – Side & Front	10'	5'
Yards - Rear	15'	5'
Structure Height	35'	22'
Road set back: per Sec. 82-31	125' / 100' / 75'	
For accessory buildings less than 200 square feet, the minimum required side yard setback is 5 feet.		
Minor exempt structures are identified in Sec. 82-39(b)(1)		

Sec. 82-58. Commercial Center (CC)

- (a) Purpose. This district is intended to provide centers for commercial and mixed-use development and redevelopment. The district permits a wide variety of retail, service, and office uses and is intended to maintain the vitality of Calumet County’s commercial centers. It should be established for the main business districts of existing communities.

(b) Permitted Uses

Farm Markets 82-71(a)	Taxi and Limousine Service
Art Galleries	Veterinarian Clinics
Banks	Cemeteries
Bed & Breakfast Establishments	Churches and Community Centers 82-74 (a)
Boardinghouses 82-72 (i)	Libraries/Museums
Laundromats and Laundry Service	Post Offices
Medical/Dental Clinics	Town Halls/Community Centers
Model Homes	Travel Information Centers
Personal Service Establishments	Parks and Recreational Trails
Private Lodges and Clubs	Public Boat Launch Facilities
Professional Offices/Studios	Accessory Residences
Recreational Fishing Equipment Sales	Duplexes
Restaurants or Taverns 82-72 (b)	Utility Facilities - Type A 82-77 (b)
Retail Stores/Showrooms	Mobile Service Facilities/Mobile Service Support Structures 82-77(e)
(c) Site Plan Approval	
Auto Sales & Service Lot	Multiple Occupancy Developments 82-76 (d)
Conference Facilities	Municipal/Commercial Parking Lots
Commercial Fishing Facilities	Non-commercial Communication Towers, Antennas, Transmitters 82-77 (d)
Daycare Centers 82-72 (j)	Outdoor Theatre
Farm Implement Sales & Service	Passenger Bus Terminals
Fire/Police Stations	Public Highway Garages
Gas Stations 82-72 (l)	Public and Private Schools
Greenhouses	Radio/TV Stations
Home Business 82-72 (g)	Recreational Vehicle Sales/Service or Model Home/Model Home Sales
Hospitals	Retreat Centers
Institutional Residential	Ski Resorts
Lumber/Building Supply Yards	Wineries/Micro Breweries
Marinas/Excursion Boating/Fishing Charter	
(d) Conditional Uses	
Adult Entertainment Establishments 82-72 (k)	Roadside Stands
Animal Shelters and Pounds 82-77 (c)	Personal Transport Vendors
Auto Repair 82-72 (c)	Trade or Contractor Establishments 82-72 (d)
Amusement Park	Sewage Disposal/Treatment Plants
Commercial Storage Facilities 82-72 (e)	Slaughterhouses
Commercial Trucking Establishments	Temporary Concrete or Asphalt Batch Plants 82-73 (f)
Entertainment Facility 82-72 (m)	Wholesale Establishments and Distributorships 82-73 (g)
Grain Mills	Utility Facilities - Type B 82-77 (b)
Manufacturing, Assembly, Processing	

(e) Accessory Uses. The following uses are allowed in the CC district, subject to other applicable requirements contained in this ordinance.

- (1) Unattached structures for personal storage that are accessory to a permitted residential structure. The total building footprint for all accessory structures shall not exceed 1200 square feet.
- (2) Other accessory structures and uses that are incidental to the principal use, provided that the structure or use does not include any activity commonly conducted as a business.

- (3) Home Occupations per Sec. 82-72 (f)
- (4) Residences accessory to a permitted use or approved conditional use.
- (f) Dimensional Requirements. The following requirements apply to the Commercial Center District:

Commercial Center – CC Dimensional Requirements, Setbacks and Height		
	Dimensional Requirements	
Lot Width	65'	
Lot Area	10,000 Sq. Ft.	
Max Impervious Surface	75%	
Max Residential Density	N/A	
Setbacks	Principal	Accessory
Yards – Side & Front	10'	5'
Yards - Rear	15'	5'
Structure Height	35'	22'
Road set back: per Sec. 82-31	125' / 100' / 75'	
For accessory buildings less than 200 square feet, the minimum required side yard setback is 5 feet.		
Minor exempt structures are identified in Sec. 82-39(b)(1)		

Sec. 82-59. Light Industrial (LI)

- (a) Purpose. This district is intended to provide for small scale manufacturing, mini or low volume warehousing, and other light industrial operations. It is also intended that this district be used for the location of trade or contractor establishments, commercial storage facilities, and similar businesses. Such uses shall not be detrimental to the surrounding area or to the County as a whole by reason of noise, dust, smoke, odor, traffic or physical appearance, degradation of groundwater, or other nuisance factors. Such uses may be subject to requirements, which will reasonably ensure compatibility. This district can also be used for industrial or business parks.

(b) Permitted Uses	
Auto Repair 82-72 (c)	Recreational Fishing Equipment Sales
Farm Implement Sales & Service	Public Highway Garages
Commercial Storage Facilities 82-72 (e)	Fire/Police Stations
Animal Shelters and Pounds 82-77 (c)	Taxi and Limousine Service
Private Lodges and Clubs	Veterinarian Clinics
Professional Offices/Studios	Sawmills / Planing Mills 82-73 (a)

Radio/TV Stations	Temporary MET towers 82-77 (d)
Trade or Contractor Establishments 82-72 (d)	Utility Facilities - Type A 82-77 (b)
Recreational Vehicle Sales/Service or Model Home/Model Home Sales	Mobile Service Facilities/Mobile Service Support Structures 82-77(e)
Non-commercial Communication Towers, Antennas, Transmitters 82-77 (d)	
(c) Site Plan Approval	
Auto Sales & Service Lot	Home Business 82-72 (g)
Bulk Storage of Fuel Products	Laundromats and Laundry Service
Commercial Fishing Facilities	Manufacturing, Assembly, Processing
Commercial Trucking Establishments	Model Homes
Freight Terminals	Municipal/Commercial Parking Lots
Fruit/Vegetable/Cheese Processing Plants	Permanent MET Towers 82-77 (d)
Gas Stations 82-72 (l)	Retail Stores/Showrooms
Grain Mills	Temporary Concrete or Asphalt Batch Plants 82-73 (f)
Greenhouses	Wholesale Establishments and Distributorships 82-73 (g)
(d) Conditional Uses	
Adult Entertainment Establishments 82-72 (k)	Kennels 82-72 (a)
Airports 82-77 (a)	Nonmetallic Mining 82-73 (b)
Airstrips & Landing Fields, Commercial/Govt. 82-77 (a)	Resource Recovery Facilities 82-73 (e)
Airstrips & Landing Fields, Private 82-77 (a)	Salvage Yards 82-73 (c)
Ammunition Manufacturing and Wholesale Distribution	Sewage Disposal/Treatment Plants
Asphalt/Concrete Plants	Slaughterhouses
Entertainment Facility 82-72 (m)	Solid Waste Facilities 82-73 (d)
Fertilizer Distribution Plants	Utility Facilities - Type B 82-77 (b)

(e) Accessory Uses. The following uses are allowed in the Light Industrial district, subject to other applicable requirements contained in this ordinance.

- (1) Other accessory structures and uses that are incidental to the principal use, provided that the structure or use does not include any activity commonly conducted as a business.

(f) Dimensional Requirements. The following requirements apply to the Light Industrial District:

Light Industrial – LI Dimensional Requirements, Setbacks and Height		
	Dimensional Requirements	
Lot Width	200'	
Lot Area	1.5 ac.	
Max Impervious Surface	70%	
Max Residential Density	N/A	
Setbacks	Principal	Accessory
Yards – Side & Front	40'	25'
Yards - Rear	50'	25'

Structure Height	50'	45'
Road set back: per Sec. 82-31	125' / 100' / 75'	
For accessory buildings less than 200 square feet, the minimum required side yard setback is 5 feet.		
Minor exempt structures are identified in Sec. 82-39(b)(1)		

Sec. 82-60. Industrial (I)

- (a) Purpose. This district is intended to provide for heavy manufacturing, large scale warehousing, and other intense industrial operations. It is also intended that this district be used for the location of large scale trade or contractor establishments, commercial storage facilities, and similar businesses. Such uses shall not be detrimental to the surrounding area or to the County as a whole by reason of noise, dust, smoke, odor, traffic or physical appearance, degradation of groundwater, or other nuisance factors. Such uses may be subject to requirements, which will reasonably ensure compatibility. This district can also be used for industrial or business parks.

(b) Permitted Uses	
Commercial Trucking Establishments	Sawmills / Planing Mills 82-73 (a)
Commercial Storage Facilities 82-72 (e)	Taxi and Limousine Service
Farm Implement Sales & Service	Fire/Police Stations
Grain Mills	Temporary MET Towers 82-77 (d)
Lumber/Building Supply Yards	Permanent MET Towers 82-77 (d)
Radio/TV Stations	Non-Commercial Communication Towers, Antennas, Transmitters 82-77 (d)
Recreational Vehicle Sales/Service or Model Home/Model Home Sales	Utility Facilities - Type A 82-77 (b)
Trade or Contractor Establishments 82-72 (d)	Utility Facilities - Type B 82-77 (b)
Freight Terminals	Mobile Service Facilities/Mobile Service Support Structures 82-77(e)
Fruit/Vegetable/Cheese Processing Plants	Auto Repair 82-72 (c)
Manufacturing, Assembly, Processing	
(c) Site Plan Approval	
Auto Sales & Service Lot	Home Business 82-72 (g)
Animal Shelters and Pounds 82-77 (c)	Municipal/Commercial Parking Lots
Asphalt/Concrete Plants	Resource Recovery Facilities 82-73 (e)
Adult Entertainment Establishments 82-72 (k)	Salvage Yards 82-73 (c)
Bulk Storage of Fuel Products	Sewage Disposal/Treatment Plants
Fertilizer Distribution Plants	Slaughterhouses
Gas Stations 82-72 (l)	Solid Waste Facilities 82-73 (d)
Greenhouses	Temporary Concrete or Asphalt Batch Plants 82-73 (f)
	Wholesale Establishments and Distributorships 82-73 (g)
(d) Conditional Uses	
Airports 82-77 (a)	Ammunition Manufacturing and Wholesale Distribution
Airstrips & Landing Fields, Commercial/Government 82-77 (a)	Nonmetallic Mining 82-73 (b)
Airstrips & Landing Fields, Private 82-77 (a)	

- (e) Accessory Uses. The following uses are allowed in the Industrial district, subject to other applicable requirements contained in this ordinance.

- (1) Other accessory structures and uses that are incidental to the principal use, provided that the structure or use does not include any activity commonly conducted as a business

(f) Dimensional Requirements. The following requirements apply to the Industrial District:

Industrial – I Dimensional Requirements, Setbacks and Height		
	Dimensional Requirements	
Lot Width	300'	
Lot Area	2 ac.	
Max Impervious Surface	75%	
Max Residential Density	N/A	
Setbacks	Principal	Accessory
Yards – Side & Front	50'	50'
Yards - Rear	100'	50'
Structure Height	50'	45'
Road set back: per Sec. 82-31	125' / 100' / 75'	
For accessory buildings less than 200 square feet, the minimum required side yard setback is 5 feet.		
Minor exempt structures are identified in Sec. 82-39(b)(1)		

Sec. 82-61. Natural Area (NA)

- (a) Purpose. This district is intended to conserve the existing, mostly undeveloped natural areas of Calumet County. The district may be used in upland areas adjacent to, or surrounded by wetland areas, or in other areas where natural features are considered significant. To conserve these areas, commercial and industrial uses are disallowed, but general agricultural, passive recreational, and some institutional uses are permitted. This district may also include wetland areas. All wetland areas in this district, which lie in a shoreland area, are subject to the use restrictions identified in Chapter 52, Shoreland Zoning.

(b) Permitted Uses	
Camping 82-75 (b)	Mobile Service Facilities/Mobile Service Support Structures 82-77(e)
Cemeteries	Parks and Recreational Trails
Churches and Community Centers 82-74 (a)	Public Boat Launch Facilities
General Agriculture	Utility Facilities - Type A 82-77 (b)
(c) Conditional Uses	
Bed & Breakfast Establishments	Personal Transport Vendors
Campgrounds and Trailer Camps 82-75 (a)	Public and Private Schools
Commercial Fishing Facilities	Retreat Centers
Commercial Riding Stables 82-75 (c)	Sawmills / Planing Mills 82-73 (a)

Farm Related Residences	Ski Resorts
Greenhouses	Travel Information Centers
Gun Clubs/Shooting Ranges 82-75 (d)	Utility Facilities - Type B 82-77 (b)
Institutional Recreation Camps	Wineries/Micro Breweries

- (d) Accessory Uses. The following uses are allowed in the GA district, subject to other applicable requirements contained in this ordinance.
- (1) Unattached structures for personal storage that are accessory to a permitted residential structure. The total building footprint for all accessory structures shall not exceed 3200 square feet.
 - (2) Other accessory structures and uses that are incidental to the principal use, provided that the structure or use does not include any activity commonly conducted as a business.
 - (3) Home Occupations per Sec. 82-72 (f)
- (e) Dimensional Requirements. The following requirements apply to the Natural Area District:

Natural Area - NA Dimensional Requirements, Setbacks and Height		
	Dimensional Requirements	
Lot Width	600'	
Lot Area	20 ac.	
Max Impervious Surface	15%	
Max Residential Density	1/20	
Setbacks	Principal	Accessory
Yards – Side & Front	25'	25'
Yards - Rear	50'	50'
Structure Height	35'	25'
Road set back: per Sec. 82-31	125' / 100' / 75'	
For accessory buildings less than 200 square feet, the minimum required side yard setback is 5 feet.		
Minor exempt structures are identified in Sec. 82-39(b)(1)		
See Sec. 82-33 for setbacks related to barnyards, feedlots, manure pits and farm structures housing animals.		

Sec. 82-62. Wetland (W) (OVERLAY DISTRICT)

- (a) Purpose. This overlay district is intended to prevent the destruction and depletion of Calumet County's wetlands; protect watercourses and navigable waters and the public rights therein; to maintain the purity of water and lakes and streams and to prevent pollution thereof; and to protect spawning grounds, fish, and habitat for wild flora and fauna. Furthermore, this district is intended to prevent the changing of the natural character of wetlands. The Wetland district boundaries are intended to follow the delineations on the Wisconsin Wetland Inventory Maps

for all wetlands in excess of 2 acres in size. Wetlands less than 2 acres in size may appear as a wetland symbol on the zoning map, but may not necessarily be mapped as being in the Wetland Overlay District. The regulations pertaining to the Wetland Overlay District are in addition to the regulations in the base underlying zoning district and Chapter 52 – Shoreland Zoning of the Calumet County Code. The most restrictive requirements identified within the Wetland Overlay and Base Zoning District shall apply.

(b)	Permitted Uses
(1)	<i>No Permit, No Disturbance.</i> Uses which do not require the issuance of a zoning permit, which must be carried out without any filling, draining, flooding, dredging, ditching, tiling or excavating.
	A. Hiking, fishing, trapping, hunting, swimming and boating.
	B. The harvesting of wild crops such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds in the manner that is not injurious to the natural reproduction of such crops.
	C. The pasturing of livestock.
	D. The cultivation of the agricultural crops.
	E. The practice of silviculture, including the planting, thinning and harvesting of timber.
	F. The construction or maintenance of duck blinds and deer stands.
(2)	<i>No Permit, Limited Disturbance.</i> Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating, but only to the extent specifically provided below.
	A. Temporary water and stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.
	B. The cultivation of cranberries including flooding, dike and dam construction, or ditching necessary for the growing and harvesting of cranberries.
	C. The maintenance and repair of existing agricultural drainage systems where permissible by s. 30.20, Wis. Stats., including ditching, tiling, dredging, excavating, and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredge spoil adjacent to the drainage system, provided that the filling is permissible by Ch. 30, Wis. Stats., and that the dredge spoil is placed on existing spoil banks where possible.
	D. The construction or maintenance of fences for pasturing livestock, including limited excavating and filling necessary for such construction or maintenance.
	E. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance.
	F. The maintenance, repair, replacement, or reconstruction of existing town and County highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.
(3)	<i>Permit Required.</i> Uses, which require the issuance of a regular zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating, but only to the extent specifically provided below.
	A. <i>Roads.</i> The construction and maintenance of roads, which are necessary to conduct silvicultural activities or agricultural cultivation, subject to the following conditions:
	1. The road cannot, as a practical manner, be located outside the wetland.
	2. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland.
	3. The road is designed and constructed with the minimum cross section to serve the intended use.
	4. Road construction activities are carried out in the immediate area of the roadbed only.
	5. Roads in the EAW district must meet the requirements of s.91.46(4), Wis. Stats.
	B. <i>Buildings.</i> The construction and maintenance of non-residential buildings, subject to the following conditions:

	1.	The building is essential for and is used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals or some use permitted in the Wetland district.
	2.	The building cannot, as a practical matter, be located outside the wetland.
	3.	Such building is not designed for human habitation and does not exceed 500 square feet in floor area.
	4.	Only limited filling or excavating necessary to provide structural support for the building shall be allowed.
	5.	Buildings in the EAW district are permitted uses if they meet the requirements of s.91.44, Wis. Stats., or, permitted as conditional uses if they meet the requirements of s.91.46, Wis. Stats.
C.		<i>Recreational and Misc. Uses.</i> The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, and public boat launching ramps and attendant access routes, subject to the following:
	1.	Any private wildlife habitat area shall be used exclusively for that purpose.
	2.	Filling or excavating necessary for the construction and maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in par. (3), sub. A., <i>Roads</i> .
	3.	Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, and game preserves and private wildlife habitat areas is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
	4.	In the EAW, such uses are only allowed provided they also meet the requirements of s.91.46(5), Wis. Stats.
D.		<i>Utilities.</i> The construction or maintenance of electric, gas, telephone, water and sewer transmission distribution facilities by public utilities and cooperative associations organized for the purpose of producing or furnishing such services to their members and the construction or maintenance of railroad lines subject to the following standards:
	1.	The transmission and distribution facilities of railroad lines cannot, as a practical matter, be located outside the wetland.
	2.	Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural function of the wetland.
	3.	In the EAW district, such uses are only allowed provided they meet the requirements of s.91.46, Wis. Stats.
(c)		<i>Prohibited Uses.</i> Any use not listed in Sec. 82-24(d), subs. (1) through (3), <i>Uses Pertaining to the Wetland District</i> , is prohibited, unless the wetland or the portion of the wetland has been rezoned by amendment of this chapter in accordance with this chapter and s. 59.69(5)(e), Wis. Stats., additionally for the EAW district, Ch. 91.

Sec. 82-63 - Sec. 82-68. Reserved.

ARTICLE V. PARTICULAR USE REQUIREMENTS

Sec. 82-69. Purpose.

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

Sec. 82-70. Applicability.

In addition to complying with other regulations established in this chapter, these requirements must be met for each specific use as a condition to a regular zoning permit. Uses listed as a conditional use or site plan review shall also follow these established requirements unless the Calumet County Planning, Zoning and Farmland Preservation Committee finds that compelling evidence, provided by the applicant, shows that a reduction in standard(s) will not be contrary to the public interest and will not be detrimental or injurious to the public health, public safety, or character of the surrounding area.

Sec. 82-71. Agricultural Use Requirements.

(a) *Farm Markets.*

- (1) *Products.* Such use shall principally involve the sale of farm and garden products, but other types of merchandise may be sold, provided such merchandise occupies not more than 30% of the indoor and outdoor display area of the farm market.
- (2) *Parking.* At least 1 off street parking space shall be provided for each 200 square feet of indoor and outdoor display area. All parking shall be provided in accordance with Article VI., *Parking, Loading and Access Requirements.*

(b) *Urban Agriculture.*

- (1) *Chickens.* No more than 6 chickens are permitted on a property; roosters are prohibited.
- (2) *Rabbits.* No more than 12 adult rabbits are permitted on a property.
- (3) *Bees.* No more than 3 standard hives (colony) are permitted on a property.
- (4) *Urban Agriculture Conditions:*
 - A. A Zoning Permit is required for the raising and keeping of chickens, rabbits, and bees. A permit may be revoked for failure to comply with provisions of the zoning code and, once revoked, shall not be reissued.
 - B. No animal or hive shall cause any nuisance, unhealthy condition, public threat or otherwise interfere with the normal use of property or enjoyment of life by humans or animals.
 - C. Animals shall be provided a sanitary and adequately-sized, covered enclosure, or coop, and shall be kept in the enclosure or a sanitary and adequately-sized and fenced enclosure, or yard, at all times.
 - D. Animals raised and kept on the property for food shall not be slaughtered outdoors and products produced shall not be sold on premise.
 - E. Animals and hives are not permitted within a front yard area.

- F. A covered enclosure, coop or hive shall be setback at least 40 feet from any neighboring residence.
- G. A covered enclosure, coop or hive shall be setback at least 15 feet from any side or rear property line.
- H. A flyway zone shall be created for hives to ensure bees enter and leave the hive in a vertical manner.
- I. Properties where animals are kept shall be kept in a sanitary condition.

Sec. 82-72. Commercial Use Requirements.

(a) ***Kennels.***

- (1) *Hours.* All dogs shall be housed indoors during the hours from 9 p.m. to 6 a.m.
- (2) *Setbacks.* The animal housing units shall be setback at least 200 feet from the side and rear lot lines.
- (3) *Buffers.* All kennels shall be screened from public roads, except that kennels located at least 200 feet from the centerline of public roads are exempt from the public road screening requirement.
- (4) Animals shall be provided a sanitary and adequately-sized covered enclosure and shall be kept in the enclosure or a sanitary and adequately-sized and fenced enclosure at all times.
- (5) Properties shall be kept in a sanitary condition.

(b) ***Restaurants and Taverns.***

- (1) *Setbacks.* If unenclosed seating areas are provided, the seating areas shall be setback twice the distance of the side yard and rear yard requirements for principal structures specified in Article IV, *Zoning District Requirements*. Seating areas shall meet all front yard setbacks.
- (2) *Screening.* All unenclosed seating areas shall be screened from adjacent residential properties by a vegetative screening as described in Sec.82-37, *Landscape Buffers*.
- (3) *Lighting.* Lighting fixtures intended to illuminate unenclosed seating areas shall be placed no higher than 14 feet above the ground and shall be directed and/or hooded such that no light shall be cast upon adjacent properties or upon public roads.
- (4) *Access.* Unenclosed seating areas shall be accessed only through the principal building to which it receives services.

- (5) *Music.* If live music or disc jockey services are to be provided, an acoustic sound barrier shall be installed in the building, and, there shall be no live music or disc jockey services permitted outside the building or transmitted outside the building. Recorded music, played through a satellite receiver, or similar device, may be transmitted outside the building via no more than two speakers, which are positioned away from adjacent properties.

(c) ***Auto Repair.***

- (1) *Repairs.* Only vehicular repair shall be allowed.
- (2) *Storage.* The storage of salvage vehicles is prohibited.
- (3) *Location of Work.* All repair, painting, parts storage and bodywork activities shall take place within a building.
- (4) *Location of Storage.* All damaged or non-operable parts shall be stored indoors or in storage containers. If stored outside in storage containers the containers shall be screened from view from the public right-of-way and adjacent properties.
- (5) *Parking.* The only vehicles allowed to be parked on the site are those vehicles used by employees and vehicles owned by customers awaiting service. No vehicle awaiting service shall be on the property more than 4 days prior to receiving service.
- (6) *Waste and By-Products.* A descriptive indicating how waste oil and other chemicals will be disposed of shall be approved by the Calumet County Emergency Management Coordinator and followed accordingly.

(d) ***Trade or Contractor Establishments.***

- (1) *Storage and Parking.* Except in the Light Industrial and Industrial districts, all outside storage areas and parking of trucks and machinery used in conjunction with the establishment shall be screened from all adjacent properties and public roads by a fence or vegetative screening, as described in Sec. 82-37, *Landscape Buffers*.

(e) ***Commercial Storage Facilities.***

- (1) *Setbacks.* Except in the Light Industrial and Industrial districts, all buildings shall be located a minimum of 50 feet from all lot lines. In the Light Industrial and Industrial districts, the yard requirements listed in *Article IV, Zoning District Requirements*, shall apply.
- (2) *Use.* Commercial storage facilities shall not be used as workshops or retail shops.
- (3) *Storage.* Outside storage shall be prohibited.

(f) ***Home Occupations.***

- (1) *Number.* Only one home occupation shall be permitted on a lot.

- (2) *Location and Size.* Home occupations shall be conducted only inside a dwelling unit and shall not occupy more than an area equal to 20% of the floor area of the dwelling unit.
- (3) *Operator.* The home occupation shall be conducted by a resident of the dwelling unit. Such use shall not employ more than 1 person that is not a resident of the dwelling unit.
- (4) *Sales.* Such use shall not include the conduct of any retail or wholesale business on the premises, except for the sale of services provided or products produced by the home occupation. The sale of products to maintain the good or service produced on the property is allowed, provided said sales do not total more than 10 percent of the annual sales of the home occupation.
- (5) *Nuisance.* Such use shall not include the operation of any machinery, tools, appliances, or other operational activity that would create a nuisance due to the noise, dust, odors, or vibration, or be otherwise incompatible with the surrounding area.
- (6) *Parking.* A minimum of one off-street parking space shall be provided for a home occupation.
- (7) *Signage.* One on-premise sign shall be permitted not to exceed four square feet in sign face area.
- (8) *Use.* The use of a dwelling unit 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 unit.

(g) ***Home Business.***

- (1) *Number.* No more than two home businesses shall be permitted on a lot.
- (2) *Location and Size.* A home business shall occupy no more than 40% of the floor area of the dwelling unit or 100% of an accessory building up to the total area of the home floor area of the dwelling unit.
- (3) *Operator.* The home business shall be conducted by a resident of the dwelling unit. One additional person that is not a resident may be employed by each home business.
- (4) *Sales.* Only finished consumer goods that have been produced in connection with a home business may be offered for sale. However, the sale of products to maintain the good or service produced on the property is allowed, provided said sales do not total more than 5 percent of the annual sales of the home occupation.
- (5) *Parking.* Off-street parking shall be provided in accordance with the requirements in Article VII., *Parking and Access Requirements.*

(6) *Signage.* One on-premise sign shall be permitted not to exceed twelve square feet in sign face area.

(h) ***Bed and Breakfast Establishments.***

(1) *Safety.* All bed and breakfast establishments with sleeping rooms above the ground floor shall provide an outside fire escape or escape balcony from an area accessible to the occupants of the upper floor(s) and appropriate exit signs.

(i) ***Boardinghouses.***

(1) *Number.* There shall be no more than 4 sleeping rooms provided for boarding.

(2) *Safety.* All boarding houses with sleeping rooms above the ground shall provide an outside fire escape or escape balcony from an area accessible to the occupants of the upper floor(s) and appropriate exit signs.

(3) *Size.* All lot size and other dimensional requirements for single family residences shall be met.

(j) ***Daycare Centers.***

(1) *Access.* Pickup and drop off areas shall not be located within any public road right-of-way.

(2) *Play Area.* Daycare centers shall provide at least 100 square feet of outdoor play area per child.

(3) *Safety.* Outdoor play areas shall be enclosed by a wall or fence and shall be separated from vehicular circulation and parking areas.

(k) ***Adult Entertainment Establishments.***

(1) *General Provisions.*

A. *Number.* Only 1 adult entertainment establishment shall be permitted on a parcel. Said establishment shall be at least 1320' from another adult entertainment establishment.

B. *Setbacks.* An adult entertainment establishment shall be a minimum of 330' from land located in a Mixed Use Commercial district; 660' from land located in a Wetland, Exclusive Agricultural Wetland, Natural Area, Exclusive Agricultural, General Agricultural, Heartland, or Small Estate Residential district; and 990' from land located in a Single Family Residential-20,000, Single Family Residential-10,000, High Density Residential, or Recreational Commercial District; and, an establishment shall be at least 3000' from a church, school, daycare center, or public park.

C. *Beverages.* There shall be no sale of intoxicating beverages on the premises.

- D. *Lighting.* Exterior lighting shall be sufficient to ensure all parking is well lit but shall use hoods and lens which cast light downward.
- E. *Lights.* There shall be no flashing, scrolling, animated or traveling lights visible from outside the building.
- F. *Laws.* The owner and/or operator of the establishment shall agree to comply with all State, Federal, and local laws and ordinances, including obscenity, liquor and cabaret laws, and shall further insure that minors are not permitted on the premises.
- G. *Hours.* The hours of operation for an establishment shall not extend beyond the hours of operation for a tavern in the municipality where the establishment is located.
- H. *Visibility.* No nudity or specified sexual activity, as defined by this chapter, shall be visible beyond the confines of the building housing the establishment.
- I. Adult entertainment establishments shall only be permitted by conditional use permit in the Commercial Center and Light Industrial districts and by site plan review in the Industrial district.

(l) **Gas Stations.**

- (1) *Lot Size.* The parcel shall have a lot area no less than 3 times the area of the building(s) footprint.
- (2) *Gas Pumps.* All gas pumps shall be in islands and shall have a canopy above. Said structures are deemed appurtenant to the principal building and shall meet the setbacks for principal structures in the applicable zoning district.
- (3) *Access and Parking.* A transportation management plan shall be submitted to address access, off-street parking, loading and unloading, traffic control and the impact of the facility on surrounding roadways. Said plan is subject to review by both the County and the local unit of government where the facility is to be established.
- (4) *Lighting.* All lighting shall utilize hoods and lens which cast light downward.
- (5) *Storage.* All areas used for the storage of trash disposal shall be fully screened by a closed fence, which is locked when the trash is not being attended.
- (6) *Miscellaneous Uses.* Car washes, restaurants and/or convenience retail areas are permitted as accessory uses provided they meet the setbacks required for the principal use on the lot.

(m) **Entertainment Facility.**

- (1) All entertainment facilities shall contain all sound above 52 dB(A) from the entertainment within the confines of the property unless specifically permitted or restricted by conditional use permit.

- (2) No music from inside the building shall be transmitted to outside the building by or through the use of loudspeakers, amplification, or any other type of public address system, or by means of leaving open doors or windows.
- (3) The only music permitted outside the entertainment facility building shall be acoustic music produced by acoustical instruments and shall be unplugged and non-amplified. Microphones may only be used to amplify a human voice.
- (4) Unless specifically permitted or restricted by conditional use permit, no outdoor entertainment may proceed prior to 11:00 a.m. and all outdoor entertainment shall cease prior to 11:00 p.m.
- (5) Any outdoor seating associated with the entertainment facility shall be fenced to prevent minors or non-paying patrons from accessing the entertainment and any alcohol sales associated with the facility.
- (6) All lights shall use hoods and lenses that cast light downward and shall be contained on site.
- (7) If there are homes within 500 feet of the entertainment facility, a solid vegetative screen, capable of reaching a height of fifteen feet in five years, shall be installed around the perimeter of the property, excepting for entrances, exits, navigable water and public roads.
- (8) Signs shall be posted to prevent patrons from trespassing, urinating or littering on adjacent private properties.

Sec. 82-73. Industrial Use Requirements.

(a) *Sawmills / Planing Mills.*

- (1) *Setbacks.* Such uses shall be located a minimum distance of 500 feet from any dwelling unit other than that of the owner or operator of the establishment.
- (2) *Noise.* No sawmill or planing mill shall produce a sound level at its property boundary that exceeds 55 decibels.
- (3) *Stockpiling.* Areas used for stockpiling and maneuvering shall be a minimum distance of 200 feet from any dwelling unit other than that of the owner or operator of the establishment.

(b) *Nonmetallic Mining.*

- (1) *Purpose.* The purpose of these regulations is to promote public health, safety and general welfare; protect the demand for and economical extraction of nonmetallic minerals; permit the development and utilization of nonmetallic mineral resources in a manner compatible with neighboring land uses; preserve environmentally sensitive areas, such as the south Branch of the Manitowoc River corridor, and the Niagara

Escarpment, which is a unique geological formation; avoid the degradation of existing private and public water supplies; and, to minimize potential adverse environmental impacts of nonmetallic mining operations through the use of best management practices.

- (2) *Application.* In addition to the application requirements of Sec. 82-133, *Conditional Use Permits*, all applications for a proposed nonmetallic mining operation shall include the following information:

A. *General Information.*

1. The name and mailing address of the property owner(s), and operator, if different from the owner and the name, address and phone number of the designated contact person for the applicant.
2. The name, address and phone number of an individual who is responsible for the daily operation and maintenance of the site.
3. A signed statement the applicant, owner or operator, if different, is familiar and will be in compliance with the provisions of this section, including the responsibility to pay the required fees and any possible citations, if imposed for a violation, for the administration and effective enforcement of this section.

B. *Site Plan.* A site plan, drawn at a scale of 1" = 200' which produces a clearly legible drawing, which shall include the following:

1. North point, scale, and date.
2. Property boundaries of the operators owned and/or leased land.
3. Location and boundaries of the nonmetallic mining site, including extent of the area to be excavated, related storage, stockpiling and processing areas, the progression of all activities throughout the duration of the permitted activity, and areas where nonmetallic mining refuse is to be deposited.
4. Location of all access points, roads, rights-of-way, and utility easements on or abutting the property.
5. Location of all structures within 500 feet of the mining site.
6. Location and direction of flow of both ground and surface water on or within 300 feet of the mining site, and, the disposition of both ground and surface water. Said location and direction to be portrayed graphically. Maps prepared by the County or State may be used to satisfy this requirement. Maps that are not prepared by the County or State shall be prepared by a qualified professional engineer, geologist or hydrologist.

7. A topographic map, with a contour interval of not more than 2 feet, of the proposed mining site and the area within 300 feet of the mining site.
8. Areas to be used for drainage and erosion control management or sedimentation ponds, if any.
9. Proposed parking areas, signs, and fencing, including a description of the purpose of the fencing.
10. Typical cross section of the site showing the water table.
11. All wetlands on the property shall be staked in the field and identified on the site plan.

C. *Operation Plan.* An operation plan, which shall include a description of the proposed nonmetallic mining operation and methods and procedures to be used in mining the site. The operation plan shall also include the following:

1. A legal description and general location map of the tracts of land involved. If property lines are vague or disputed, the property shall be surveyed and marked by the applicant.
2. The approximate date of the commencement of the operation.
3. Type of mining, processing, and transportation equipment to be used.
4. Estimated type and amount of materials to be extracted.
5. Roads and drives to be used on site, including all points of ingress and egress, and, all primary transportation routes to transport material to State or Federal highways. Access to roads shall not be approved unless written consent is provided by the local jurisdiction.
6. Estimated number of truckloads per day, and estimated weight of material per truckload.
7. Operational measures to be taken to minimize noise, dust, air contaminants, and vibrations.
8. Operational measures to be taken to prevent groundwater and surface water degradation.
9. Measured or estimated depth to groundwater and general groundwater flow direction at the site. Information from the Calumet County groundwater flow maps and aquifer susceptibility maps shall be referenced. If excavations below the water table are to occur,

operational measures to be taken to prevent entry of contaminants into the groundwater.

10. Operational measures to be taken to stabilize topsoil and other material stockpiles.
11. Operational measures to be taken to ensure no wetland is disturbed, unless written approval to disturb the wetland(s) is secured from the U.S. Army Corps of Engineers or the Wisconsin Department of Natural Resources.

D. *Drainage and Erosion Control Plan.*

1. All nonmetallic mining operations shall comply with all Wis. State Stats. and the Wis. Admin. Code provisions regulating erosion control measures and water drainage and discharge from the mining site.
2. All nonmetallic mining operations shall comply with Chapter 10, Article II, of the *Calumet County Code of Ordinances* (the *Calumet County Construction Site Erosion Control Ordinance*) and Chapter 10, Article III, of the *Calumet County Code of Ordinances* (the *Calumet County Post Construction Stormwater Management Ordinance*), as applicable.
3. Copies of all required local, County, State or Federal erosion control or runoff management permits shall be submitted to the County prior to the beginning of mining activities.

E. *Reclamation Plan.*

1. At the time of application for the conditional use permit the applicant shall have a Draft Reclamation Plan developed in accordance with specifications provided by the Land and Water Conservation Department. If the conditional use permit is granted, the applicant shall submit a Final Reclamation Plan to the Land and Water Conservation Department, which has been approved by the Department, prior to beginning mining activities.

F. *Lease(s).* If the mining site is leased to the operator, a letter, which authorizes the operator to enter upon the lessors land for the purpose of nonmetallic mining.

G. *Insurance.*

1. The applicant shall submit a certificate of insurance identifying the County and its elected officials, employees and agents as additional insureds with the following minimum coverage limits:

- a.) Comprehensive General Liability Insurance, including blanket contractual liability insurance, insuring the applicant's obligation to indemnify the County against liability for personal injury, including death of persons resulting from injuries occurring on or in any way related to the use in the amount of \$1 million per occurrence, with the combined aggregate of \$2 million.
- b.) Comprehensive General Public Liability Insurance against claims for bodily injury, death or property damage, occurring on, in, or about the permitted premises of not less than \$1 million with respect to bodily injury or death to any one person, with the combined aggregate of \$2 million.

H. *Additional Information.* By written request the Planning, Zoning and Farmland Preservation Committee may require submittal of such other information as may be necessary to determine the nature of the nonmetallic mining operation and proposed reclamation and the effect on the surrounding area.

(3) *General Requirements.*

- A. *Setbacks.* The setbacks in this section shall apply to all nonmetallic mining activity including the storage of waste materials, stockpiling, inventory, and equipment. The Committee may require greater setbacks for sand and gravel operations in order to protect the integrity of the sloped perimeters from erosion. Berms or other methods of landscaping are exempt from these setbacks.
 - 1. The nonmetallic mining operation shall be located at least 50 feet from all exterior lot lines and at least 100 feet from public road centerline or 25 feet from the road right-of-way, whichever is greater. Adjoining non-metallic mining operations are not subject to the exterior lot line setback for the lot line that is shared by those operations, if agreed to by the adjoining landowner or operator.
 - 2. No nonmetallic mining operation shall be conducted within 500 feet of a dwelling unit other than that of the owner or operator, unless written permission from the property owner has been obtained by the owner or operator.
 - 3. No nonmetallic mining operation shall be less than 1200 feet from the perimeter or the property line of an active, inactive or abandoned landfill, unless a hydrogeologic study demonstrates that groundwater contamination will not occur as a result of the activity nor will groundwater flow be disrupted.
- B. *Hours of Operation.* Nonmetallic mining operations of whatever the nature are limited to the hours of 6 a.m. to 6 p.m., Monday through Friday, and 6

a.m. to 2 p.m. on Saturday. Maintenance is allowed outside the approved hours of operation. The hours of operation restrictions may be adjusted to address special circumstances or demonstrated problems by the Committee after notice and a public hearing.

- C. *Dust Control.* The operator shall use industry best management practices in its efforts to control and minimize fugitive dust, including one of the following: landscaped earthen berms, paved entrance roadways, standard methods of water spray, dust covers on transfer points, and contract sweeping, if needed.
- D. *Noise Control.* The applicant shall comply with all applicable noise regulations and industry recommendations, provided such recommendations are not cost prohibitive.
- E. *Vibration and Blasting.* The nonmetallic mining operation and activities shall comply with all Wisconsin State Statutes and Wisconsin Administrative Code provisions pertaining to blasting activities. Upon request by the County, the operator shall submit the blasting logs to the County.
- F. *Groundwater Monitoring.*
 - 1. *Baseline Testing.* The applicant shall send a certified letter to all neighboring properties located within 1000 feet of the proposed perimeter of the operation that have an assessed structure in excess of a value of \$1000. The letter shall notify the owner of the owner's right to have a baseline well test performed within 30 days of receipt of the letter on the landowner's well at the operator's expense. The Baseline test shall include testing for bacteria, turbidity and drawdown. The applicant shall provide a copy of all test results to the owner and County within 10 days of receiving the results.
 - 2. *Subsequent Testing.* If subsequent test results show that the well is not suitable for use as a result of the mining activity, the applicant shall take all reasonable steps to alleviate any problems including, but not limited to, immediately providing a temporary water source, well repair, or code compliant well replacement. In no case shall bottled water be provided as a permanent solution.
 - 3. Wells that were not included in the baseline testing, due to the installation date, or an owner indicating a willingness to be exempt from the baseline testing, are not subject to these provisions.
- G. *Home Inspections.*
 - 1. To ensure dwellings and structures are not damaged from blasting or vibration, the applicant or their designee shall comply with Wisconsin Administrative Code, Chapter SPS 307, Explosives and Fireworks.

2. The applicant shall maintain a list of all complaints of damage and submit the log to the County upon request. The log shall be accompanied by a descriptive of the applicant's follow-up action.

H. *Spill Prevention.*

1. The applicant shall comply with the applicable State and Federal requirements regarding chemical storage and handling and spill response.
2. All mining operations shall comply with Sec. 18-40 of the *Calumet County Code of Ordinances* (the *Calumet County Illicit Discharge Ordinance*).

I. *Limits of Operation.*

1. For permitted operations which predate this chapter, the extent of mining activity shall be limited to the parameters approved by the original permit.
2. If the mining activity predated the adoption of zoning in the town in which the mining activity is located, the mining activity can continue up to, but not extend past, the lot lines of the tract of land upon which the activity was occurring at the time of adoption of this chapter.

J. *Dumping Prohibited.* The owner and/or operator of a nonmetallic mining operation shall not place, or allow to be placed, junk material into or outside of the nonmetallic mining site.

K. *Landscaping and Screening.* A berm shall be installed around the perimeter of the operation, except for entrances and exits, in compliance with the following:

1. The berm shall be installed within 14 days of stripped overburden and topsoil becoming available from the quarry site or from suitable outside sources. The berm can be installed in phases as material becomes available.
2. Only clean overburden from the mining site or suitable outside sources shall be used in constructing the berm.
3. The berm shall be at least 10 feet above the surface of the center of the adjacent public road or property line.
4. The berm shall be constructed so as to not result in flooding, concentrated runoff, inadequate drainage or excessive erosion or sedimentation.

(4) *Permits.*

- A. *Permit Review.* Provided the application demonstrates compliance with the provisions of this section, a conditional use permit application shall be scheduled for a public hearing and processed accordingly with Sec. 82-133, *Conditional Use Permits*. When reviewing the application, the Committee shall consider, as a minimum, the following:
1. The appropriateness of the proposed operation in relation to the existing nearby land uses.
 2. Any applicable recommendations of the *Natural Resources Conservation Service Technical Guide*.
 3. The effect of the proposed operation upon existing private and public water quality and quantity.
 4. The economic impact of the proposed operation on private enterprises and local government (e.g. road repair expenses).
 5. The effect of the proposed operation on public health and safety.
 6. The location of, and effect upon, the proposed operation with respect to floodplains, floodways, drainage paths, and shorelands.
 7. Evidence no wetlands will be filled or negatively impacted as a result of the mining activity.
 8. For operations located in an Exclusive Agricultural district, said operation shall also satisfy the requirements of s. 91.47(6), Wis. Stats.
- B. *Duration, Renewal and Transfer of Permit.* Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the Committee may impose conditions such as duration, transfer or renewal in addition to other conditions identified in this ordinance. Upon transfer or change of ownership, a new owner assumes the responsibility outlined in the conditional use permit or conditions thereof as imposed by the Committee.

(5) *Mining Site Enlargement.* Any proposed mining site enlargement shall be processed as a new application pursuant to this section. All provisions of this section shall apply to the proposed enlargement.

(6) *Failure to Open and Operate.* Failure of an operator to take substantial steps to open and operate a mining site within 1 year of the initial permit issuance shall invalidate the permit.

(c) *Salvage Yards.*

- (1) *Setbacks.* Salvage materials shall not be located within 600 feet of a public road right-of-way and shall be setback from all side and rear yards a minimum of 100 feet.
 - (2) *Environmental Protection.* Salvage materials shall not be located in a wetland, floodplain, or on karst features considered highly susceptible to groundwater contamination, as determined by the Calumet County Water Resource Specialist.
 - (3) *Screening.* Salvage materials shall be enclosed by a suitable fence or vegetative screen so the materials are not visible from other property in the vicinity of the salvage yard, nor from a public road, nor from navigable water. The fence or vegetative screen shall be a minimum of 8 feet in height and shall be properly maintained to satisfy the obscuring objective. Said screening shall be in addition to any buffer requirements specified in Sec. 82-37, *Landscape Buffers*. Fences cannot exceed 9 feet in height, unless authorized by a variance.
 - (4) *Height of Material.* Salvage materials shall not be piled higher than the height of the fence or vegetative screen.
 - (5) *Safety.* For fire protection, an unobstructed fire break shall be maintained, 15 feet in width and completely surrounding the salvage yard.
 - (6) *Contamination.* Appropriate measures shall be taken to prevent water and soil contamination from oils, gasoline, grease, or other contaminants. At a minimum, there shall be 5 feet of soil between the water table or bedrock. If wells are located within 1,000 feet of the site, the Planning, Zoning and Farmland Preservation Committee may require a liner and bonds for removal of contaminated topsoil. In addition, said salvage yard shall be inspected by the Fire Chief to determine compliance with NFPA1, SPS 314 or other applicable codes.
 - (7) *Disposal.* A description indicating how waste oil and other chemicals will be disposed of shall be approved by the Calumet County Emergency Management Coordinator and followed accordingly. Calumet County reserves the right to periodically inspect the property to determine compliance with said approved description.
- (d) ***Solid Waste Facilities.***
- (1) All Solid waste facilities shall be in full compliance with Chapter 54 - Solid Waste, of the Calumet County Code.
- (e) ***Resource Recovery Facilities.***
- (1) *Screening.* Such facilities, which are visible from public roads, shall be screened by a vegetative screen, as described in Sec. 82-37, *Landscape Buffers*.
 - (2) *Storage.* Unless contained in a dumpster or similar metal, covered container, there shall be no outside storage of any material.
 - (3) *Cleanliness.* The premises shall be kept in a tidy manner free of litter.

- (4) *Access.* The site shall be located adjacent to, and served by, a County, State or Federal highway. Local roads can be used in place of a County, State or Federal highway if the responsible road authority grants written permission for such use at the proposed location.
- (5) *Setbacks.* The site shall be at least 1000 feet from a residence not owned by the operator.

(f) ***Temporary Concrete or Asphalt Batch Plants.***

- (1) *Authorization.* Such facilities shall be erected only in conjunction with transportation improvements in Calumet County.
- (2) *Application.* In addition to the application requirements established in Sec. 82-133, *Conditional Use Permit*, the following information shall be submitted with the application:
 - A. Plans for controlling erosion of stockpiled material in manufacturing concrete or asphalt.
 - B. Restoration plans for the site, which describes or illustrates measures taken to restore the site to a condition of practical usefulness and reasonable physical attractiveness. The restoration plan shall describe methods for establishing vegetative cover on all exposed soil.
- (3) *Permits.* Conditional use permits granted for temporary concrete or asphalt batch plants shall be only for the period of the actual project work.
- (4) *Removal.* Temporary concrete or asphalt batch plants shall be removed from the premises within 60 days of completion of the project.

(g) ***Wholesale Establishments and Distributorships.***

- (1) *Lot Area.* The parcel shall have a lot area no less than 4 times the area of the building(s) total footprint.
- (2) *Access.* The site shall be located adjacent to, and served by, a County, State or Federal highway. Local roads can be used in place of a County, State or Federal highway if the responsible road authority grants written permission for such use at the proposed location.
- (3) *Parking and Loading.* A transportation management plan shall be submitted to address off-street parking, loading and unloading, traffic control and the impact of the facility on surrounding roadways.
- (4) *Loading Location and Screening.* All loading and unloading facilities shall be located on the side or rear of the structure(s) utilized for loading and unloading and shall be screened from view from residential uses.

- (5) *Lighting.* All lighting shall utilize hoods and lens which cast light downward.
- (6) *Retail Sales.* A retail sales area may be allowed as an accessory use provided the sales are limited to the sale of goods wholesaled or distributed on the property and the retail sales area does not occupy more than 10 percent of the total floor area of the principal structure(s) used for the wholesale or distributorship use.

Sec. 82-74. Institutional Use Requirements.

(a) ***Churches and Community Centers.***

- (1) *Lot Area.* The parcel shall have a lot area no less than 4 times the area of the building footprint.
- (2) *Access.* A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- (3) *Setbacks.* All related on site uses, such as residential quarters, daycares, and schools shall be subject to the setbacks and other requirements for principal structures in the applicable zoning district.

Sec. 82-75. Outdoor Recreational Use Requirements.

(a) ***Campgrounds and Trailer Camps.***

- (1) *Site Surface.* Each recreation vehicle, trailer, or camp site shall be plainly marked and surfaced with gravel, asphalt, or other material to free the site of mud.
- (2) *Number.* The maximum number of recreational vehicles, trailers, or camp sites shall be 15 per acre.
- (3) *Parking.* There shall be 2 off-street parking spaces for each recreational vehicle, trailer, or camp site. If other uses are on the property, such as a restaurant, additional parking shall be installed for the applicable land use.
- (4) *Setbacks.* All recreational vehicles, trailers, or camp sites shall meet the required setback from roads and shall be located at least 50 feet from all exterior lot lines.
- (5) *Screening.* Each recreation vehicle park, trailer park, or campground shall be screened by means of a vegetative screening, as described in Sec. 82-37, *Landscape Buffers*, along all lot lines. Such requirements may be waived by the Code Administrator, if existing woody vegetation is such that the screening objective is or will be achieved.
- (6) *Acreage.* The minimum size of a recreational vehicle park, trailer park or campground shall be 5 acres.
- (7) *Seasonal Sites.* Seasonal campsites shall be allowed subject to the following:

- A. *Number.* No more than 1 wheeled camping unit or other shelter unit shall be allowed on any individual campsite
 - B. *Size.* A seasonal camping unit shall not exceed 400 square feet in floor area nor 8 foot 6 inches in width when in the in transit position.
 - C. *Occupancy.* A seasonal camping unit shall not be occupied for more than 6 months in a calendar year, although the camping unit may remain on an individual campsite for an entire calendar year. The wheels and tires shall remain in a transit position.
 - D. *Appurtenances.* No porches, lean-tos, or additions shall be constructed onto or immediately adjacent to a camping unit. Canvas screen rooms or awnings shall be allowed.
 - E. *Decks.* A wooden deck not exceeding 256 square feet in area may be provided adjacent to a camping unit.
 - F. *Sheds.* One storage shed shall be allowed per campsite. Said shed shall not exceed 80 square feet in floor area.
- (8) *Shelters.* A sheltered unit up to 300 square feet may be located on an individual campsite provided it is designed only to protect occupants from the elements and does not have a permanent water supply, a sewage system, electricity, or heating and cooking facilities.
- (9) *Owners Quarters.* One dwelling unit to be occupied by the owner and not more than 1 additional dwelling unit to be occupied by the manager shall be allowed in a campground.

(b) **Camping.**

- (1) *Campgrounds.* Camping shall be permitted in approved campgrounds without issuance of a regular zoning permit.
- (2) *Camping on Lot.* Camping on a lot by 1 camping party shall be allowed without issuance of a regular zoning permit, subject to the following:
 - A. *Acreage.* Such camping shall be allowed in the Natural Area, Exclusive Agricultural, General Agricultural, Heartland, and Small Estate Residential districts provided that the lot is at least 1 acre in area.
 - B. *Sanitation.* Sanitary waste disposal shall be provided by either:
 - 1. Connection to an approved on-site waste disposal system.
 - 2. Self-contained holding tank with disposal at an approved sanitary dump station.

3. A portable toilet with disposal at an approved sanitary dump station.

C. *Setbacks.* The camping unit shall be located at least 25 feet from all lot lines, at least 50 feet from any dwelling unit other than that of the landowner upon which the camping unit is placed and shall meet the required road setback.

D. *Camping Stay.* Camping shall not exceed 15 consecutive days or nor more than 30 days in any calendar year.

E. *Removal and Storage.* The camping unit shall be removed or stored inside a building after each camping stay.

(c) ***Commercial Riding Stables and Private Riding Stables.***

(1) *Acreage.* Minimum lot size for riding stables shall be 5 acres for commercial riding stables and 2.5 acres for private riding stables.

(2) *Open Space.* There shall be at least 20,000 square feet of open space provided on the lot for each horse kept on the lot.

(3) *Water Setback.* All stables shall be located at least 100 feet from the ordinary high watermark of navigable water and shall be located such that manure will not drain into navigable water.

(4) *Dwelling Setback.* All stables shall be located at least 200 feet from a dwelling unit other than that of the owner or operator of the establishment.

(d) ***Gun Clubs/Shooting Ranges.***

(1) *Evaluation.* In granting a Conditional Use Permit for gun clubs and shooting ranges, the Planning, Zoning and Farmland Preservation Committee shall evaluate:

A. Potential Hazards to adjacent uses.

B. Topography and ground cover.

(2) *Firing Limitations.* The firing of rifled arms and shotgun slugs shall not be permitted directly toward or over navigable water; a State DNR designated wetland in excess of 2 acres in size; public or private roads or drives; toward any building or structure nor directly toward any area with a residential density equal to or higher than 1 unit per 10 acres which is located within 1½ miles, nor within ½ mile of a residence.

(3) *In General.* The site shall be equipped with the following.

A. An adequate shotfall or bullet impact area.

B. A defined firing line or firing direction.

- C. Adequate target backstops for the firing of rifled arms.
 - D. No shooting activity between 10:00 p.m. and 8:00 a.m.
 - E. Shooting ranges shall be clearly identified by signs not less than 4 square feet in gross area located at intervals not more than 25 yards around the perimeter, and ranges shall be securely fenced off from adjacent lands and waters.
- (4) *Lot Size.* The minimum lot size shall be the greater of the following: The minimum lot size requirement in the table in Sec. 82-31(c), District Requirements, or, the area large enough to accommodate the applicable shooting ranges below, including direct fire zone and/or shotfall zone, safety zone, ricochet zone, subject to the installation of additional baffles.
- A. *High Power Rifle.*
 - 1. Minimum range length: 5,500 yards.
 - 2. Minimum range width: 3,500 yards.
 - 3. Minimum acreage: 380 acres.
 - B. *Shotgun.*
 - 1. Minimum range length: 300 yards.
 - 2. Minimum range width: 400 yards.
 - 3. Minimum acreage: 40 acres.
 - C. Other range types are subject to the Wisconsin Department of Natural Resource Strategic Guidance 2014-2019; Shooting Ranges in Wisconsin; or successor guidance document.
 - D. The range sizes listed above may be lessened through the use of baffles and berms along the sides, the end and throughout the firing range and/or shotfall zone. Baffles and berms shall meet or exceed the standards listed in the Wisconsin Department of Natural Resource Strategic Guidance 2014-2019; Shooting Ranges in Wisconsin; or successor guidance document, to qualify for a reduction in range size.
- (5) *Setbacks.*
- A. No part of any shooting range may be located within 1/2 mile of any residential dwelling or other structure used for human occupancy.
 - B. Accessory buildings, such as club houses, shall meet the same setbacks as a principal structure in the applicable zoning district.

Sec. 82-76. Residential Use Requirements.

- (a) *Manufactured Homes.* The following requirements apply to manufactured homes, which are not located in manufactured home parks.

- (1) *Foundation.* The towing and transportation equipment, including the wheel assembly, shall be removed and the manufactured home shall be mounted on and attached to a permanent foundation.
- (2) *Size.* Manufactured homes shall be a minimum of 14 feet wide and shall meet the minimum required floor area for dwelling units in Sec. 82-35, *Floor Area Requirements*.

(b) ***Manufactured Home Parks.***

- (1) *Street Width.* Internal streets shall have a minimum right-of-way of at least 40 feet.
- (2) *Surfacing.* Internal streets and parking areas shall be surfaced with a dust free material.
- (3) *Parking.* There shall be at least 2 parking spaces for each manufactured home site.
- (4) *Separation.* The minimum distance between manufactured home units, including all appurtenances, shall be 15 feet.
- (5) *Setbacks from Street.* The minimum distance between a manufactured home unit, including all appurtenances and an internal street shall be 10 feet.
- (6) *Miscellaneous Uses.* No sales office or other business or commercial use shall be located within a manufactured home park. Laundries, washrooms, recreation rooms, maintenance equipment storage and one management office are permitted.
- (7) *Screening.* Each manufactured home park shall be screened, except for permitted entrances and exits, by means of a vegetative screen, as described in Sec.82-37, *Landscape Buffers*, at the perimeter of the manufactured home park. The requirement may be waived by the Code Administrator if existing woody vegetation is such that the screening objective is or will be achieved.
- (8) *Size.* Manufactured homes in manufactured home parks shall contain at least 550 square feet of floor area.
- (9) *Rental.* No manufactured home site shall be rented for a period of less than 30 days.
- (10) *Decks.* Deck(s) shall be permitted on each manufactured home site. The total size of the deck(s) shall not exceed 25% of the floor area of the manufactured home. Deck(s) shall comply with the setback and yard requirements for manufactured homes in approved manufactured home parks. Decks require the authorization of a regular zoning permit.
- (11) *Size of Appurtenances.* The total floor area of additions such as screen porches, lean-tos, or other extensions attached to a manufactured home shall not exceed 5% of the floor area of the manufactured home.

- (12) *Sheds.* One accessory structure shall be permitted for each manufactured home site and shall not exceed 120 square feet in floor area. Accessory structures allowed under this provision shall be located a minimum of 10 feet from the manufactured home on the same manufactured home site and shall be located a minimum of 15 feet from a manufactured home or an accessory structure on another site.
- (13) *Codes.* All manufactured homes shall meet the construction standards of the *U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards*.
- (14) *Relocation.* No permit shall be required to move or interchange a manufactured home for another manufactured home in a manufactured home park that has been approved in accordance with all applicable provisions of this chapter.
- (15) *Access.* All manufactured home sites shall take access only to an internal street.

(c) **Planned Residential Developments.**

- (1) *Purpose.* The Planned Residential Development option is intended to give landowners greater flexibility in developing tracts of land on a project basis by relaxing the various lot area, lot width, setback, yard, and other regulations.
 - A. *Benefits.* The Planned Residential Development option is intended to promote the benefits of:
 - 1. Coordinated area site planning.
 - 2. Diversified location of structures.
 - 3. Safe and efficient pedestrian and vehicular traffic systems.
 - 4. Open spaces.
 - 5. Economical arrangement of public and private utilities and community facilities.
 - 6. Preservation of natural resources and agricultural land.
- (2) *Minimum Requirements.* The following minimum general requirements shall apply:
 - A. *Site Area.* The area of the proposed Planned Residential Development site must meet the minimum site area requirement established in Article IV, Zoning District Requirements.
 - B. *Development Requirements Relaxed.* Individual residential uses and structures of a Planned Residential Development shall comply with all of the requirements and provisions of this chapter, except that individual uses and structures need not comply with the following requirements:

1. Minimum lot area, except as provided in sub. F., *Minimum Lot Size*.
 2. Minimum lot width.
 3. Minimum yard requirements, provided that there is at least 10 feet between detached dwelling units and provided the development meets the yard requirement for the perimeter of the site listed in Article IV, *Zoning District Requirements*.
 4. Impervious surface ratio provided the development as a whole does not exceed the maximum impervious surface ratio for the zoning district in which the development is located.
 5. Setback from roads, provided that all structures are located at least 15 feet from the right-of-way of interior roads, and provided that all structures meet the requirements of Sec. 82-31, *Setbacks from Roads*, for all perimeter and through roads.
 6. Woodland clearing provisions, provided that the development as a whole meets these provisions.
- C. *Open Space*. The site area used to calculate the required preserved open space and the maximum residential density of the development shall not include any land used for non-residential development.
- D. *Sanitation*. Water supply and sewage disposal shall meet the minimum standards of the Wisconsin Department of Natural Resources, the Wisconsin Department of Safety and Professional Services, and the *Calumet County Sanitary Ordinance*, or its successor code, as appropriate.
- E. *Density*. Residential density shall not exceed the maximum allowed for Planned Residential Development in the zoning district in which the development is located. For Planned Residential Developments that cross zoning district boundaries, maximum density for the development shall be determined by prorating the maximum density of each applicable zoning district.
- F. *Minimum Lot Size*. The minimum lot size for individual lots in a Planned Residential Development shall be 7,500 square feet. Overall, the lot size shall be at least 200 feet in width or 2 acres in area.
- G. *Wetlands*. Land located within the Wetland district:
1. Shall not be included in determining the maximum residential density of the Planned Residential Development.
 2. May be included in meeting the minimum site area requirement.

3. May be included in meeting the minimum preserved open space requirement.
- H. *Site Plan.* All development within a Planned Residential Development shall conform with a submitted site plan, which meets the requirements of this chapter.
 - I. *Non-Residential Use Restricted.* Except for home occupations, individual lots or dwelling units within a Planned Residential Development shall not be converted to or used for a non-residential use.
 - J. *Access Restricted.* Not more than 2 lots for Planned Residential Development shall have direct access to an existing State or County road. All additional lots shall have access by an internal subdivision road.
- (3) *Preserved Open Space.* The size and shape of areas established as preserved open space shall be sufficient and suitable for agricultural, recreational, or other permitted uses in preserved open space.
- A. *Size.* Except for open space used for walkways, stormwater ponds or subsurface sanitary facilities, the minimum size of a preserved open space area shall be 2 acres and 200 feet of width for developments with a total site area of 20 acres or more, and 20,000 square feet and 100 feet of width for developments with a total site area of less than 20 acres.
 - B. *Guarantees.* There shall be adequate guarantees for retention of preserved open space and perpetuity through the use of a reservation of development rights agreement, as provided in Sec. 82-76(c)(4), *Agreement*.
 - C. *Ownership.* Ownership, tax liability, and maintenance of private open space shall be established in a manner acceptable to the County.
 - D. *Permitted Uses.* The following uses are permitted in preserved open space provided they are allowed by the underlying zoning district and provided they meet all other requirements of this chapter:
 1. The maintenance and protection of natural resources in the manner and to the extent required by Article IX, *Natural Features Protection Requirement*.
 2. Passive Recreational Uses which involve the creation and/or maintenance of the very negligible impervious surfaces, such uses including arboretums, hiking, natural areas, wildlife sanctuaries, picnic areas, public and private parks, garden plots and beaches.
 3. General agricultural and tree/shrub nursery uses, including the sale of produce or plants grown on the premise.
 4. Stormwater ponds

E. *Building Sites as Open Space.* The area, or portions thereof, of building sites shall not be counted toward the minimum preserved open space requirement.

(4) *Agreement.* Reservation of development rights agreement shall:

A. *Open Space.* Be required for the minimum preserved open space area of a Planned Residential Development.

B. *Future Development.* Restrict future development of any residential, commercial or industrial structures and uses.

C. *Agricultural Development.* Not restrict future development of any structures used for general agricultural or tree/shrub nursery uses.

D. *Public Purposes.* Not restrict future use of the property for public purposes.

E. *Grantee.* Be granted to the County and shall run with and bind the land.

Note: Such grant shall be in the form of a deed restriction, filed with the County, prohibiting future development in the preserved area.

F. *Reservation Release.* The grantor shall retain the right to petition the County Board of Supervisors for release (partial or entire) of the reservation of development rights in the event the zoning district classification of the property is changed.

(5) *Application.* In addition to the information required in Sec. 82-133(b), *Application*, the application for a Planned Residential Development shall contain the following:

A. *Area Information.* Information on the total area of the site, area of preserved open space, residential density, number of dwelling units, and other data necessary to fully describe the project.

B. *Restriction Information.* Information regarding any intended deed restrictions and establishment of any property owners associations.

C. *Map.* Accurate map(s) and site plan of the project site showing the following:

1. Location of the project site and abutting properties.

2. The location of public and private roads, driveways, and parking areas.

3. The location, size, and arrangement of proposed lots.

4. The proposed location of structures.

5. The location of preserved open space areas and areas reserved or dedicated for public uses such as parks or schools.
6. Location of present or proposed wastewater disposal system(s).
7. Existing topography and proposed topography changes.
8. Existing surface water drainage pattern and proposed surface water drainage system.
9. Upon written request, other information required by the Code Administrator or Planning, Zoning and Farmland Preservation Committee to determine compliance with the requirements of this chapter.

(6) *Permit Requirements.*

- A. *Permits Required.* A conditional use permit for a Planned Residential Development shall establish the right to develop the dwelling units and structures that are described in the approved site plan. However, a regular zoning permit shall be required for the construction of each individual structure.
- B. *Expiration.* A conditional use permit to establish a Planned Residential Use shall expire 12 months from the date of issuance unless both the reservation of development rights agreement for the preserved open space and the proposed lots within the development have been recorded in the Calumet County Register of Deeds.
- C. *Construction Period.* No construction activities shall be commenced prior to the reservation of development rights agreement being recorded.

(d) *Zero Lot Line Duplexes.*

- (1) *Sanitation.* For existing structures, a code compliant joint private on-site waste water treatment system is encouraged.
- (2) *Floor Area.* Each single family unit shall have a minimum of 7250 square feet of lot area devoted to each unit.
- (3) *Dividing Line.* A common lot line, unit division line, or limited common element line between units shall be consistent with the shape of the lot and the design of the structure. Divisions or dividing lines that create irregular angles off the front or back of the structure are prohibited.
- (4) *Setbacks.* All external portions of the building, including appurtenances, shall meet the same setbacks as required for a single family residence in the applicable zoning district.

(e) ***Multiple Occupancy Development Requirements.***

- (1) *Categories.* Multiple occupancy developments shall be divided into 4 categories:
- A. *Category I.* Developments in which the floor area of each occupancy unit is less than 450 square feet in area.
 - B. *Category II.* Developments in which the floor area of each occupancy unit is 450 to 825 square feet in area.
 - C. *Category III.* Developments in which the floor area of each occupancy unit is more than 825 square feet in area.
 - D. *Category IV.* Developments with a combination of Category I, Category II and/or Category III occupancy units.
- (2) *Lot Requirements.*
- A. *Unsewered Areas.* The minimum lot size requirements for multiple occupancy developments in unsewered areas shall be 1 acre in area and 100 feet of lot width.
 - B. *Sewered Areas.* For areas served by public sewer, any building site meeting the minimum lot size requirements of Article IV, *Zoning District Requirements*, or, Sec. 82-87 of this Chapter may be used for multiple occupancy developments.
 - C. *Net Lot Area.* The net lot area of a multiple occupancy development shall not be reduced if a violation of the density limitations of sub. (d) , *Density*, would result.
- (3) *Mixed Uses.* Uses other than occupancy units, if permitted in the subject district, may be located on the same lot as the multiple occupancy development, provided there is adequate lot area.
- (4) *Density.* The maximum residential density of a multiple occupancy development shall be based upon the net lot area and category of the multiple occupancy development, as provided in pars. (a), *Categories*, and (b), *Lot Requirements*.
- A. *How Calculated.* The maximum number of occupancy units that may be allowed in Category I, Category II, and Category III developments shall be determined by dividing the square footage of the net lot area by the density ratio for the appropriate category. Fractional results shall be rounded down to the nearest whole number:

Category	Density Ratio/Assignable Lot Area for Each Occupancy Unit
I	2,723 square feet

II	3,630 square feet
III	10,890 square feet

B. In a Category IV development, the number of Category I, Category II, and Category III occupancy units may vary. Density determination shall be based on the rule that the number of Category I occupancy units times 2,723 square feet per occupancy unit plus the number of Category II occupancy units times 3,630 square feet per occupancy unit plus the number of Category III occupancy units times 10,890 square feet per unit shall not exceed the net lot area of the site.

- (5) *Impervious Surface Ratio.* For unsewered multiple occupancy developments the impervious surface ratio shall not exceed 45%; for sewerred multiple occupancy developments the impervious surface ratio shall not exceed those listed in Sec. 82-36(c), *Table of District Requirements*.
- (6) *Parking.* Off street parking spaces shall be provided on the lot at a rate of 1.3 spaces for each Category I unit, 1.6 spaces for each Category II unit, and 2 spaces for each Category III unit. Fractional results shall be rounded up to the nearest whole parking space. All parking facilities shall follow the parking requirements in Article VII, *Parking and Access Requirements*.
- (7) *Building and Siting.* Buildings may be clustered on a lot, but shall be separated from each other by a distance of at least 20 feet or as required by local fire inspector or the Wis. Admin. Code, whichever is greater.
- (8) *Minimum Yards.* The minimum yards shall be as required by Article IV, *Zoning District Requirements*.
- (9) *Accessory Buildings.* The total number of accessory buildings shall be limited to 2 or the number of multiple occupancy development building units on the lot, whichever is greater. The total combined building footprint of all accessory buildings shall not exceed 70% of the total building footprint of all multiple occupancy development buildings.
- (10) *Category I Occupancy Unit Limitation.* In the High Density Residential District, the number of Category I occupancy units shall not exceed 50% of the total number of occupancy units within the development.

Sec. 82-77. Miscellaneous Use Requirements.

(a) *Airports, Airstrips, and Landing Fields.*

- (1) *Authorization.* All airports, airstrips and landing strips shall be authorized by the Federal Aviation Administration and the Department of Transportation Division of Aeronautics, if applicable.

- (2) *Site Area.* The area proposed shall be sufficient in size to accommodate the performance of the plane(s), or, if required by the Federal Aviation Administration or the Department of Transportation Division of Aeronautics, the site authorized shall be adequate to meet the standards of the Federal Aviation Administration and the Department of Transportation Division of Aeronautics for the class of airport, airstrip or landing field proposed.
- (3) *Parking.* One off-street parking space shall be required for every tie-down space or plane space within hangars located at public airports. Vacant tie-down areas or compacted stone or concrete parking areas adjacent to hangars can be utilized to meet the parking requirements of this section.

(b) ***Utility Facilities.***

(1) *General Requirements for all Utility Facilities*

- A. *Exemptions.* No zoning permit shall be required for any installation that is at or below grade elevation, nor for electrical poles, towers, wires, and non-commercial solar panels attached to a permitted principal or accessory structures.
- B. *Partial Exemptions.* Those structures, which are 4 feet or less above grade elevation, need not meet setback requirements nor need they be placed on conforming lots.
- C. *Security.* Utility facilities and structure must be protected by security measures sufficient to deter the general public from obtaining access to the facility and structure.

(2) *Utility Facilities - Type A*

- A. Utility Facilities - Type A require the authorization of a regular zoning permit unless specifically exempted in this Chapter.
- B. Utility Facilities – Type A may be permitted on lots less than the required lot area and lot width shown in Article IV, *Zoning District Requirements*, provided, they are situated on a lot of sufficient size to accommodate the development, future expansion, parking, and all applicable setbacks, open space, and impervious surface requirements for the zoning district the utility is permitted.

(3) *Utility Facilities - Type B*

- A. Except in the LI and I districts, which require a regular zoning permit, Utility Facilities - Type B Require the authorization of a conditional use permit unless specifically exempted by State or Federal law or by this Chapter.

1. The Planning, Zoning and Farmland Preservation Committee may place conditions upon a Utility Facility Type B, based upon substantial evidence, which:
 - a. Serves to preserve or protect the public health or safety.
 - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.

 - B. Utility Facilities – Type B shall be placed on a tract, or tracts, of land that provide sufficient area to accommodate the development, future expansion, parking, and all applicable setbacks, and open space and impervious surface requirements. The tract, or tracts, of land shall also be proportional to the scale and scope of the proposed project in relation to existing and planned development patterns and the surrounding rural character as determined by the Planning, Zoning and Farmland Preservation Committee.

 - C. Utility Facilities – Type B are exempt from the impervious surface standards of this chapter if a vegetative infiltrative surface exists beneath the Utility Facility. The vegetative surface shall include native pollinator friendly species of plants.

 - D. Screening. Utility Facilities – Type B shall be screened from all adjacent residences by a closed fence or by vegetative screening as described in Sec. 82-37(b).
- (c) ***Animal Shelters and Pounds.***
- (1) *Housing.* All animal shelters and pounds located in the Commercial Center district shall house all animals indoors.
 - (2) *Setbacks.* All structures associated with animal shelters and pounds located in the Commercial Center district shall be at least 50 feet from all side and rear lot lines.
 - (3) *Setbacks.* All structures associated with animal shelters and pounds located in the General Agricultural and Heartland districts shall be at least 200 feet from all side and rear lot lines.
1.
 - (4) Animals shall be provided a sanitary and adequately-sized covered enclosure and shall be kept in a fenced enclosure at all times.
 2.
 - (5) Properties shall be kept in a sanitary condition.
 - (6) *Screening.* All animal shelters and pounds with outdoor housing of animals shall be screened from all adjacent properties and public roads by a closed fence or by vegetative screening as described in Sec. 82-37, *Landscape Buffers.*
- (d) ***Meteorological Towers and Non-commercial Telecommunication Towers, Antennas, and Transmitters.***

- (1) *Permit Required.* Unless a conditional use permit or site plan review is required by Article IV, *Zoning District Requirements*, a regular zoning permit shall be required for all non-communication towers, antennas, transmitters and all meteorological towers, except no permit shall be required for non-commercial communication towers, antennas, and transmitters which are less than 75 feet in height. Antennas added to existing approved telecommunication towers or structures need the authorization of a regular zoning permit.
- (2) *Exemptions.* The following are exempt from the requirements of this section:
 - A. *Small Satellite Dishes.* All satellite dishes less than 2 feet in diameter.
 - B. *Personnel Antennas.* Television antennas, satellite dishes, and receive-only antennas provided that they are for personal use of the landowner, the primary use of the property is not a telecommunication facility, and the antenna use is accessory to the primary use of the property.
 - C. *Federal Operator Antennas.* Amateur radio antennas and their supporting towers, poles, and masts that are owned and/or operated by a federally-licensed amateur radio operator or is used exclusively for receive-only antennas.
 - D. *Mobile Services.* Mobile services providing public information coverage of news events of a temporary or emergency nature.
 - E. *Miscellaneous.* Any other devices not mentioned above that are exempt according to Section 704 of the Telecommunications Act of 1996.
- (3) *Location Requirements.*
 - A. *Lot Area.* The minimum lot area shall be determined by the design of the guyed tower and shall be of sufficient area to accommodate all guyed wires and anchors, and a fall zone of 1.5 times the height of the tower or antenna, or, the minimum lot area requirement for the applicable zoning district, whichever is greater.
 - B. *Setbacks.* All towers, antennas and transmitters shall be setback from public road right-of-ways, navigable water, bluffs, and side and rear lot lines a distance equal to 1.5 times the height of the tower, or the setback required in the applicable zoning district, whichever setback is greater.
 - C. *Environmental Protection.* No tower, antenna or transmitter, unless located on an existing tower or antenna, shall be located in any shoreland, floodplain, or wetland.
 - D. *Special District Requirements.* In the Heartland, Small Estate Residential, Mixed Use Commercial, and Commercial Center districts, all telecommunication towers and antennas shall be affixed to an existing tower,

structure, or utility pole, and, the antenna shall not extend more than 20 feet above the highest point of an existing tower, structure, or pole.

- E. *Variances.* A variance shall not be given from sub. D., unless the applicant can demonstrate no existing tower or structure can accommodate the proposed antenna. Supporting evidence may consist of any of the following conditions:
1. No existing facility towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
 2. Existing facility towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 3. Existing facility towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 4. The applicant's proposed system would cause electromagnetic interference with the system on the existing tower or structure, or the system on the existing facility tower or structure would cause interference with the applicant's proposed system.
 5. The fees, cost, or contractual provisions required by the owner to share an existing facility tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are considered unreasonable.
 6. The applicant demonstrates that there are other limiting factors that render existing facility towers or structures unsuitable.
- F. *Multiple Users.* If a variance is given in sub. E., the authorized tower and antenna shall be designed structurally and electrically to accommodate the applicant's antennas and comparable antennas for at least 2 additional users if the tower is 130 feet or more in height. Towers must also be designed to allow for future rearrangement of antennas on the tower and accept antennas mounted at different heights.
- G. *Third Party Review.* The County reserves the right to hire a third party to review the application to determine whether tower co-location is feasible or if the evidence in subs. D, E and F above are accurate. Said review shall be paid by the applicant.
- H. *Safety.* No tower or antenna shall be located in a Fresnel zone, unless located in compliance with Ch. 14 (Sec. 14-6) of the *County Code of Ordinances, Emergency Services, Public Safety Radio Systems*. Meteorological towers less than 200 feet above the ground level shall abide by the FAA Rule dated June 24, 2011 or successor Rule.

- I. *Aesthetics.* Satellite dishes and parabolic antennas shall be situated as close to the ground as possible to reduce the visual impact without compromising their function.

(4) *General Requirements.*

- A. *Security.* The base of towers or antennas at the point of entry into the earth shall be enclosed within security fencing. Any security lighting shall utilize fixtures whose hood, lens or combination thereof allows no direct beams of light to spill onto adjoining properties or to be cast skyward.
- B. *Access.* The service drive providing access to the facility shall be the minimum necessary to provide maneuverability for service or emergency vehicles.
- C. *Lighting.* Standards for lighting structures as set forth in the *U.S. Department of Transportation, Federal Aviation Administration Advisory Circular AC, 70-7460-1k, Obstruction Marking and Lighting*, shall be followed, except that strobe lights shall not be used during hours of darkness. Light, if required, shall be shielded from the ground.
- D. *Compliance.* All towers and antennas shall comply with Federal Communication Commission (FCC), Wisconsin State Bureau of Aeronautics, Occupational Safety and Health Association (OSHA), and the Federal Aviation Administration (FAA) rules and regulations.
- E. *Design.* All towers and antennas shall comply with the manufacturer's specifications as it relates to design and installation.
- F. *Codes.* All towers and antennas shall comply with all applicable State and local building and electrical codes.
- G. *Licenses.* All required Federal, State, or local licenses shall be provided prior to the issuance of the zoning permit.
- H. *Interference.* Towers and antennas shall not interfere with or obstruct existing or proposed public safety or fire protection telecommunication facilities. Any actual interference and/or obstruction shall be corrected by the applicant at no cost to the County.
- I. *Signage.* No sign, other than warning, permit number, or equipment information, shall be fixed to any tower, antenna or transmitter.
- J. *Color.* All towers and antennas shall use building materials, colors, textures, screening, and landscaping that blends the facilities with the surrounding natural features to the greatest extent possible. The tower shall be painted light blue or other color that is demonstrated to minimize visibility.

- K. *Material.* Galvanized towers may be permitted. All metal towers shall be constructed or treated with corrosion resistant material.
 - L. *Visibility.* Towers and antennas are encouraged to be camouflaged. If adjacent to a property with a historic building, a public park, or an area identified by the State of Wisconsin as a Land Legacy Place, the tower and antenna shall be camouflaged. All MET towers which are less than 200 feet above ground level shall be made visible in accordance with the recommended FAA markings per 14 CFR Part 77 and Advisory Circular No. 70/7460-1, *Obstruction Marking and Lighting*.
 - M. *Structural Design.* All towers shall be self-supporting monopoles or lattice towers except where satisfactory evidence is submitted that a guyed tower is required.
 - N. *Bond.* A bond with a corporate surety, duly licensed in the State of Wisconsin, in the amount of \$20,000 per 100 feet of height shall be provided to assure that the applicant, its representatives, its agents, and its assigns will comply with all the terms, conditions, provisions, requirements, and specifications contained in this chapter, including abandonment. Calumet County shall be named as obligee in the bond and must approve the bonding company.
- (5) *Permit Requirements.* In addition to application and permit requirements listed in Article IX, *Procedures*, the following shall be provided at time of application.
- A. *Professional Report.* A report from a registered professional engineer and/or other professionals which:
 1. Describes the tower and antenna height and design, including a cross-section and elevation.
 2. Certifies the tower's compliance with electrical standards and structural standards that allow it to accommodate at least 3 antennas.
 3. Describes the tower's capacity, including the potential number and type of antennas that it can accommodate.
 4. Describes the lighting to be placed on the tower or antenna if required by the FCC or FAA.
 5. Certifies that the tower, antenna or transmitter will not cause destructive interference with any previously established public safety communication systems.
 6. Federal Communication Commission (FCC) license and registration numbers, if applicable. Also copies of a Findings of No Significant Impacts statement from the FCC or Environmental Impact Study, if applicable.

7. An alternative analysis shall be prepared by the applicant that identifies all reasonable, technically feasible alternative locations and/or facilities that could provide the proposed service. The intention of the alternatives analysis is to present alternative strategies, which could minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the County. The analysis shall address the potential for co-location and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. The County may require independent verification of this analysis at the applicant's expense.
 8. A tabular and map inventory of all the applicant's existing telecommunication towers that are located within Calumet County and includes all of the applicant's towers within fifteen hundred (1,500) feet of the County boundary. The inventory shall specify the location, height, type, and design of each of the applicant's existing telecommunication towers and the ability of the tower or antenna structure to accommodate additional co-location antennas.
 9. Written acknowledgement by the landowner of a leased site that he/she will abide by all applicable terms and conditions of the building permit or conditional use permit.
 10. Additional Information and Analysis.
 - a.) In the Exclusive Agricultural district proof of compliance with s. 91.47(4), Wis. Stats.
 - b.) The Code Administrator or the Planning, Zoning and Farmland Preservation Committee may, at his/her or its discretion, require visual impact demonstrations, including mock-ups and/or photo montages, screening and painting plans, network maps, alternative site analysis, lists of other nearby wireless telecommunication facilities, or facility design alternatives for the proposed facilities.
 - c.) The Code Administrator or the Planning, Zoning and Farmland Preservation Committee may employ, on behalf of the County, an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the costs of such review and/or independent analysis.
- (6) *Abandonment.* The owner of a tower or antenna permitted under this chapter shall notify the Planning, Zoning and Land Information Department when the tower or

antenna is no longer in operation. All obsolete, damaged, unused, or abandoned towers, antennas and accompanying accessory facilities shall be removed within 12 months of the cessation of operations unless a time extension is approved by the Planning, Zoning and Land Information Department. After the tower, antenna, and facilities are removed, the site shall be restored to its original or an improved condition, and anchoring elements shall be removed from the ground to within 4 feet of ground level. If removal and/or restoration are not completed, the Code Administrator may order removal utilizing a performance bond, which shall be provided by the applicant as required by sub. (4)N., *Bond*.

(e) **Commercial Communication Towers, Antennas and Transmitters.**

- (1) *Authority.* This section is adopted pursuant to authority granted by Wis. Stats. §§59.69, 66.0404 and 66.0406.
- (2) *Purpose.* The purpose of this section is to promote the health and safety of the general public by establishing minimum standards for the siting of antennas, towers, and other structures necessary to provide mobile services in Calumet County. This section is intended to enhance the ability to efficiently and effectively provide mobile services.
- (3) *Jurisdiction and Scope.*
 - A. This ordinance applies to all mobile service facilities, and mobile service support structures, located outside the limits of any incorporated city or village, within the boundaries of Calumet County.
 - B. This section will not apply to a town if the town enacts an ordinance under Wis. Stat. §66.0404 after this ordinance is enacted; however, if a town later repeals its ordinance, this ordinance will then apply in the town.
- (4) *Pre-existing Facilities and Structures.*
 - A. Mobile service facilities and mobile service support structures that were constructed prior to the effective date of this ordinance are not subject to this ordinance, except as provided herein.
 - B. A pre-existing mobile service facility or mobile service support structure that is damaged by fire, storm, or other casualty, or that requires replacement, may be repaired, reconstructed, or replaced provided that the repaired, reconstructed, or replaced mobile service facility or mobile service support structure complies with its original Conditional Use Permit, and the repaired, reconstructed, or replaced mobile service facility or mobile service support structure does not exceed the height of the original mobile service facility or mobile service support structure.
 - C. Any improvement to a pre-existing mobile service facility or mobile service support structure that is inconsistent with the original Conditional Use Permit

or that increases the height of the original mobile service facility or mobile service support structure, must comply with this ordinance.

(5) *New Facilities and Structures.*

- A. A Zoning Permit is required for the construction of any new mobile service facility or mobile service support structure.
- B. The Planning, Zoning and Land Information Department will provide an applicant with a Zoning Permit Application upon request.
- C. An applicant must submit a written application for a Zoning Permit to the Planning, Zoning and Land Information Department. The application must contain the following information:
 - 1. The name and business address of the applicant, along with the name of a contact person.
 - 2. The location of the proposed mobile service facility and mobile service support structure.
 - 3. An explanation 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 capacity, coverage, and functionality; is technically infeasible; or is economically burdensome to the mobile service provider.
 - 4. A construction plan describing the proposed mobile service support structure and the equipment and network components, including antennas, base stations, cabling, power supplies, receivers, transmitters, and related equipment to be placed on or around the new mobile service support structure.
 - 5. A Site Plan depicting the tower site, including the location of any structures, setbacks, and the tower height.
- D. An application that contains all of the information required under this ordinance will be considered to be complete. If the Planning, Zoning and Land Information Department does not believe that the application is complete, it shall notify the applicant, in writing, within 10 days of receiving the application, that the application is not complete. The written notification must specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

- E. Within 90 days of receipt of a complete application, the Planning, Zoning and Land Information Department shall complete all of the following, or the applicant may consider the application approved, except that the applicant and the Planning, Zoning and Land Information Department may agree, in writing, to an extension of the 90 day period:
 - 1. Review the application to determine whether it complies with all applicable aspects of the County's building and zoning ordinances, subject to the limitations in Wis. Stat. §66.0404.
 - 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, the written notification must set forth substantial evidence that supports the decision.
- F. The Planning, Zoning and Land Information 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 in sec. 82-77(f)(5)(C)3.
- G. If an applicant provides the County 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 setback or fall zone area required in a zoning ordinance, the zoning ordinance does not apply to such structure unless the County provides the applicant with substantial evidence that the engineering certification is flawed.
- H. A party who is aggrieved by the Planning, Zoning and Land Information Department's final decision may bring an action in the Circuit Court.

(6) *Class 1 Collocation.*

- A. A Zoning Permit is required for a Class 1 collocation.
- B. An applicant must submit a written application, provided by the Department, for a Zoning Permit to the Planning, Zoning and Land Information Department. The application must contain the following information:
 - 1. The name and business address of the applicant, along with the name of a contact person.
 - 2. The location of the affected facility and support structure.
 - 3. A construction plan describing the proposed modifications to the support structure and the equipment and network components, including antennas, base stations, cabling, power supplies, receivers,

transmitters, and related equipment to be placed on or around the new mobile service support structure.

4. A Site Plan depicting the tower site, including the location of any structures, setbacks, and the tower height.
- C. An application that contains all of the information required under this ordinance will be considered to be complete. If the Planning, Zoning and Land Information Department does not believe that the application is complete, it shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification must specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- D. Within 90 days of receipt of a complete application, the Planning, Zoning and Land Information Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Planning, Zoning and Land Information Department may agree, in writing, to an extension of the 90 day period:
1. Review the application to determine whether it complies with all applicable aspects of the County's building and zoning ordinances, subject to the limitations in Wis. Stat. §66.0404.
 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, the written notification must set forth substantial evidence that supports the decision.
- E. The Planning, Zoning and Land Information 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 in Sec. 82-77(f)(5)(C)3.
- F. If an applicant provides the County 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 setback or fall zone area required in a zoning ordinance, the zoning ordinance does not apply to such structure unless the County provides the applicant with substantial evidence that the engineering certification is flawed.
- G. A party who is aggrieved by the Planning, Zoning and Land Information Department's final decision may bring an action in the Circuit Court.

(7) *Class 2 Collocation.*

- A. A Zoning Permit is required for a class 2 collocation. A class 2 collocation is subject to the same requirements for the issuance of a Zoning Permit as any other commercial development or land use development.
- B. The Planning, Zoning and Land Information Department will provide an applicant with a Zoning Permit Application upon request.
- C. An applicant must submit a written application for a Zoning Permit to the Planning, Zoning and Land Information Department. The application must contain the following information:
 - 1. The name and business address of the applicant, along with the name of a contact person.
 - 2. The location of the affected facility and support structure.
 - 3. A construction plan describing the proposed modifications to the support structure and the equipment and network components, including antennas, base stations, cabling, power supplies, receivers, transmitters, and related equipment to be placed on or around the new mobile service support structure.
 - 4. A Site Plan depicting the tower site, including the location of any structures, setbacks, and the tower height.
- D. An application that contains all of the information required under this ordinance will be considered to be complete. If the Department does not believe that the application is complete, it shall notify the applicant in writing, within five (5) days of receiving the applications, that the application is not complete. The written notification must specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- E. Within 45 days of receipt of a complete application, the Planning, Zoning and Land Information Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Planning, Zoning and Land Information Department may agree, in writing, to an extension of the 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 permit.
 - 4. If the decision is to disapprove the application, the written notification must set forth substantial evidence that supports the decision.

- F. A party who is aggrieved by the Planning, Zoning and Land Information Department's final decision may bring an action in the Circuit Court.

(8) *Standard Regulations.*

- A. *Applicability.* The standard regulations contained in this section are applicable to all mobile service facilities and mobile service support structures.
- B. *Federal Requirements.* Each mobile service facility and structure must meet or exceed all applicable regulations and standards of the Federal Aviation Administration, Federal Communications Commission, and any other federal agency with authority over the facility and structure that are in effect at the time the facility or structure is placed in service.
- C. *Markings.* A mobile service support structure, or antenna may not be used to display any commercial advertising, but may display identifying information, such as call letters, frequencies, or Federal Communications Commission registration numbers, if required by federal or state law, regulation, rule, or order.
- D. *Interference with Public Safety Radio Systems.* All mobile service facilities and structures must meet the requirements of Sec.14-6 of the Calumet County Code.
- E. *Security measures.* Each mobile and radio broadcast service facility and structure must be protected by security measures sufficient to deter the general public from obtaining access to the facility and structure.

F. *Abandonment and Removal.*

1. An applicant for a permit under this ordinance must submit a copy of a signed agreement between the owner of the mobile service facility and the owner of the property on which the mobile service facility is located that sets forth the arrangement for the removal of any abandoned mobile service facility. The agreement must provide for it to be binding on all future owners or successors of interest of the mobile service facility owner.
2. The applicant or owner of the mobile service facility shall provide a bond, letter of credit or other suitable financial guarantee as determined by the department, not to exceed \$20,000.00, to ensure the removal of the mobile service facility.
3. A mobile service facility shall be removed when the use of the facility has been discontinued or the facility has not been used for its permitted purpose for 12 consecutive months.

4. If two or more antennas are collocated on a single tower, the tower will not be deemed abandoned so long as at least one antenna remains in use.
5. Mere intent to continue the use of the mobile service facility shall not constitute use. The applicant/owner shall demonstrate through a lease or other similar instruments that the use will be continued without a lapse of more than 12 consecutive months to constitute actual use. If the applicant/owner cannot demonstrate actual use, the facility shall be considered abandoned and shall be removed.
6. The Code Administrator may issue a Notice of Abandonment to the owner of a mobile service facility and the owner of the property on which an antenna or tower is located if the Code Administrator determines an antenna or tower is abandoned. The Notice will specify each antenna, mobile service support structure, and any equipment, facilities, or other structures which must be removed.
7. The owner of an abandoned mobile service facility, or the owner of the property on which the mobile service facility is located, must remove the abandoned mobile service facility within 90 days of a Notice of Abandonment, subject to proof under paragraph (5) above that the mobile service facility is not abandoned, which must be provided to the Code Administrator within 30 days from the date of the Code Administrator's Notice of Abandonment.
8. Removal of the abandoned mobile service facility shall include all subsurface structures (e.g. foundations, including concrete used to support the mobile service facility) a minimum of three (3) feet below grade, and restoration of the site to its pre-construction state.
9. If the abandoned mobile service facility is not removed, the Code Administrator may facilitate the removal of the mobile service facility and salvage it at the owner's expense. If the salvage proceeds and any financial guaranty from paragraph (2) above are insufficient to cover the cost of the removal, the cost of removal will become a lien against the property on which the mobile service facility was located.

G. *Parking and Access.* Mobile service facilities shall comply with all parking and access requirements of this chapter. Access must be provided by an all-weather gravel or paved driveway.

H. *Setbacks.*

1. Each mobile service facility must meet or exceed all applicable setback requirements. However, a mobile service facility shall be setback a minimum of 100% of the tower's height from all property lines or boundaries of a leased site unless the tower has been designed by a structural engineer, licensed in the State of Wisconsin, to

collapse within a lesser distance. Furthermore, in no case shall the setback from all property lines or boundaries of a leased site be less than 50% of the tower height, or that required for the zoning district in which the mobile service facility is located, whichever is greater.

2. A mobile service support structure must be setback 500 feet from a residence not on the property on which the facility is located, unless written permission is granted by the owner of the residence at the time of the application for a permit.

I. *Permit Fees and Other Charges.*

1. The permit fee for siting and construction of each new mobile service facility or structure is \$3,000.
2. The permit fee for each class 1 collocation is \$500.
3. The permit fee for each class 2 collocation is \$125.
4. An applicant is responsible for paying all fees and expenses charged by a third-party consultant retained by the Planning, Zoning and Land Information Department to review a mobile service facility application or permit, except that the Planning, Zoning and Land Information Department is responsible for the third-party consultant's travel expenses. An applicant's failure to pay a third-party consultant's fees and expenses, other than travel expenses, is grounds to deny an application or revoke a permit.

J. *Violations and Penalties.*

1. Violations and penalties of this section shall be subject to enforcement under Article XII, *Enforcement* of this chapter.

Sec. 82-78. – 82-83. Reserved.

ARTICLE VI. NONCONFORMING USES, STRUCTURES, LOTS

Sec. 82-84. Previously Lawful Condition.

Within the districts established and mapped by this chapter, or amendments thereto, there may exist uses of lands or buildings, structures, lots, or uses which were lawful before this chapter, or amendments thereto became effective, but which do not conform to the regulations herein. As set forth in s. 59-69(10), Wis. Stats., such nonconforming conditions may be continued, subject to the requirements of this chapter.

Sec. 82-85. Nonconforming Uses.

- (a) A nonconforming use may not be enlarged, expanded or moved to any other part of the parcel on which it is located.
- (b) Where any such nonconforming use is discontinued for a period of 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.
- (c) A nonconforming use may not be moved to another parcel unless it complies with all applicable provisions of this chapter.
- (d) A nonconforming use may not be changed to another nonconforming use.
- (e) A nonconforming use may be changed to a conforming use, but a conditional use permit must be obtained if the new use is a conditional use.
- (f) A nonconforming use that has been changed to a conforming use may not be returned to the prior nonconforming use or to any other nonconforming use.

Sec. 82-86. Nonconforming Structures.

- (a) *Repair, Rebuilding and Maintenance of Certain Nonconforming Structures.*
 - (1) The repair, maintenance, renovation, rebuilding, or remodeling of a nonconforming structure or any part of a nonconforming structure is permitted within the existing three dimensional footprint.
 - A. The three dimensional footprint of a nonconforming structure that is located over a property line or within a road right-of-way may be relocated to the nearest location on the property but must be located at least five feet from the road right-of-way or property lines.
 - B. Ordinary maintenance and non-structural repairs shall be permitted without the authorization of a regular zoning permit.
- (b) *Additions.* Additions to nonconforming structures are permitted provided:
 - (1) The footprint of all additions over the lifetime of a principal or accessory structure shall not exceed 50% of existing footprint of the first floor. Attached garages do not count as part of the first floor footprint under this section. For homes containing two stories, the 50% footprint addition may be extended to the second story.
 - (2) *Basements.* Basement additions and replacement to nonconforming structures are permitted if the installation of the basement does not contain ingress/egress windows or patio doors.

- (3) *Setback to the Road.* Additions to nonconforming structures that do not meet the required road setback and that are located out of the road right-of-way or vision clearance triangle may be permitted provided the addition or appurtenance does not encroach any closer to the road than the closest portion of the structure to the road, and, provided the municipality or entity with jurisdiction over the road signs a letter of non-objection to the construction of the addition. A 16 square foot open landing may be allowed closer to the road than the closest portion of the residential structure to the road provided there is no reasonable alternative complying location for the landing.
 - (4) *Yard Setback.* Additions to nonconforming structures that do not meet the required front, rear, or side yard may be permitted provided the addition or appurtenance does not encroach any closer to the yard than the closest nonconforming portion of the nonconforming structure. A variance shall be required if the addition is closer than half the distance of the normal required yard setback.
- (c) *Restoration of Certain Nonconforming Structures.* In accordance with Wis. Stat. § 59.69(10m), a nonconforming structure that is damaged or destroyed by fire, flood, ice, infestation, mold, snow, vandalism, or violent wind may be restored to the size, location, and use that it had immediately before the damage or destruction occurred. The size of the nonconforming structure may be enlarged, but only to the extent necessary for the structure to comply with applicable state and federal requirements.
- (1) *Emergency Permitting.* Any structure destroyed by a natural disaster declared by the Governor of Wisconsin, need not secure a permit for replacement or repair, provided the Code Administrator inspects the structure to document the condition of the structure and verify it was destroyed by the natural disaster. In no case shall an illegal structure be allowed to be reconstructed under this provision.
- (d) *Americans with Disabilities.* The Code Administrator shall have the authority to provide a staff waiver to allow a nonconforming structure to be added onto, or altered, in violation of chapter provisions, so as to comply with the Americans with Disabilities Act. Such addition or alteration requires the authorization of a regular zoning permit.

Sec. 82-87. Nonconforming Lots.

- (a) *Determination.* Existing lots of record, recorded with the Register of Deeds prior to the date that the town in which the parcel is located initially adopted this Chapter, and which do not contain sufficient area and/or width to meet the requirements of this Chapter, shall be considered nonconforming or substandard lots. Owners of these lots may do the following:
 - (1) Convey ownership interest to another party.
 - (2) Use the nonconforming lot as a building site if:
 - A. The lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.

- B. The lot or parcel is developed to comply with all other requirements contained in this ordinance.
- (3) The owner of each non-conforming parcel of land zoned EA, if legally-created and held separately before November 2, 2009, shall be eligible for one single family residence, including any pre-existing residence.
- (b) *Merging Nonconforming Lots.* Nonconforming lots may be merged together to create a building site if all other development regulations and requirements of this ordinance are satisfied.
- (c) *Side yard.* Setbacks apply to shared lot lines between adjoining nonconforming lots of record held in common ownership.
- (d) A lot legally created prior to the adoption of this chapter but after November 2, 2009 for the purpose of creating a building site for a residence utilizing density or a conditional use permit for a nonfarm residence under the Base Farm Tract System is not considered a nonconforming lot.

Sec. 82-88. – 82-93. Reserved.

ARTICLE VII. PARKING AND ACCESS REQUIREMENTS

Sec. 82-94. Purpose.

These provisions are intended to reduce traffic congestion on public streets by requiring adequate off-street parking and loading areas for each land use. These provisions provide landscaping requirements to improve the appearance of parking lots and to reduce the nuisance of glare. These provisions are also intended to promote traffic safety by ensuring proper access to roads.

Sec. 82-95. Off-Street Parking Space Requirements.

- (a) *Required Number of Off-Street Parking Spaces.* The minimum number of off-street automobile parking spaces to be provided shall be in accordance with the following schedule.

USE	OFF-STREET PARKING REQUIREMENT
Multiple Occupancy Development	See Sec. 82-76(e)
Auditorium/Theater/Community Centers/ Entertainment Facility/Vocational and Night Schools and other Places of Public Assembly	1 space per 3 seats
Colleges, Secondary and Elementary Schools	1 space per every 2 employees plus 1 space every 10 students of 16 years of age or older
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
Boardinghouses 82-72 (i)	1 space per bedroom or sleeping room
Bed and Breakfast Establishment 82-72 (h)	2 spaces plus 1 space per rental room

Hotel/Motel	1 space per guest room plus 1 space per every 3 employees
Medical/Dental Clinic or Office	5 spaces per doctor/dentist
Hospitals, Dormitories or Clubs or Lodges which provide Overnight Accommodations	1 space per every 2 beds plus 1 space per every 3 employees
Sanitariums, Institutions, Rest Homes, Nursing Homes and CBRFs	1 space per every 5 beds plus 1 space per 3 employees
Galleries/Studios	1 space per 250 square feet of primary floor area
Retail Stores and Personal Service Establishments	1 space per 250 square feet of primary floor area
Financial Institutions, Business, Government and Professional Offices	1 space per every 200 square feet of primary floor area and 1 space per every office's 2 employees
Manufacturing/Trader Contractor Establishments	2 spaces plus 1 space per employee during peak shifts
Warehouse/Commercial Storage	1 space per 1,000 square feet of primary floor area
Automobile Repair/Garages/Gasoline/Filling Stations	1 space per employee plus 1 space per 250 square feet of repair area and 3 spaces per each grease rack and spaces for restaurant and retail, per this section, if applicable
Public Boat Launching Ramp	15 spaces per launching lane (each space 10 feet wide by 40 feet long)
Marinas	0.6 of 1 space per boat slip
Commercial Riding Stables 82-75 (c)	1 space per 3 horses
Model Homes	4 spaces per model home
Bowling Alleys	5 spaces per alley
Private Lodges and Clubs	1 space per 5 members

- (1) *More Restrictive Apply.* If the parking requirements for particular uses described in Article V, *Particular Use Requirements* or, are different from those shown in this section, the most restrictive requirements shall apply.
- (2) *Uses Not Listed.* In the case of uses not specifically listed in par. (a), *Required Number of Off-Street Parking Spaces*, the minimum number of parking spaces shall be determined by the Code Administrator, based upon requirements for similar uses.
- (b) *Application to Existing Uses.* Uses existing on the effective date of this chapter, 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.
- (c) *Application to Change of Use.* Whenever an existing use of a lot is hereafter proposed to be changed to a use having greater parking requirements, the applicant shall provide the additional parking spaces required by this section.
- (d) *Location.* All required off-street parking shall be provided on the same lot as the use it serves or on an adjoining lot.

Sec. 82-96. General Parking Area and Landscaping Requirements.

- (a) *Design Requirements.* For uses requiring the approval of a conditional use permit, the Planning, Zoning, and Farmland Preservation Committee may modify the design requirements due to unnecessary impervious surfaces, destruction of natural resources, or excessive size and design for the particular location and use.
 - (1) *Access.* All parking areas shall be provided with an entrance and an exit or shall be provided with a turn-around at the end opposite of the entrance
 - (2) *Location and Setback.*
 - A. Off-street parking areas shall be located at least 10 feet from public road right-of-ways:
 - B. Off-street parking areas shall be located at least 5 feet from all other lot lines in all zoning districts.
 - C. All off-street parking shall be located out of a vision clearance triangle.
 - (3) *Screening.* A parking, loading, standing, or unloading area that abuts a neighboring property in a residential district must be screened by a fence, hedge, or wall. The minimum height of the barrier shall be 4 feet above the surface of the parking area. If planted materials are used, standards identified in Section 82-37 Landscape Buffer shall be applied.
 - (4) *Surfacing.* A driveway; parking space; and loading, standing, and unloading area must have an all-weather surface, such as asphalt, gravel, or concrete, and must be graded and drained.
 - (5) *Lighting.* Any light used to illuminate a driveway; parking; or loading, standing, and unloading area must be directed away from any adjacent public street and away from any residence on an adjacent parcel.
 - (6) *Size.* Off-street parking spaces shall be at least 9 feet in width and at least 18 feet in length. Parking spaces designed to accommodate parallel parking shall be at least 22 feet in length.
 - (1) *Handicap Accessible Parking.* All off-street parking areas shall provide parking spaces for use by motor vehicles which transport physically disabled persons, in accordance with the Americans with Disabilities Act. All handicap accessible parking spaces must be clearly identified.

Sec. 82-97. Driveway Access Requirements for Parking Areas.

- (a) Every parking area shall have access to a public or private road. It shall be the responsibility of the land owner to secure said access.

- (b) All access driveways shall be at least 10 feet from the property line, unless driveways are shared by adjoining property owners. For driveways with culverts, the setback shall be measured from the culvert edge.
- (c) The access opening for vehicular ingress and egress may not be less than 20 feet wide at the right-of-way line.
- (d) A driveway must have an all-weather driving surface that is not less than 14 feet wide and must have a typical road grade that is sloped to provide drainage.
- (e) The turn radius for any curve in a driveway must be at least 30 feet for the inside radius and at least 50 feet for the outside radius.
- (f) A driveway that exceeds 500 feet in length must have a turnout at least every 500 feet that will allow vehicles to pass. The turnout area must be at least 60 feet in length, 30 feet in width.

Sec. 82-98. Prohibition on Commercial Vehicles in Residential Districts

- (a) The parking and storage of a commercial vehicle exceeding 7 feet in height or 22 feet in length is prohibited in all residential districts (SF-20, SF-10, HD, MC). For purposes of this section the phrase "commercial vehicle" shall include motorized vehicles and any type of trailer designed or used to store or haul equipment and materials.
- (b) Commercial vehicles less than 7 feet tall or 22 feet long may be parked in residential districts in an enclosed garage, accessory building or rear yard if any sign graphic, either attached or painted on the vehicle, exceeds 10 square feet in area. Only one such motorized commercial vehicle may be parked on or in front of any residential lot and must be used by a resident of such lot.

Sec. 82-99. – Sec. 82-103. Reserved.

ARTICLE VIII. SIGNS

Sec. 82-104. Purpose and Intent

Signs can obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulations. Therefore, the purpose of these requirements is to ensure consistent administration of regulations that preserve the outstanding visual resources of Calumet County; protect the public health, safety and general welfare through reasonable requirements for the size, number, placement, illumination, and movement of signs; and provide for adequate business identification, advertising, and communication for promoting a healthy economy. This section allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of signs.

- (a) The structure of this Article is intended to regulate the location of commercial and non-commercial messages displayed on signs by location as identified in Sec. 82.110(a) rather

than content. Non-Commercial speech is permitted, in a manner consistent with the First Amendment guarantee of free speech, uniformly across all districts under Sec. 82.106 through Sec. 82.108 of this Ordinance.

Sec. 82-105. Administration

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, repaired or structurally altered without a zoning permit, unless exempted within this section, without being in conformity with the provisions of this Ordinance. Any sign located, erected, moved, reconstructed, extended, enlarged, repaired or structurally altered without a valid zoning permit shall be removed or subject to an after-the-fact permit fee as established by Calumet County. All zoning permits for signs shall expire 12 months from the issue date of the permit.

- (a) Any sign proposed that is not described or defined in this section may be considered for approval by the Calumet County Planning, Zoning and Farmland Preservation Committee. Any such sign that is approved shall be subject to all applicable provisions within this section and ordinance, such as size, placement requirements, and require a zoning permit

Sec. 82-106. Prohibited Signs

The following shall be prohibited in all zoning districts:

- (a) *Prohibitions.* No undulating, swinging, rotating or unauthorized moving sign shall be permitted.
- (b) *Illumination.* No sign or sign illumination shall obstruct clear visibility of traffic along any public road or intersection of roads or driveways nor be illuminated in such a way so as to cause glare or impaired driver visibility upon public roads.
- (c) *Traffic Sign Resemblance.* Signs shall not resemble, imitate, or approximate the shape, size, form, or color of traffic signs, signals or devices.
- (d) *Signs on Vehicles or Trailers.* Signs placed on a vehicle or trailer placed in a location not normally expected for such vehicles or trailers, and the location apparently has the primary purpose of attracting attention or providing advertising.
- (e) *Natural Materials.* No sign shall be painted, mounted, or affixed to a fence, utility pole or on rocks, trees or other natural features, except that nameplates and/or addresses for residences and “No Hunting”, “No Trespassing”, “No Dumping” and signs of a similar nature may be affixed to trees.
- (f) *Right-of-way.* No sign shall be located in a road right-of-way.
- (g) *Obscenity.* No sign shall contain obscene or derogatory language, symbols, or pictures.

Sec. 82-107. General Sign Regulations

The regulations contained in this section shall apply to signs in all zoning districts. The regulations set forth in this section do not supersede the prohibitions as set forth in Sec. 82.106

(a) General Sign Requirements:

- (1) Signs shall not interfere with the visibility for ingress or egress of a driveway.
 - (2) Externally illuminated signs shall:
 1. Not flash, oscillate, or rotate, except when associated with an electronic message center permitted under this ordinance.
 2. Be shaded, shielded or directed away from surrounding properties and traffic.
 - (3) All signs, including support structures, shall be constructed in accordance with local and state building and electrical codes.
 - (4) The immediate premises around a sign shall be kept free from trash and debris. However, no person may damage, trim, destroy or remove any trees, shrubs or other vegetation located within the right-of-way of any public street or road for the purpose of increasing or enhancing the visibility of any sign unless approved in writing from the highway authority.
 - (5) No sign shall be placed in the Visual Clearance Triangle as described in this Chapter Section 82.31 (c).
 - (6) Height measurement shall be the distance from the average grade of the ground under the sign face, to the top of the sign face.
 - (7) Setbacks for all signs shall be measured from the closest point of the sign face.
 - (8) Distance measurements shall be measured along the pertinent right-of-way lines when determining separation between signs or distance from intersections.
 - (9) Any change in copy on an existing legal sign shall be allowed without need of a zoning permit. A permit is required if said change involves a change in size or shape, or a change in position, location, construction or supporting structure of a sign.
- (b) Outdoor murals or other outdoor artwork, which do not advertise a product, service, logo or other insignia, considered advertising as determined by the Code Administrator are exempt from this chapter.
- (c) Seasonal decorations that do not convey a commercial message are not considered signage and are exempt from this chapter.

Sec. 82-108. Signs Allowed Without a Permit

(a) **Public Safety and Identification Signs.** A sign intended to convey a message which ensures the general public health and safety of Calumet County residents are allowed without a permit in any zoning district. They are regulatory or wayfinding in nature and include the following:

- (1) Official traffic and parking signs, informational, legal or directional notices, public and municipal identification signs erected by Federal, State, County or local units of government.
- (2) Guidance signs authorized by the Wisconsin Department of Transportation under Trans. 200.03, Wis. Admin. Code.
- (3) Memorial signs and tablets displayed on public property or in cemeteries.
- (4) Residential owner or dwelling unit signs stating the names of the property owner and/or occupant of the residence on the property where the sign is located, provided no such sign exceeds six (6) square feet or be placed within 5 feet from any public road right-of-way or property line.
- (5) No Public Safety or Identification sign shall be permitted in the road right-of-way unless expressly permitted by agency or unit of government responsible for the maintenance of that right-of-way.

(b) **Temporary Signs.** A sign intended to display a non-commercial message of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs. Examples of temporary signs include political signs, special event signs, event directional signs, construction signs, crop identification and real estate signs. Temporary signs must comply with the following:

- (1) Shall not be placed within 5 feet of any public road right-of-way or property line.
- (2) Shall be placed for a period to not exceed 120 consecutive days in a 365-day period.
- (3) May have up to 16 square feet of display area for a single-sided sign and 32 square feet for multi-sided sign.
- (4) No more than two temporary signs shall be allowed per tax parcel or lot.

(c) **Farm Signs.** Signs solely dedicated to the identification of a farm or sale of agricultural products produced on premise.

- (1) **Farm Identification Signs.** Signs giving the name of a farm, company or business of the farm, or farm directory signs on the owner's property where the farm, company or business is located provided:
 - A. No such sign exceeds 32 square feet in display area.
 - B. One such sign is allowed per premises.

- C. No such sign shall be placed within 5 feet of any public road right-of-way or property line.
- (2) **Farm Sale Signs.** Signs advertising the sale of agricultural products produced on the premise the sign is located, provided there is no more than one sign per direction of travel.
 - 1. No such sign exceeds 32 square feet in display area.
 - 2. Farm Sale Signs shall be located within ½ mile of the premise selling the advertised produce and shall be erected no sooner than 30 days before the advertised produce is available and removed within 30 days after the advertised produce is no longer available.
 - 3. No such sign shall be placed within 5 feet of any public road right-of-way or property line.

Sec. 82-109. Signs Allowed With a Permit

The following signs are either authorized by a zoning permit or as a conditional use as identified in Sec. 82.110(a), *Signs Allowed by Zoning District*.

- (a) **On-premise Ground Signs.** A sign erected, maintained or used in the outdoor environment for the purpose of the display of a commercial message that is appurtenant to the use of, products or services sold on, or the sale or lease of, the property on which it is displayed. On-premise ground signs must comply with the following:
 - (1) One sign shall be permitted per lot.
 - (2) Shall not exceed 35 feet in height above the existing ground level where placed.
 - (3) Shall not exceed 60 square feet of total display area for a single-sided sign or 120 square feet for multi-sided signs.
 - (4) Shall not be placed within 5 feet of any public road right-of-way or property line.
 - (5) Shall not be allowed until a lawful use has been established on the zoning lot where the sign is to be erected.
- (b) **Off-premise Ground Signs.** A sign erected, maintained or used in the outdoor environment for the purpose of the display of a commercial message appurtenant to the use of products or services sold off premise. Off-premise ground signs must comply with the following:
 - (1) Be of directional in nature and content.
 - (2) Be located within 10 miles of the advertised business.

- (3) Shall not exceed 35 feet in height above the existing ground level where placed.
 - (4) Contain up to 32 square feet of total display area for a single-sided sign or 64 square feet for multi-sided signs.
 - (5) Shall not be placed within 5 feet of any public road right-of-way or property line.
 - (6) Be placed within 500 feet from any legally permitted residence without express written permission from the owner of said residence at the time the sign is erected.
 - (7) One sign shall be permitted per lot.
 - (8) Exemption. Temporary directional off-premise business signs up to 32 square feet in sign area are permitted during a road reconstruction project that directly affects access to a business. These signs must be removed within 5 days of completion of the road project and do not require a permit.
- (c) **Wall Sign** A sign that is in any manner affixed to any exterior wall of a building or structure that projects not more than eighteen (18) inches from the building or structure wall that displays a commercial message that is appurtenant to the use of, products or services sold on, or the sale or lease of, the property on which it is displayed. Wall signs must comply with the following:
- (1) *Size.* Unless further restricted in size elsewhere in this chapter, the sign face of a wall sign shall not exceed 20% of the area of the side of the building to which it is attached. If more than 1 sign is present, the combined sign face area shall not exceed 20% of the area of the side of the building to which they are attached.
- (d) **Projecting Signs.** A sign other than a Wall Sign that is attached to or projects from a building face or wall or from a structure whose primary purpose is other than the support of a sign. Projecting signs have the purpose of displaying a commercial message that is appurtenant to the use of, products or services sold on, or the sale or lease of, the property on which it is displayed. Projecting signs include awnings and must comply with the following:
- (1) *Size.* Unless further restricted in size elsewhere in this chapter, the sign face area of a projecting sign shall not exceed 32 square feet.
 - (2) *Wall Extension.* The sign shall not extend more than 5 feet from the wall to which it is attached.
 - (3) *Clearance.* The bottom of such sign shall be at least 8 feet above the grade directly below the sign.
 - (4) *Roof Extension.* The top of such sign shall not extend above the building's roof.

(e) **Billboards.** A permanent off-premise outdoor advertising sign erected, maintained or used in the outdoor environment for the purpose of providing copy area for a commercial message. Billboards must comply with the following requirements:

- (1) CH. Trans 201 Wis. Adm. Code, or
- (2) Wis. Stats. 86.191 and Ch. 916 Wis. Stats.
- (3) Shall not exceed 300 square feet of total display area for a single-sided sign or 600 square feet for multi-sided signs.
- (4) Signs and billboards shall meet all yard requirements for the district in which they are located.
- (5) Be separated a minimum of 1000 feet from all other billboards.
- (6) Shall not exceed 35 feet in height above the existing ground level where placed.

(f) **Electronic Message Centers.** An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a lighting source. Electronic message centers must comply with the following:

- (1) Electronic Message Centers may only be allowed as on-premise signs unless authorized in Sec. 82-109 (f)(3).
- (2) Standards for Electronic Message Centers.
 - A. The total sign face, including the Electronic Message Center shall not exceed 60 square feet.
 - B. No message may be displayed for less than 4 seconds.
 - C. No message may be repeated at intervals of less than 8 seconds.
 - D. No segmented message may last longer than 10 seconds.
 - E. No traveling message may travel at a rate slower than 16 light columns per second or faster than 32 columns per second.
 - F. Any transition duration of a message shall take no more than one second.
 - G. For electronic message center signs, the lighting source is limited to one color of illumination per message.
 - H. The illumination brightness shall not exceed 0.3 foot candles over ambient lighting conditions when measured at distances based on the sign size as recommended by the International Sign Association or other recognized

authority at the choice of the County.

- (3) An Electronic Message Center may be authorized as Public Safety and Identification Sign when the principal message being conveyed is based upon governmental speech which conveys a public service message to the residents of Calumet County.

Sec. 82-110. Signs Allowed by Zoning Districts.

- (a) *Signs Allowed by Zoning District.* The table below identifies the types of signs allowed within specific zoning districts, provided all applicable provisions of this Section are met.

	Agricultural Districts							Residential Districts			Other Districts			
	W	NA	EA / EAP	GA	HL	SE	AR	SF10	SF20	HD	MC	CC	LI	I
Public Safety & Identification Signs	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Temporary Signs	A	A	A	A	A	A	A	A	A	A	A	A	A	A
On-Premise Ground Signs		P	P	P	P	P	P				P	P	P	P
Farm Identification Signs		A	A	A	A	A	A							
Off-Premise Ground Signs											P	P	P	P
Electronic Message Center			C	C							P	P	P	P
Wall Signs		P	P	P	P	P	P				P	P	P	P
Projecting Signs		P	P	P	P	P	P				P	P	P	P
Window Signs		P	P	P	P	P	P	P	P	P	P	P	P	P
Billboard												C	C	C
A – Allowed without a permit							C – Allowed with a conditional use permit							
P – Allowed with a permit							Blank – Not Allowed							

Sec. 82-111. Flags

- (a) Flags displaying a non-commercial message on residential or nonresidential parcels are allowed and may be externally illuminated but may not touch the ground. A zoning permit is not required for a flag.
- (b) Flags containing a commercial message or flags with the sole purpose of attracting attention to a business are allowed without a permit under the following conditions:
 - (1) Shall not exceed 35 feet in height above the existing ground level where placed.
 - (2) The total of all flags shall not exceed 100 square feet in total flag area.
 - (3) Shall not be placed within 5 feet of any public road right-of-way or property line.
 - (4) Shall not be allowed until a lawful use has been established on the zoning lot where the flag is to be erected.

Sec. 82-112. Nonconforming Signs

- (a) *Modifications Prohibited.* A nonconforming sign may continue, but structural alterations or structural repairs are prohibited, unless the sign is brought into conformity with the provisions of this chapter. No such sign face shall be enlarged or reduced in size unless the sign is brought into conformity with this chapter.

Sec. 82-113. Dilapidated, Unmaintained and Abandoned Signs

- (a) *Dilapidated and Unmaintained Signs.* Signs allowed by this Ordinance shall be maintained in a safe, presentable and structural sound condition at all times. Signs determined by the Code Administrator to be dilapidated, unmaintained and/or unsafe shall be restored to a safe and structurally sound condition within 30 days upon written order by the Code Administrator.
- (b) *Removal.* Abandoned signs shall be removed by the owner or lessee of the property upon which the sign is located, unless the sign message is changed in compliance with this chapter. Such removal or change of message shall be completed within 1 year of the date upon which the sign becomes an abandoned sign.

Sec. 82-114 – 82-120. Reserved.

ARTICLE IX. NATURAL FEATURES PROTECTION REQUIREMENTS

Sec. 82-121. Purpose.

These requirements are intended to preserve interesting geological features, protect against soil erosion and groundwater contamination, preserve the natural beauty of Calumet County, and protect wild flora and fauna. It is further the purpose of this section to protect areas deemed important as Land Legacy Places in the State of Wisconsin *Land Legacy Report*.

Sec. 82-122. Applicability.

These requirements shall be in effect in all zoning districts. They shall be applied independently of other applicable requirements of this chapter. Wherever other requirements of this chapter conflict with requirements of this chapter, the most stringent requirement shall govern.

Sec. 82-123. Escarpments.

- (a) *Purpose.* The purpose of this section is to promote safe conditions by preventing placement of roads on highly inclined surfaces, preserve escarpments as landmark features and cultural depositories that contribute to the scenic diversity and attractiveness and heritage of the County, and to limit impervious surfaces so as to minimize runoff contamination on karst topography.
- (b) *Determination.* The location of escarpments subject to the requirements of this section shall be determined by reference to a map entitled *Calumet County Escarpment Protection Areas*

on file in the office of the Calumet County Planning, Zoning and Land Information Department.

(c) *Requirements.*

- (1) *Roads.* No roads or driveways shall be placed on slopes of 30-39% unless the roads or driveways are placed parallel to the escarpment face. No roads or driveways shall be placed on slopes of 40% or greater.
- (2) *Tree Clearing.* The clearing of trees located within the Escarpment Protection Areas shall be permitted for:
 - A. Building footprints, Driveways, and Sites for wastewater disposal systems.
 - B. The area on a lot extending not more than 25 feet from the exterior walls of a permitted principal or accessory building.
- (3) *Selective Clearing/25-100.* In the area on a lot lying between 25 feet and 100 feet from the exterior walls of principal buildings, selective clearing is permitted provided that:
 - A. No more than 30% of this area on the lot shall be cleared.
 - B. The clearing of the 30% described above shall not result in strips of cleared openings of more than 30 feet in any 100 foot wide strip nor create a cleared opening strip greater than 30 feet wide.
 - C. In the remaining 70% of this area, cutting and pruning shall leave sufficient cover to screen vehicles, dwellings, and other structures.
- (4) *Selective Clearing >100.* In the area on a lot lying more than 100 feet from the exterior walls of principal buildings, and for lots which contain no principal buildings, selective clearing shall be permitted provided that within Escarpment Protection Areas there shall be no cleared area greater than 5,000 square feet, and provided that the shade of the remaining trees over 15 feet in height covers at least 70% of the wooded land surface on the lot.
- (5) *Setbacks.* All new structures, which require excavation, shall be setback 125 feet from both the base and the ridgeline of the slope. A variance from the setback shall not be given unless a geotechnical study has been submitted indicating the variance to allow a reduced setback will not result in undue erosion, earthen material falling on the structure, or result in the structure being situated on an unstable slope within 77 years of the construction of said structure.
- (6) *Archaeological Significance.* Unmarked graves, effigy and burial mounds shall not be intentionally disturbed, and, all runoff shall be diverted away from any known grave, effigy and burial mound.

Sec. 82-124. Bluffs.

- (a) *Purpose.* The purposes of these regulations are to promote safe conditions by preventing the removal of stabilizing vegetation, placement of structures on slopes, which may be subject to erosion, or undermining, and, the placement of roads on highly inclined surfaces with the potential for erosion or undermining.
- (b) *Determination.* Bluffs subject to the requirements of this section shall include all lands with a slope of 20% or more or those lands where the construction grade is 50 feet or higher above the elevation of the water surface of the nearest navigable lake or pond.
- (c) *Requirements.* The following requirements apply to all lots determined to have a bluff:
 - (1) *Roads.* No roads or driveways shall be placed on slopes of 15% or greater unless the roads or driveways are placed parallel to the bluff slope. No roads or driveways shall be placed on slopes of 20% or greater.
 - (2) *Tree Clearing.* The clearing of trees located within 75 feet of the ridgeline of a bluff shall be prohibited except that:
 - A. No more than 30% of this area on the lot shall be cleared.
 - B. The clearing of the 30% described above shall not result in strips of cleared openings of more than 30 feet in any 100 foot wide strip nor create a cleared opening strip greater than 30 feet wide.
 - C. In the remaining 70% of this area, cutting and pruning shall leave sufficient vegetation to stabilize the soil through root support and to screen vehicles, dwellings, and other structures.
 - (3) *Setbacks.* All new structures, which require excavation, shall be setback 125 feet from both the base and the ridgeline of the slope. A variance from the setback shall not be given unless a geotechnical study has been submitted indicating the variance to allow a reduced setback will not result in undue erosion, earthen material falling on the structure, or result in the structure being situated on an unstable slope within 77 years of the construction of said structure.

Sec. 82-125. Sinkholes.

- (a) *Purpose.* Sinkholes provide easy opportunity for contaminated surface water to enter Calumet County's groundwater system. Since Calumet County's people rely on groundwater for drinking water, human health and public welfare will be benefited by minimizing opportunity for entry of contaminated surface water into sinkholes. The purpose of these regulations is to reduce entry of contaminant-bearing surface water into sinkholes.
- (b) *Applicability.* Each of the following shall be subject to requirements of sub. (d), *Setbacks*:
 - (1) Sinkholes where the sinkhole opening is 1 square foot or greater in size.

- (2) Sinkholes where the area bounded by the associated sinkhole depression is 100 square feet or greater in size.
 - (3) Sinkhole channels or the sinkhole channel cross-sectional area is 3 square feet or greater in size.
- (c) *Determination.* The location of sinkholes on a lot shall be determined by the lot owner, professional engineer, geologist or similar professional or by a Code Administrator at time of lot inspection while processing the zoning permit application.
- (d) *Setbacks.* The following items shall not be placed within 75 feet of sinkhole openings, sinkhole depressions, or sinkhole channels:
- (1) Buildings.
 - (2) Surface water discharge pipes or channels that drain into a sinkhole opening, sinkhole depression, or sinkhole channel.
 - (3) Petroleum products storage facility.
 - (4) Wastewater treatment and disposal systems.
 - (5) Sanitary landfills, salvage yards, and parking lots.
 - (6) Livestock manure storage facilities and livestock barnyards and feedlots.
 - (7) Fertilizer distribution plants.
 - (8) Animal shelters and Kennels.
- (e) *Alternative Protection Plan.* A landowner may devise and submit an alternative protection plan for the prevention of groundwater contamination through sinkholes. Such plan must be approved by the Calumet County Planning, Zoning and Land Information Department and shall specify the measures to be undertaken.

Sec. 82-126. – 82-131. Reserved.

ARTICLE X. PROCEDURES

Sec. 82-132. Regular Zoning Permits.

- (a) *Applicability.* Regular zoning permits, certifying that any such use, structure, or site complies with the provision of this chapter, shall be required in the following instances unless specifically exempted from this chapter:
- (1) Construction, reconstruction, location, relocation, erection, extension, enlargement, conversion, or structural alteration of any building, structure, or part thereof, except

structures which are less than 6 inches in height above grade elevation and meet all setback and impervious surface requirements of this chapter.

- (2) Signs under Article VIII.
- (3) Establishment of any accessory or principal use, except uses permitted as conditional uses.
- (4) Filling or grading of land if required by Sec. 82-38, *Filling and Grading*.

(b) *Application.*

- (1) *Application Requirements.* An application for a regular zoning permit shall be submitted to the Code Administrator on forms furnished by the Planning, Zoning and Land Information Department and shall include the following information:
 - A. Name and address of the property owner and signature of property owner or agent.
 - B. Location ID number, deed, legal description or other identifier of the subject property.
 - D. Statement concerning the proposed structure or use of the site.
 - E. An accurate site plan, drawn at a scale which produces a clearly legible drawing, showing the following:
 1. Boundaries, dimensions, and areas of the subject site.
 2. The spatial relationship of the subject site to abutting public roads and right-of-ways, private roads, access points, parking and loading areas, easements, and navigable waters.
 3. The location and dimensions of any existing or proposed structures or additions and their relationship to abutting public roads and right-of-ways, private roads, property lines, proposed and existing wells (whether in use or abandoned) and sanitary waste disposal systems, ordinary high watermark of navigable waters, and any known sinkholes or depressions on the land.
 - F. Building plans including all floor plans and at least 2 elevation views. The plan shall include any proposed decks or other structures necessary to exit doors or fire escapes, and, any other appurtenances, structures or buildings to be located on the property during construction for which a permit is required.
 - G. Additional information as may be required on the application or by the Code Administrator in order to determine the full compliance with the requirements of this chapter.

- H. Satisfactory evidence that a safe and adequate supply of water and approved sewage disposal facilities will be provided, in accordance with the requirements of the *Calumet County Sanitary Ordinance*, or its successor code.
- (2) *Fee*. All applications shall be accompanied by a fee established by the Planning, Zoning and Farmland Preservation Committee. All fees are non-refundable.
- (3) *Complete Application*. No application shall be accepted by the Code Administrator until deemed complete by the Code Administrator.
- (c) *Permit Issuance or Denial*. Upon the Code Administrator's determination that the proposed use or structure complies with the provisions of this chapter, a regular zoning permit shall be issued. An application for a use or structure not in conformity with the provisions of this chapter shall be denied a regular zoning permit and the reasons for denial shall be stated. In the event the permit is denied, the application fee will not be refunded.
- (d) *Expiration*.
 - (1) *Term and Renewal*. A regular zoning permit shall expire 12 months from the date of issuance if no action has commenced to establish the use. If construction has commenced prior to the expiration of a regular zoning permit, but is not completed prior to such expiration, a 12 month renewal regular zoning permit shall be issued by the Code Administrator upon submittal of a renewal application, required application items and fee.
 - (2) *Termination*. If a use or structure does not comply with the issued regular zoning permit or this chapter, the permit shall be terminated by the Code Administrator. If a use permitted by a regular zoning permit ceases for a period of more than 12 months, the regular zoning permit shall terminate, and all future activity shall require a new regular zoning permit.

Sec. 82-133. Conditional Use Permits.

- (a) *Applicability*. A conditional use permit shall be required for the establishment of each use permitted as a conditional use and for the expansion or intensification of a conditional use. Expansion of a conditional use which would not increase the scale, or intensity of that use shall only require a regular zoning permit.
- (b) *Application*.
 - (1) An application for a conditional use permit shall be submitted to the Code Administrator upon forms furnished by the Planning, Zoning and Land Information Department. The application shall contain the following information:
 - A. All information and items listed under Sec. 82-132(b) (1), *Application Requirements*.

- B. A written description as to 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, public safety, or the character of the surrounding area.
 - C. All conditional use permit applications shall be accompanied by a fee established by the Planning, Zoning and Farmland Preservation Committee. All fees are non-refundable.
 - D. No application shall be accepted by the Code Administrator until deemed complete by the Code Administrator and until all fees established have been paid in full.
- (c) *Public Hearing.* A public hearing shall be held by the Planning, Zoning and Farmland Preservation Committee after a public notice has been given as provided in Sec. 82-138(a), *Notice for Public Hearings.*
- (d) *Determination.* Following review, investigation, and public hearing, the Planning, Zoning and Farmland Preservation Committee 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, the application fee will not be refunded.
- (e) *Basis of Approval.*
- (1) *Review.* The Planning, Zoning and Farmland Preservation Committee 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 chapter. In approving conditional uses, the Planning, Zoning and Farmland Preservation Committee 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, public safety, or character of the surrounding area using the following criteria.
 - A. The adverse effect on property values in the area.
 - B. Whether the proposed use is similar to other uses in the area.
 - C. Whether the proposed project is consistent with the Calumet County Comprehensive Plan or any officially adopted County, Town, Regional or State plan.
 - D. The availability of an approved sanitary waste disposal system and potable water supply.
 - E. Whether the proposed use creates noise, odor, or dust.

- F. Provision of safe vehicular and pedestrian access.
- G. Whether the proposed project adversely impacts neighborhood traffic flow and congestion.
- H. Adequacy of emergency services and their ability to service the site.
- I. Provision for proper surface water drainage.
- J. Whether proposed buildings contribute to visual harmony with existing buildings in the neighborhood, particularly as related to scale and design.
- K. Whether the proposed project creates excessive exterior lighting glare or spillover on to neighboring properties.
- L. Whether the proposed project leads to a major change in the natural character of the area through the removal of natural vegetation or altering of the topography.

(2) *Grounds for Denial.* The applicant's failure to meet, or agree to meet, all the applicable conditions listed above, or any other conditions imposed by the Planning, Zoning and Farmland Preservation Committee, both of which must be supported by substantial evidence, shall be deemed grounds to deny the conditional use permit.

- (f) *Conditions and Restrictions.* The Planning, Zoning and Farmland Preservation Committee may impose such restrictions and conditions that it determines are related to the purpose of this ordinance and based upon substantial evidence. These conditions shall be reasonable and, to the extent practicable, measurable to prevent or minimize adverse effects from the proposed use or development on other properties in the neighborhood and on the general health, safety, and welfare of the County.
- (g) *Expiration.* A conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed. The Planning, Zoning and Farmland Preservation Committee may impose a condition relating to the permit's duration, transfer or renewal, in addition to other conditions specified in this ordinance. All conditional use permits shall expire 12 months from the date of issuance if no action has commenced to establish the authorized use. The issuance of a zoning permit alone does not constitute action.
- (h) *Resubmission.* A conditional use permit application that has been heard and decided shall not be eligible to be resubmitted during the 12 months following the decision unless the applicant submits a written report identifying how the new application differs materially from the previous application or identifying substantial new evidence that will be offered, and provided that the Planning, Zoning and Farmland Preservation Committee votes by simple majority, that the changes or new evidence would be of such significance that the Committee might consider changing the previous decision.

Sec. 82-134. Site Plan Review.

(a) *Applicability.* The process identified in this section shall be required for the establishment of each use permitted as a site plan review and for the expansion or intensification of such a use. Expansion of a site plan review which would not increase the scale, or intensity of that use shall only require a regular zoning permit.

(b) *Application.* Applications for site plan review shall contain the following:

- (1) The application requirements for a regular zoning permit identified in Sec. 82.132(b) (1).
- (2) Utility plan including sanitary systems, water supply, electrical, gas, phone and cable.
- (3) Landscape plan illustrating existing and proposed landscaping.
- (4) Erosion and sediment control plan, including stormwater management.
- (5) Lighting plan indicating how lighting will be provided for parking areas, walkways, drives, security lighting, etc.
- (6) The appropriate site plan review fee as established by the Planning, Zoning and Farmland Preservation Committee.

(c) *Complete Application.* No application shall be accepted by the Code Administrator until deemed complete. The applicant shall be notified of any deficiencies within the incomplete application in writing.

(d) *Site Plan Review Process.*

(1) *Application Review.* Upon receipt of the completed application, the Planning, Zoning and Land Information Department shall review the application to determine whether it is in proper form, contains all required information and fees, illustrates compliance with the chapter and other applicable County ordinances, and is legible and clear in its intent.

A. *Non-Compliance.* Applications that do not comply with the standards outlined in Article V. *Particular Use Requirements*, of Chapter 82 of the Zoning Ordinance, may be presented in front of the Planning, Zoning and Farmland Preservation Committee for review as a Conditional Use Permit following the criteria stated in Sec. 82-133 *Conditional Use Permits*.

(2) *Scheduling and Notification.*

A. *Schedule Meeting.* Within 7 working days of an application being deemed complete, the Code Administrator shall schedule the application for review before the “Ad Hoc Site Plan Review Committee” which includes the Code Administrator, County Planner, Town Planner, Director and Town Chair.

B. *Meeting Notice.* 15 calendar days prior to the Ad Hoc Site Plan Review Committee meeting the Code Administrator shall forward a meeting notice, copy of the application and relevant Planning, Zoning and Land Information Department correspondence to the following:

1. Ad Hoc Site Plan Review Committee.
2. Agent and/or attorney.
3. Adjoining land owners within 500 feet of the proposed use.
4. Head of the Public Health and Human Services Department, or their representative, if applicable.
5. Highway Commissioner and Department of Transportation if along or near a state or county highway.
6. Fire Inspector, if applicable.
7. Sheriff or representative.
8. Calumet County Land and Water Conservation Department.
9. Utility representatives (water, gas, electrical, sewer, telephone, cable), if known or deemed applicable.
10. Department of Natural Resources representative, if applicable.
11. Other State, Federal, or local agencies (as determined by the Planning, Zoning and Land Information Department)

C. *Notice Content.* The meeting notice shall include the name of the applicant, location and general description of the proposed project, and the meeting date, time, location, and information on where to submit written correspondence.

(3) *The Meeting.* The purpose of the meeting is to provide an opportunity for the Ad Hoc Site Plan Review Committee, affected neighbors, and agencies or their representatives, to reach an agreement on an acceptable site plan. The question of whether the use should be allowed is not to be questioned as the use is permitted by this chapter. The design of the project shall be the issue of the meeting.

A. *Presider.* The County Planner shall serve as presider and ensure all parties have adequate opportunity to participate in the proceedings, facilitate order, and raise concerns held by the Planning, Zoning and Land Information Department. The Presider shall also take minutes of the proceedings.

B. *Procedure.* The meeting is to be conducted in an informal atmosphere. Direct dialogue between the parties shall be allowed, provided fairness to all parties and orderliness are not jeopardized.

1. At the onset of the meeting the applicant shall explain the details of the proposed project and site plan.
2. Following the applicant, any invited party to which a notice was sent can request clarification, ask questions about the proposed use or site plan, or offer alternatives to the site plan.
3. The applicant shall answer all questions to which an answer is known, provided the questions are relevant to the proposed use or site plan, and, shall address any alternatives suggested.
4. Following the question and answer period, any invited party to which a notice was sent can request changes to the site plan. The applicant is required to consider all requests which address the following considerations:
 - a.) Safe vehicular and pedestrian traffic in the area.
 - b.) The visual harmony with buildings and structures in the neighborhood, particularly related to scale, design, and historic scenic or cultural landmarks.
 - c.) Impact from noise, odor or light pollution to neighboring properties or traveling public within 500 feet of the parcel boundaries of the proposed project.
 - d.) Adverse runoff onto adjoining properties.
 - e.) Negative impact to natural character of the area due to the removal of natural vegetation or by altering the topography.
5. Objection, Approval, and Denial.
 - a.) If invited parties have no objections to the site plan as presented, or amended, the site plan review application shall be approved.
 - b.) If the applicant and invited parties can not reach an agreement on an acceptable site plan, the presider shall terminate the meeting and schedule the matter for review at the next available regularly scheduled monthly meeting of the Planning, Zoning and Farmland Preservation Committee. The Committee shall review the application and input received at the Ad Hoc Site Plan Review Committee meeting and issue a final approval that may include conditions.

- c.) Applications that are denied shall receive written notice of their denial from the Ad Hock Site Plan Review Committee within 30 days of the public hearing. Reasons for denial shall be stated, and the application fee will not be refunded.

Sec. 82-135. Variances.

A landowner or their agent may petition for a variance from the requirements of this chapter subject to par. (a) through (f). However, a variance from the terms of this chapter shall not be given unless the items identified in par. (c), *Standards for Variance*, have been proven. The burden of proof shall be the responsibility of the petitioner.

- (a) *Petition.* A petition for a variance shall be filed by the property owner, or the owner's agent, on forms furnished by the Planning, Zoning and Land Information Department. Such petition shall include the following:
 - (1) Name and address of the property owner and petitioner, if different.
 - (2) Signature of property owner.
 - (3) Location of property involved in the petition.
 - (4) Proposed use or structure in question, including a site plan showing the preferred arrangement for which the variance is sought.
 - (5) Section(s) of this chapter from which a variance is requested.
 - (6) 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 this chapter.
 - (7) A statement that the conditions detailed above are unique to this property and are not generally existing on other properties in the same zoning district.
 - (8) A statement that the unnecessary hardship was not caused by the applicant nor by any persons still having an interest in the property.
 - (9) A petition for a variance shall be accompanied by a fee established by the Planning, Zoning and Farmland Preservation Committee. All fees are non-refundable.
 - (10) Other information as requested by the Code Administrator.
- (b) *Processing.*
 - (1) *Public Hearing.* The Board of Adjustments shall hold a public hearing in accordance with Wis. Stat. 59.694(3), Wis. Stats., and after a public notice has been given as

provided in Section 82-138(a), *Notice of Public Hearings*. At the hearing, any party may appear in person or by agent or by attorney.

- (2) *Decision*. Within a reasonable time, the Board of Adjustment shall render a decision to either grant or deny the request for variance.
 - A. A variance granted shall be the minimum to permit a use of the property and may contain conditions or guarantees attached thereto by the Board of Adjustment. Unless a permit has been issued, such variance shall expire within 1 year of the written date of the decision to grant the variance.
 - B. A variance runs with the land.
 - C. A variance denied shall be accompanied by the reasons for denial.
- (c) *Standards for Variance*. The property owner bears the burden of proving unnecessary hardship by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome. The following variance standards must be met:
 - (1) *Unnecessary Hardship*. That there are present actual physical conditions applying to the parcel, building, structure, use or intended use on that parcel which are creating the unnecessary hardship in the application of this chapter, as distinguished from a mere inconvenience to the owner if the strict letter of the regulations are required.
 - (2) *Unique Condition*. That the conditions described are unique, exceptional, extra ordinary, or unusual circumstances, applying only or primarily to the property under consideration and are not of such a general or recurrent nature elsewhere in the same zoning district as to suggest or establish the basis for chapter changes or amendments, or of having that affect if relied upon as the basis for granting a variance.
 - (3) *Conditions Not Self-Created*. That the condition creating the hardship or difficulty was not caused by the petitioner nor by any person still having an interest in the property.
 - (4) *Public Interest*. 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 chapter and the public interest.
 - (5) *Effect on Uses*. No variance shall have the effect of allowing in any district a use not permitted in that district.
- (d) *Resubmission*. A variance petition that has been heard and decided shall not be eligible to be resubmitted during the 12 months following the decision. The 12 month period may be waived by the Board of Adjustment provided that the petitioner submits a written report identifying how the new petition differs materially from the previous petition or identifying substantial new evidence that will be offered, and provided that the Board of Adjustment votes by simple majority that the changes or new evidence would be of such significance that the Board might consider changing the previous decision.

- (e) *Road Projects.* When a structure becomes nonconforming due to an inadequate setback from a road, because the road was widened or relocated by the Town, County, or State, such structure shall not require the authorization of a variance and shall not be considered a nonconforming structure, in regards to the new setback as a result of the road project. However, no such structure shall thereafter be enlarged or rebuilt in such a manner that it will be closer to the road right-of-way.

Sec. 82-136. Appeals.

(a) *General Provisions.*

- (1) *Purpose.* Where it is alleged there is error in any order, requirement, decision, or determination made by the Code Administrator or the Planning, Zoning and Farmland Preservation 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.
- (2) *Filing.* Such appeals shall be filed with the Planning, Zoning and Land Information Department within 30 days of the date of the written notice of the decision or order of the Code Administrator or Planning, Zoning and Farmland Preservation Committee.
- (3) *Stays.* An appeal stays the action unless the department certifies to the Board of Adjustment that, for reasons stated in the certificate, a stay would cause imminent peril to life or property. If the department provides such certification, the action appealed will not be stayed except by a restraining order issued by the Board of Adjustment or a court of law.
- (4) *Fee.* An appeal shall be accompanied by a fee established by the Planning, Zoning and Farmland Preservation Committee. All fees are non-refundable.
- (5) *Record.* The Planning, Zoning and Land Information Department shall forthwith transmit to the Board of Adjustment the appeal and all the documents constituting the record upon which the action appealed was taken.
- (6) *Public Hearing.* The Board of Adjustment shall hold a public hearing in accordance with Wis. Stat. 59.694(3), Wis. Stats., and after a public notice has been given as provided in Sec. 82-138(a), *Notice for Public Hearings.*
- (7) *Decision.* The Board of Adjustment shall render a decision of the appeal in writing within 30 days after the hearing stating specific facts, which are the basis for the Board's decision. The Board of Adjustment may affirm, reverse, vary, or modify the order, requirement, decision or determination appealed from. The Board may also dismiss the appeal for lack of jurisdiction.

Sec. 82-137. Amendments.

(a) *General Provisions.*

- (1) *Amendments.* The Calumet County Board of Supervisors may amend this chapter in accordance with Wis. Stat. 59.69(5)(e).
- (2) *Petition.* A petition for amendment of a county zoning ordinance may be made by a property owner in the area to be affected by the amendment, by the town board of any town in which the ordinance is in effect; by any member of the board, or by the agency designated by the board to consider county zoning matters.
- (3) *Fee.* A petition for an amendment shall be accompanied by a fee established by the Planning, Zoning and Farmland Preservation Committee. All fees are non-refundable.
- (4) *Application.* The application for the petition may be obtained from the department, and the completed petition must be filed with the county clerk. The county clerk shall immediately refer the petition to the Planning, Zoning and Farmland Preservation Committee.
 - A. An application to petition for an amendment will not be deemed complete and compliant unless all other applications relating to the proposed project are submitted at the same time.
 - B. If the application is incomplete or does not describe the project's full scope, the County will provide written notice to the applicant within 10 days of receiving the incomplete application.
- (5) *Public Hearing.* The Planning, Zoning and Farmland Preservation Committee shall schedule a public hearing on the petition. Notice of the time and place of the hearing will be given by publication of Class 2 Notice as provided under Wis. Stat. ch. 985. A copy of the notice will be sent by registered mail to the Town Clerk for each town affected by the proposed amendment at least 10 days prior to the date of the hearing. A copy of the petition will be sent to the local county board supervisor if the petition seeks a change in zoning district boundaries.
- (6) *Committee Action.* The Planning, Zoning and Farmland Preservation Committee shall act on the petition as soon as possible following the public hearing. The commission may recommend approval, approval with modifications, or disapproval. If it recommends approval or approval with modifications, it shall cause an ordinance to be drafted effectuating its determination and it shall submit the proposed ordinance directly to the county board with its recommendations. If it recommends denial of the petition, it shall report its recommendations directly to the county board with its reasons for the action.
- (7) *County Board Action.* The county board may enact the ordinance as drafted or with amendments, or it may deny the petition. If the commission has recommended that the petition be denied, the county board may refuse to accept the recommendation and send the petition back to the commission with directions to draft an ordinance and report back to the county board. The county board's actions are subject to the provisions contained in Wis. Stat. § 59.69(5)(g) providing special voting

requirements in the event of a protest by abutting owners. The county board's actions are subject to the provision contained in Wis. Stat. § 59.69 pertaining to approval or disapproval of ordinances and amendments by towns and town boards.

- (8) *Resubmission.* A petition for zoning amendment that has been heard and decided shall not be eligible to be resubmitted during the 12 months following final action by the Calumet County Board of Supervisors. The 12 month period may be waived by the Planning, Zoning and Farmland Preservation Committee provided that the petitioner submits a written report identifying how the new zoning amendment petition differs substantially from the previous petition or identifying substantial new evidence that will be offered, and provided that the Planning, Zoning and Farmland Preservation Committee vote by simple majority that the changes or new evidence would be of such significance that the Calumet County Board of Supervisors might consider changing the previous decision.

Sec. 82-138. Public Hearings.

Notice of any public hearing which the Planning, Zoning and Farmland Preservation Committee or Board of Adjustment is required to hold shall be given by publishing a Class 2 Notice in accordance with Ch. 985, Wis. Stats. The notice shall specify the time and place of such hearing. If the public hearing involves a petition for a zoning amendment, a copy of the hearing notice shall be mailed by registered mail to the Town Clerk of each town affected by the proposed amendment at least 10 days prior to the date of such hearing.

Sec. 82-139. – Sec. 82-144. Reserved.

ARTICLE XI. ADMINISTRATION

Sec. 82-145. Planning, Zoning and Farmland Preservation Committee.

- (a) *Designated Agency.* The Planning, Zoning and Farmland Preservation Committee, created by the Calumet County Board of Supervisors, shall be the designated County Zoning Agency pursuant to Wis. Stat. 59.69(2).
- (b) *Compliance.* The Planning, Zoning and Farmland Preservation Committee shall adopt and follow any governing rules of procedure as specified in Wis. Stat. 59.69(2), and shall comply with the Wisconsin Open Meeting Law as specified in Wis. Stats 19.81 through 19.98.
- (c) *Duties and Powers.* In administering this chapter, the duties and powers of the Planning, Zoning and Farmland Preservation Committee shall be as follows:
- (1) Supervise the administration of this chapter.
 - (2) Exercise those duties and powers specified in Wis. Stats. 59.69.
 - (3) Hold public hearings as required by this chapter, by Wisconsin Statutes, or by its own motions.

- (4) Submit recommendations to the Calumet County Board of Supervisors for or against proposed zoning text and map amendments.
 - (5) Issue or deny conditional use permits, and establish any conditions for such permits.
 - (6) Preside over the formal site plan review procedures and resolve disputes if no agreement can be reached between the affected parties, according to the procedures described in Sec. 82-134, *Site Plan Review*.
 - (7) Any other duties determined by the Calumet County Board of Supervisors.
- (d) *Financial Sureties.*
- (1) The Planning, Zoning and Farmland Preservation Committee may require that a performance bond or letter of credit be provided for the benefit of the County and filed with the County so as to ensure compliance with the terms of this chapter or required permit. Failure to provide or maintain such bond or letter of credit shall invalidate any permit.

Sec. 82-146. Board of Adjustment.

- (a) *Establishment.* There is hereby established a Board of Adjustment for Calumet County as authorized by s. 59.694, Wis. Stats.
- (b) *Membership.*
- (1) *Size and Appointment.* The Board of Adjustment shall consist of 5 members and 2 alternate members appointed by the County Administrator and affirmed by the Calumet County Board of Supervisors.
 - (2) *Eligibility.* Members of the Board of Adjustment shall reside in the unincorporated areas of Calumet County. No two members of the Board of Adjustment shall reside in the same town. Preference shall be given to members who reside in a town, which has adopted County zoning.
 - (3) *Terms of Office.* The term of office shall be 3 years. However, these terms of office shall be staggered such that no more than two member's terms of office are expired in any 1 year. Each term shall begin July 1.
 - (4) *Officers.* The Board of Adjustment shall choose its own chairperson, vice-chairperson and recording secretary.
 - (5) *Removal.* Members may be removed by the Chairperson of the Calumet County Board of Supervisors for cause upon written charges. Cause may include excessive absenteeism.
- (c) *Operation and Rules.*

- (1) *Adoption.* The Board of Adjustment shall adopt rules for the conduct of its business, which shall be in accordance with the provisions of this chapter and s. 59.69, Wis. Stats.
 - (2) *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.
 - (3) *Open Meetings.* All meetings of the Board of Adjustment shall be open to the public, unless authorized by Wisconsin Law.
 - (4) *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 examination and other official actions, all of which shall be public record.
 - (5) *Assistance.* In the case of all appeals, the Board of Adjustment may call upon the Planning, Zoning and Farmland Preservation Committee for all information pertinent to the decision appealed from.
 - (6) *Quorum.* The quorum for any meeting shall consist of majority of members.
 - (7) *Oaths.* The chair may administer oaths and compel the attendance of witnesses.
- (d) *Powers.* The Board of Adjustment shall have the following powers:
- (1) *Appeals.* Unless restricted elsewhere in this code, to hear and decide appeals, pursuant to s. 59.694(7), Wis. Stats., where it is alleged there is error in any order, requirement, decision or determination made by the Code Administrator or the Planning, Zoning and Farmland Preservation 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 Committee or officer from whom the appeal is taken.
 - (2) *Variations.* To hear and authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall 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.

Sec. 82-147. Planning, Zoning and Land Information Director.

In administering this chapter, the Planning, Zoning and Land Information Director shall possess the following duties and powers:

- (a) Oversee the Code Administrator in carrying out the assigned responsibilities of this chapter.

- (b) Make necessary studies relevant to deliberations regarding conditional use permits, as directed by the Planning, Zoning and Farmland Preservation Committee.
- (c) Serve as a member of the Ad Hoc Site Plan Review Committee.
- (d) Recommend to the Planning, Zoning and Farmland Preservation Committee amendments necessary to make this chapter more effective.
- (e) Any other duties assigned by the Planning, Zoning and Farmland Preservation Committee.

Sec. 82-148. Code Administrator.

The Code Administrator shall possess the following duties and powers:

- (a) Administer and enforce this chapter as the authorized representative of the Planning, Zoning and Farmland Preservation Committee.
- (b) Provide to the public the necessary permit application and other forms relevant to this chapter. Assist the public in preparing applications and forms as necessary.
- (c) Conduct all necessary on-site inspections and investigations of structures, lands, waters and uses to certify compliance with this chapter.
- (d) Issue or deny regular zoning permits and sign permits.
- (e) Suspend or revoke zoning permits and sign permits and/or issue cease and desist orders upon non-compliance with the terms of the permit and/or this chapter.
- (f) Investigate alleged zoning violations and give notice of all violations of this chapter to the owner, resident, agent or occupant of the premises.
- (g) Report uncorrected violations to the Calumet County Corporation Counsel and assist the Corporation Counsel in initiating enforcement proceedings. Issue citations as necessary.
- (h) Gain entry to premises, buildings and structures during reasonable hours for the purpose of investigating applications for permit and for the purpose of determining compliance with this chapter or with any issued permit. If entry is refused after presentation of proper identification, a special inspection warrant may be procured in accordance with Wis. Stat. 66.0119(1) and (2).
- (i) When necessary, provide technical and clerical assistance during hearings conducted by the Board of Adjustment or the Planning, Zoning and Farmland Preservation Committee.
- (j) Serve as a member of the Ad Hoc Site Plan Review Committee.
- (k) Any other duties assigned by the Planning, Zoning and Farmland Preservation Committee or the Planning, Zoning and Land Information Director.

Sec. 82-149 – 82-154. Reserved.

ARTICLE XII. ENFORCEMENT

Sec. 82-155. Violations.

- (a) *Unlawful Activity.* 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 chapter or amendments or supplements thereto, lawfully adopted by the Calumet County Board of Supervisors. It shall also be unlawful to fail to obtain permits as required by this chapter or to fail to comply with any requirement or condition imposed by the Board of Adjustment or Planning, Zoning, and Farmland Preservation Committee.
- (b) *Separate Offense.* Each and every day of violation described in par. (a), *Unlawful Activity*, 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 chapter may be subject to prosecution under the terms of this chapter.

Sec. 82-156. Prosecution.

- (a) *Civil Proceedings.* Pursuant to Wis. Stat. 66.0114, an action for violation of this chapter shall be a civil action.
- (b) *Notification.* The Code Administrator shall serve any violators with a correction notice stating the following:
 - (1) The nature of the violation.
 - (2) Corrective measures required to eliminate the violation.
 - (3) The date that the violation must be corrected by.
 - (4) The Penalties to be applied if corrective actions are not taken by the specified date.
- (c) *Corporation Counsel.* If the violation is not timely addressed, the Code Administrator shall report violations to the Calumet 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 Wis. Stat. 66.0114, or pursuant to issuance of a Summons and Complaint.
- (d) *Injunction.* Compliance with this chapter may also be enforced by an injunction sought by Calumet 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 Calumet County, may, in addition, seek a forfeiture or penalty as outlined herein.
- (f) *Special Inspections Warrants.* The provisions of s. 66.0119(1) and (2), Wis. Stats., shall govern the issuance of all special inspection warrants.

Sec. 82-157. Penalties.

Any person, firm, association, corporation or representative agent who fails to comply with the provisions of this chapter or any order of the Code Administrator or the Planning, Zoning and

Farmland Preservation Committee or the Board of Adjustment, issued in accordance with this chapter shall, upon conviction thereof, forfeit, not less than \$10 nor more than \$500 and the cost of prosecution for each violation including court costs and reasonable attorney fees; and in default of payment of such forfeiture and cost shall be imprisoned until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate violation.

Sec. 82-158. After-the-Fact Conditional Use Permit Applications and Variance Petitions.

- (a) *After-the-Fact Conditional Use Applications and Variance Petitions.* If a building, structure or premises is used to establish a use requiring a conditional use permit or a building or structure is constructed in violation of any dimensional requirement of this chapter, the responsible party may attempt to correct the violation by petitioning for an after-the-fact variance or conditional use permit. After-the-fact conditional use permit applications shall not be deemed complete until a double permit application fee has been submitted. All fees are non-refundable.

Sec. 82-159. Reserved.

(History: Ordinance No. 2009-10, 11-2-2009; Ordinance No. 2010-04, 7-10-2010; Ordinance 2010-18, December 21, 2010; Ordinance No. 2011-06; Ordinance No. 2011-07, November 1, 2011; Ordinance 2013-7, November 4, 2013 entire Chapter; Ordinance 2015-1, April 21, 2015 entire Chapter; Ordinance 2019-3, September 17, 2019 Comprehensive Revision, Ordinance 2021-06, May 11, 2021.)

APPENDIX B

Appendix B is provided only as a quick reference guide of uses contained within this ordinance. Additional requirements and detailed specifications are outlined within the ordinance and shall govern the uses contained within Appendix B.

TYPE OF USE	ZONING DISTRICTS													
	NA	EAP	EA	GA	HL	SE	AR	SF20	SF10	HD	MC	CC	LI	I
AGRICULTURAL USES														
Agriculture Use	P	P	P	P	P	P	P							
Commercial Riding Stables 82-75(c)	C		C	S	C									
Farm Markets 82-71(a)			C	S	S		S				P	P		
Greenhouses	C	C	P	P	P		P				S	S	S	S
Urban Agriculture 82-71(b)								A	A		A			
COMMERCIAL USES														
Adult Entertainment Establishments 82-72(k)												C	C	S
Art Galleries				C	C	C	C				P	P		
Auto Repair 82-72(c)					C		C				C	C	P	P
Auto Sales & Service Lot											S	S	S	S
Banks										P	P	P		
Bed & Breakfast Establishments	C		C	P	P	P		C	C	P	P	P		
Boardinghouses 82-58(l)		C	C	P	P	C				P	P	P		
Commercial Fishing Facilities	C			P								S	S	
Commercial Trucking Establishments			C	C								C	S	P
Commercial Storage Facilities 82-72(e)				C							C	C	P	P
Conference Facilities											C	S		
Day Care Centers 82-72(j)					C	C				S	S	S		
Entertainment Facility 82-2(m)										C	C	C	C	
Farm Implement Sales & Service		C	C	S	S						C	S	P	P
Fertilizer Distribution Plants			C	C	C								C	S
Gas Stations 82-72(l)											C	S	S	S
Grain Mills		C	C	S	C						C	C	S	P
Home Businesses 82-72(g)			C	C	C	C	C				S	S	S	S
Kennels 82-72(a)				S	S		S						C	
Animal Shelters/Pounds 82-72(c)				C	C		C					C	P	S
Laundromats and Laundry Service										C	P	P	S	
Lumber/Building Supply Yards				S	S						C	S		P
Medical/Dental Clinics						C				C	P	P		
Model Homes						S		S	S	P	P	P	S	
Passenger Bus Terminals										C	S	S		
Personal Service Establishments						C				C	P	P		
Personal Transport Vendors	C									C	C	C		
Private Lodges and Clubs								C	C	P	P	P	P	
Professional Offices/Studios						C				C	P	P	P	

APPENDIX B

Appendix B is provided only as a quick reference guide of uses contained within this ordinance. Additional requirements and detailed specifications are outlined within the ordinance and shall govern the uses contained within Appendix B.

	NA	EAP	EA	GA	HL	SE	AR	SF20	SF10	HD	MC	CC	LI	I
Radio/TV Stations											S	S	P	P
Recreational/Fishing Equipment Sales											S	P	P	
Recreational Vehicle Sales/Service or Model Home/Model Home Sales											S	S	P	P
Restaurants or Taverns 82-72(b)										S	P	P		
Retail Stores/Showrooms					C		C			C	P	P	S	
Taxi and Limousine Service				C						P	P	P	P	P
Trade or Contractor Establishments 82-72(d)			C	C	C		C					C	P	P
Veterinarian Clinics		C	C	S	S		C				P	P	P	
Wineries/Micro Breweries	C			S	S						C	S		
INDUSTRIAL USES														
Ammunition Manufacturing and Wholesale Distribution				C	C								C	C
Asphalt/Concrete Plants				C	C								C	S
Bulk Storage of Fuel Products		C	C	C									S	S
Freight Terminals											C		S	P
Fruit/Vegetable/Cheese Processing Plants			C	C	C								S	P
Manufacturing, Assembly, Processing			C	C	C							C	S	P
Nonmetallic Mining 82-73(b)		C	C	C	C								C	C
Resource Recovery Facilities 82-73(e)				C									C	S
Salvage Yards 82-73(c)				C	C								C	S
Sawmills/Planing Mills 82-73(a)	C		C	C	C								P	P
Sewage Disposal/Treatment Plants				C	C						C	C	C	S
Slaughterhouses			C	C								C	C	S
Solid Waste Facilities 82-73(d)				C	C								C	S
Temporary Concrete or Asphalt Batch Plants 82-73(f)		C	C	S	S	C					C	C	S	S
Wholesale Establishments /Distributorships 82-73(g)				C								C	S	S
INSTITUTIONAL USES														
Cemeteries	P			P	P	P		P	P	P	P	P		
Churches and Community Centers 82-74(a)	P		C	P	P	S		S	S	S	P	P		
Community Living Arrangement		As regulated in s. 59.69(15), Wis. Stats.												
Fire/Police Stations				S	S	S				C	S	S	P	P
Hospitals						C				C	C	S		
Institutional Residential					C	C				C	S	S		
Libraries/Museums					C	C		C	C	C	P	P		
Post Offices										S	P	P		
Public and Private Schools	C		C	S	S	S		S	S	S	S	S		
Public Highway Garages			C	S	S						S	S	P	

APPENDIX B

Appendix B is provided only as a quick reference guide of uses contained within this ordinance. Additional requirements and detailed specifications are outlined within the ordinance and shall govern the uses contained within Appendix B.

	NA	EAP	EA	GA	HL	SE	AR	SF20	SF10	HD	MC	CC	LI	I
Non-Commercial Communication Towers, Antennas, Transmitter 82-77(d)		C	P	P	P	S	S				S	S	P	P
Temporary MET towers 82-77(d)		C	C	P	P	S							P	P
Permanent MET towers 82-77(d)		C	C	P	S	C							S	P

KEY:

P = Permitted uses

S = Permitted uses subject to the site plan review procedure

C = Uses permitted as conditional uses

A = Uses permitted as an accessory use

E = Existing residences in the EA District constructed prior to November 2, 2019 are a permitted use. Nonfarm residences constructed after November 2, 2019 with the authorization of a conditional use permit are also considered permitted uses.

FOOTNOTES:

1. Uses in the EA and EA-P Districts must also comply with the provisions of Wis. Stats. 91 and ATCP 49.