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### **County Board Approval:**

On February 14<sup>th</sup>, 2006, the Chippewa County Board of Supervisors adopted ordinance number 2006-01, which repealed the previous county zoning ordinance and recreated it as a Comprehensive Zoning Ordinance Rewrite. The final ordinance provisions/regulations are presented on the subsequent pages.

### **Ordinance Amendment(s):**

- 2006-10** – Nonconforming Structure Language revised (Adopted by the County Board on 11-14-2006).
  - 2008-01** – Livestock Facility Siting Language added (Adopted by the County Board on 02-12-2008).
  - 2009-05** – Board of Adjustment Regulations (Adopted by the County Board of 09-08-2009).
  - 2011-10** – Tourist Rooming House Language Added (Adopted by the County Board on 01-10-2012).
  - 2012-20** – Commercial Site Plan Review Process added (Adopted by the County Board on 09-11-2012).
  - 2013-07** – Definitions, Administration and Legislative Powers (Adopted by the County Board on 12-10-2013).
  - 2013-08** – Minor Ordinance Revisions (Adopted by the County Board on 12-10-2013).
  - 2013-09** – Livestock Siting Regulations Revisions (Adopted by the County Board on 12-10-2013).
  - 2013-10** – Front, side, and rear yard regulations; structures allowed within the yards and courts; and fencing requirements Revisions (Adopted by the County Board on 12-10-2013).
  - 2013-11** – Division 5: Non-metallic Mining Regulations Created (Adopted by the County Board on 12-10-2013).
  - 2013-12** – Conditional use permits Revisions (Adopted by the County Board on 12-10-2013).
  - 2015-04** – Accessory Structures, Bathrooms within Accessory Structures, Accessory Structures without a Principal Structure, Easements to Lots (Adopted by the County Board on 09-08-2015).
  - 2015-06** – Residential 2 – Twin Home Zoning District (Adopted by the County Board on 01-12-2016).
  - 2018-02** – Home Occupations Revisions (Adopted by the County Board on 06-12-2018).
  - 2019-08** – Tourist Rooming House Revisions (Adopted by the County Board on 06-11-2019).
  - 2020-02** – Sign Revisions (Adopted by the County Board on 02-11-2020).
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**ARTICLE I. IN GENERAL****Sec. 70-1 Authority**

The provisions of this chapter are adopted by the County Board under the authority granted by Wis. Stats. §§ 59.69 and 59.694.

(Code 1980, § 17.01)

**Sec. 70-2 Purpose**

The purpose of this chapter is to promote and protect the health, safety, morals, prosperity, aesthetics and general welfare of this county.

(Code 1980, § 17.02)

**Sec. 70-3 Intent**

It is the general intent of this chapter:

- (a) To regulate and restrict the height, number of stories and size of all buildings and other structures, the percentage of lot which may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes.
- (b) To lessen congestion in and promote the safety and efficiency of the streets and highways, secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect values; further the appropriate uses of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community comprehensive plan or plan components.
- (c) To provide for land in the county to be divided into districts of such number, shapes and areas as are deemed best suited to carry out such purposes and the use of the land in the various districts are limited to those specifically listed and enumerated in this chapter.
- (d) To provide for the administration and enforcement of this chapter and to provide penalties for its violation.

(Code 1980, § 17.03)

**Sec. 70-4 Abrogation and Greater Restrictions**

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, other existing county ordinances, rules, regulations or permits previously issued under existing ordinances and regulations. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(Code 1980, § 17.04)

**Sec. 70-5 Interpretation**

The provisions of this chapter shall be held to be minimum requirements; shall be consistent with the purpose and intent of this ordinance; and shall not be deemed a limitation or repeal of any other power granted by statute.

(Code 1980, § 17.05)

**Sec. 70-6 Jurisdiction**

The jurisdiction of this chapter shall include all lands within the county outside the limits of incorporated cities and villages Subject to town board approval as provided in Wis. Stats. §§ 59.69 and the following additional requirements:

- (a) If a town board wishes to withdraw from county zoning prior to a comprehensive zoning ordinance rewrite, they may do so by filing a resolution with the County Clerk and Committee at least one year prior to the effective date of the withdrawal. However, this withdrawal can only happen at five (5) year increments from the original resolution approving the county zoning ordinance and filed with the County Clerk.

**NOTE:** *It is the intent of this section to allow town boards the opportunity to opt out from county zoning once every five (5) years. For example, if a Town were to adopt the county zoning ordinance and file the required resolution with the county clerk on 01-01-2006 – the ordinance would be effective on that date. If the town board decides county zoning is not for them, they can submit a new resolution to the County Clerk and County Committee no later than 01-01-2010, which essentially states that they are withdrawing from county zoning effective 01-01-2011.*

(Code 1980, § 17.10)

**Sec. 70-7 Compliance**

- (a) *Generally.* No structure or land shall be used; and no structure or part thereof shall be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered after the effective date of the ordinance from which this chapter is derived without full compliance with the provisions of this chapter and all other applicable local, county and state regulations.
- (b) *Nuisances.* No provision of this chapter shall be construed to bar an action to enjoin or abate the use or occupancy of any land or structure as a nuisance under appropriate law.
- (c) *Nonconforming use.* The existing lawful use of a structure or premise after the effective date of the ordinance from which this chapter is derived which is not in conformance with the provisions of this chapter shall be called a nonconforming use and may be continued subject to the following conditions:
  - (1) If the nonconforming use of any building is discontinued for a period of 12 months, any further use of the building or premise shall conform to the regulations for the district in which it is located.

- (2) Once a nonconforming use has been changed to a conforming use, it shall not revert back to a nonconforming status.
  - (3) Uses which are considered public nuisances shall not be permitted to continue as nonconforming uses.
  - (4) A structure containing a non-conforming use, which is destroyed by violent wind, fire, flood or vandalism may be reconstructed subject to section 70-7(e).
- (d) *Nonconforming Structures.* A structure which does not conform to the yard, height, parking loading and access requirements of this chapter may be continued to be used but shall comply with the following:
- (1) Normal maintenance and repair is allowed.
  - (2) Any addition shall meet all required setbacks and provisions of this ordinance. In the event that a principal structure is located entirely within a required setback, an addition may be allowed as long as there is no lateral or vertical expansion of that portion that remains within the required setback.
- (e) *Restoration of Nonconforming Structures.* Nonconforming structures damaged or destroyed by violent wind, fire, flood, vandalism, ice, snow, mold or infestation and destroyed after October 4<sup>th</sup>, 1997 may be reconstructed or repaired to the size, location and use that existed immediately before the damage occurred, subject to the following:
- (1) A structure that is destroyed or damaged due to a deliberate act by the landowner or by his or her agent or due to general deterioration or dilapidated condition, may not be constructed or repaired except in conformance with the standards of the zoning and building codes;
  - (2) The landowner shall bear the burden of proof as to the size location, or use of a destroyed nonconforming structure or use had immediately before the destruction or damage occurred;
  - (3) Repairs are authorized under this provision only to the extent that they are necessary to repair the specific damage caused by violent wind, fire, flood, vandalism, ice, snow mold or infestation and only that portion of the nonconforming structure that has been destroyed may be reconstructed;
  - (4) The size of the structure can be larger than the size it was immediately before the damage or destruction if it is necessary to comply with applicable local, state or federal requirements.
  - (5) Once a nonconforming structure has been moved or altered to comply with the provisions of this chapter, it shall not revert back to a nonconforming status.

(Code 1980, § 17.11, Ordinance No. 2006-10, 11-14-2006)

**Sec. 70-8 Definitions**

For the purposes of this chapter, certain terms are defined as follows: words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number. The word "building" includes the word "structure" and the word "shall" is mandatory and not directory. The word "person" includes an individual, all partnerships, associations, and bodies politic and corporate. The word "lot" includes the word "plot" or "parcel." The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged" or "designed to be used or occupied."

- (1) *Abutting* means having a common property line or district line.
- (2) *Accessory building* means a subordinate building, the use of which is purely incidental to the permitted use of the principle building,
- (3) *Accessory use. See Use, accessory.*
- (4) *Administrator* means the Planning & Zoning Administrator or an agent designated by the Planning & Zoning Administrator.
- (5) *Adult Bookstore* means an establishment having as a predominant portion of its stock in trade, books, magazines and other periodicals, video cassettes, DVD's or other electronic media, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein).
- (6) *Adult Cabaret* means a nightclub, bar, theater, restaurant or similar establishment which frequently features live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas or which regularly feature films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas" (as defined herein) for observation by patrons. An adult cabaret does not include theaters, performing arts centers, civic centers and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.
- (7) *Adult Motion Picture Theater* means an enclosed building which is significantly or substantially used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as described herein) for observation by patrons therein.
- (8) *Agricultural-related business* means a business which is operated from a property located in an agricultural district which (a) services the local farm community through the repair or servicing of farm machinery or equipment or (b) the sale of products that are grown on the property and additional products as long as the home grown products represent at least 50% or more of the sales.

- (9) *Airport* means any airport which complies with the definition contained in Wis. Stats. § 114.002(7), or any airport which serves or offers to serve any common carriers engaged in air transport.
- (10) *Alley* means a way which affords only a secondary means of access to abutting property.
- (11) *Animal unit* means a unit of measure used to determine the total number of single animal types or combination of animal types, as specified in Wis. Admin. Code NR § 243.11, table 2, which are fed, confined, maintained or stabled in an animal feeding operation. For the purposes of this chapter, one animal unit is equivalent to one head of beef or slaughter cattle weighing more than 1,000 pounds.
- (12) *Apartment* means a portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.
- (13) *Apartment house*. See *Dwelling, multiple*.
- (14) *Approved use*. See *Use, approved*.
- (15) *Arterial street*. See *Street, arterial*.
- (16) *Automobile wrecking yard* means an establishment or place of business, which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts. 2 or more such vehicles constitute an automobile wrecking yard.
- (17) *Basement* means a story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five feet above grade at any such entrance or exit. The first floor is the floor next above the basement or the lowest floor if there is no basement. A basement shall not be counted as a story for the purposes of story restrictions.
- (18) *Billboard* means an advertising device, either freestanding or attached to a building which is used to display information not related to the use or ownership of the establishment on the property upon which it is located.
- (19) *Block* means a tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.
- (20) *Board* means the board of adjustment, as provided in section 70-35.
- (21) *Boardinghouse* means a building, other than a hotel, where meals or lodging and meals are provided for compensation for not more than six persons.
- (22) *Building* means a structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels; each portion of a building separated by a division of walls from the ground up, without openings in those walls, is a separate building for the purpose of this chapter.



- (23) *Building, alterations of*, means any change or rearrangement of the supporting members (such as bearing walls, beams, columns or girders) of a building, an addition to a building or movement of a building from one location to another.
- (24) *Building, height of*, means the vertical distance from the average elevation of the finished grade at the building line to the highest point of a flat roof, or the deck line of a mansard roof, or to the average height of the highest gable or gambrel, hip or pitch roof.
- (25) *Building, principal*, means a building in which is conducted the main use of the lot on which such building is located.
- (26) *Building line, front*, means a line parallel to the street, intersecting the foremost point of the building, excluding uncovered steps.
- (27) *Business* means a commercial establishment engaged in the purchase and sale of goods and services for a profit (not including manufacturing or industrial establishments).
- (28) *Camping grounds* means a parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of trailers or movable or temporary dwellings, rooms or sleeping quarters of any kind.
- (29) *Carport* means a structure providing shelter, which consists of a roof and support posts with the potential of being either permanently or temporarily enclosed by walls. It may be free-standing or attached to an existing building.
- (30) *Clinic* means an establishment for medical examination and treatment of patients, but without provisions for keeping such patients overnight on the premises. For purposes of this chapter, a doctor's or dentist's office in a residence, when it complies with the requirements of this chapter relating to such office, shall not be considered a clinic; but any doctor's or dentist's office which is not a part of his own home, or the office of two or more doctors or dentists, whether in a residence or not, shall be considered a clinic.
- (31) *Club* means an association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.
- (32) *Committee* means the Planning & Zoning Committee which is made up of county board members and oversees the policy for planning and zoning as outlined in Wis. Stats. §§ 59.69.
- (33) *Conforming use* means any lawful use of a building or lot which complies with the provisions of this chapter.
- (34) *Department* means the Chippewa County Department of Planning & Zoning.
- (35) *District* means a section or sections of the county for which the regulations governing the use of land and buildings are uniform.
- (36) *Dwelling, multiple*, means a building or portion thereof used or designated as a residence for three or more families as separate housekeeping units, including apartments, apartment hotels and townhouses.

- (37) *Dwelling, single-family*, means a detached building designed for and occupied exclusively by one family which is a minimum of 24 feet in width and 24 feet in length and has a roof with a minimum slope of 3:12. The dwelling shall be erected on a permanent, state code approved foundation.
- (38) *Dwelling, two-family*, means a detached building designed for and occupied exclusively by two families living independently of each other which is a minimum of 24 feet in width and 24 feet in length and has a roof with a minimum slope of 3:12. The dwelling shall be erected on a permanent, state code approved foundation.
- (39) *Dwelling unit* means any room or group of rooms located within a dwelling and forming a single habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- (40) *Emergency shelter* means public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire, flood, windstorm, riots or invasions.
- (41) *Environmental Pollution* has the meaning in Wis. Stats. § 295.22(2).
- (42) *Expressway* means a divided arterial highway with controls on public and private access and, generally, with interchanges at major intersections.
- (43) *Family* means any number of individuals related by blood, adoption or marriage, living together on the premises as a single housekeeping unit.
- (44) *Farm* means an area of land of indeterminate size where animals, produce, plants or bees are raised or maintained for sale or off premise consumption, or where animals are commonly associated with farming are maintained for pleasure.
- (45) *Forest industries* means the cutting and storing of forest products, the operation of portable sawmills, the production of maple syrup and sugar.
- (46) *Forest products* means products obtained from stands of forest trees which have been either naturally or artificially established.
- (47) *Freeway* means an expressway with full control of access and with grade separations at all intersections.
- (48) *Frontage, street*, means the smallest dimension of a lot abutting a public street measured along the street line.
- (49) *Fur farm* means any property comprising land or buildings or both, used for the purpose of raising or harboring fur-bearing animals including those defined in Wis. Stats. § 29.001(30), and also other fur-bearing animals, if any, whether the animals are kept for breeding, slaughtering or pelting purposes.
- (50) *Garage, private*, means an accessory building or accessory portion used, or intended to be used, for the storage of private motor vehicles and having a capacity of not more than three automobiles or not more than two automobiles per family housed in the building, whichever is greater.. The capacity limitations shall not apply in the agricultural district.

- (51) *Garage, public*, means a building or portion thereof used for the housing or care of motor vehicles for the general public or where such vehicles are equipped or repaired for remuneration or kept for hire or sale. This may include premises commonly known as gasoline stations or service stations.
- (52) *Gasoline service station* means any area of land, including any structure thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil or other lubricating substances, or motor vehicle accessories; and which may include facilities used or designed to be used for polishing, repairing, greasing, washing, spraying, dry cleaning or otherwise cleaning such vehicles.
- (53) *Hazardous Waste* means any solid waste as defined by the Wisconsin Department of Natural Resources, in Wis. Stats. § 291.01, and identified as hazardous under §§ 295.01(1), (2) or (4).
- (54) *Highway* means a public or private thoroughfare which affords a primary means of access to abutting property.
- (55) *Highway corridor* means an area of land marked by state or federal officials where potential highway development is being planned for construction.
- (56) *Home occupation* means any occupation for gain or support conducted entirely within a building by resident occupants, which is customarily incidental to the principal use of the premises, does not exceed 25% of the habitable floor area of the dwelling unit, unless a conditional use permit is issued, and no article is sold or offered for sale except such as is produced by such home occupation. A household occupation includes such uses as babysitting, millinery, dressmaking, canning, laundering and crafts, and does not include the display of any goods or products nor the storage or sale of explosives or fireworks.
- (57) *Hospital*, unless otherwise specified, shall be deemed to include sanitarium, sanatorium, preventorium, rest home, nursing home, convalescent home and any other place for the diagnosis, treatment or other care of ailments. It shall be limited to places for the diagnosis, treatment or other care of human ailments with provisions for keeping such patients overnight on the premises.
- (58) *Hotel* means an establishment for transient guests having sleeping rooms without individual cooking facilities for more than six persons for compensation.
- (59) *Impervious Surface* means an area that releases as runoff all or a large portion of the precipitation that falls on it, other than frozen soil. Examples of surfaces that typically are impervious are any paved, covered, compacted or structural surface that limits or impedes infiltration or otherwise causes additional runoff of surface water, including roofs of buildings, the surfaces of solid decks and patios, and gravel, paved and crushed stone driveways, parking areas and walkways.
- (60) *Inoperative Motor Vehicle* means any motor vehicle which satisfies one or more of the following criteria:
- a. That is partially dismantled or wrecked;
  - b. That is not operable

- c. That is not licensed;
  - d. That could not be safely or legally operated on a highway;
  - e. That has become a habitat for rodents, vermin or insects;
  - f. That in any other way constitutes a threat to the public health or safety.
- (61) *Interchange* means a grade-separated intersection with one or more direct connections for vehicular travel between the intersecting streets or highways.
- (62) *Junked Vehicle* means a vehicle or piece of equipment which is incapable of proper operation or use upon a highway or road.
- (63) *Junkyard* means an open space where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. The term "junkyard" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.
- (64) *Licensed* means the proper display of the registration which includes the necessary plates, tags or decals issued by the authority having jurisdiction over such vehicle or equipment licenses.
- (65) *Livestock operation* means a feedlot or other facility or a pasture where animals are fed, confined, maintained or stabled.
- (66) *Loading area* means a completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (67) *Lot* means a division of land occupied or designed to be occupied by one building and its accessory building or uses, including open spaces required by this chapter. A lot may be a parcel of land designated in a plat laid out prior to the effective date of the ordinance from which this chapter is derived or amendment thereof, or a division described in a conveyance recorded in the office of the register of deeds, or contained in, or a part of a certified survey, approved by the Committee and recorded in the office of the register of deeds, when such parcels comply with the requirements of this chapter as to width and area for the district in which it is located and have frontage on a public street or an approved private street. No land included in any street, highway or railroad right-of-way shall be included in computing lot area.
- (68) *Lot area* means the total area in a horizontal plane within the peripheral boundaries of a lot.
- (69) *Lot coverage* means the percent of the area of a lot occupied by buildings or structures, including accessory buildings or structures.
- (70) *Lot lines* means the peripheral boundaries of a lot as defined in this section.
- (71) *Lot width* means, for the purposes of this chapter, the width of a lot shall be the shortest distance between the side lines at the setback line.

- (72) *Meat locker* means an establishment which processes meat or meat food products for human consumption. Processes mean cutting, grinding, manufacturing, compounding, intermixing or preparing.
- (73) *Mobile home* means a vehicular structure manufactured and designed to be transported and towed upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, including any additions, attachments, foundations and appurtenances.
- (74) *Mobile home park* means any lot on which two or more mobile homes are parked for the purpose of permanent habitation and including any associated service, storage, recreation and other community service facilities designed for the exclusive use of park occupants.
- (75) *Motel* means a building or group of buildings containing rooms which are offered for compensation and the temporary accommodation of transients, and where there is no permanent occupancy of any unit, except by the owner or his agent or employees.
- (76) *Motor Vehicle* means any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motorized campers, motorcycles, motor scooters, and tractors.
- (77) *Motor Vehicle Accessories* means any part or parts of any motor vehicle.
- (78) *Motor freight terminal* means a building or area in which freight brought by motor truck is assembled or stored for routing in intrastate and interstate shipment by motor truck.
- (79) *Nonconforming building or structure* means any building or structure which does not comply with all of the regulations of this chapter or of any amendment hereto governing bulk for the zoning district in which such building or structure is located.
- (80) *Nonconforming use* means any use of land, buildings or structures which does not comply with all of the regulations of this chapter or of any amendments thereto governing use for the zoning district in which such use is located. Also see subsection 70-7(c).
- (81) *Nonmetallic mineral* means a product, commodity or material consisting principally of natural occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to: stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil
- (82) *Nonmetallic mining* means the following:
- a. 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.

- b. 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.
- (83) *Nonmetallic mining refuse* means waste soil, rock and mineral, as well as other natural site material resulting from nonmetallic mining. Nonmetallic mining refuse does not include marketable byproducts resulting directly from or displaced by the nonmetallic mining that are scheduled to be removed from the nonmetallic mining site within a reasonable period of time after extraction.
- (84) *Nonmetallic mining site* means all contiguous areas of present or proposed mining described as:
- a. The location where nonmetallic mining is proposed or conducted.
  - b. Storage and processing areas that are in or contiguous to areas excavated for nonmetallic mining.
  - c. Areas where nonmetallic mining refuse is deposited.
  - d. Areas affected by activities such as the construction or improvement of private roads or haulage ways for nonmetallic mining
  - e. Areas where grading and regrading is necessary.
  - f. Areas where nonmetallic mining reclamation activities are carried out or structures needed for nonmetallic mining reclamation, such as topsoil stockpile areas, revegetation test plots or channels for surface water diversion are located.
- (85) *Nursery* means any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.
- (86) *Nursery school* means any building used routinely for the daytime care and education of preschool age children and including all accessory buildings and play areas, other than the child's home or the homes of relatives or guardians.
- (87) *Park, public*, means an area owned and operated by the state, county or municipality within the county, operated for the convenience and recreation of the public and containing such facilities as the owning government may see fit.
- (88) *Parking lot* means a lot where automobiles are parked or stored temporarily for public use whether free, for compensation or as an accommodation for clients or customers but not including the wrecking of automobiles or other vehicles or storage for purposes of repair or wrecking.
- (89) *Parking space* means an off-street space available for the parking of a motor vehicle and which is held to be an area containing 200 square feet and nine feet wide (nine feet by 22 feet), exclusive of passageways and driveways appurtenant thereto and giving access thereto.

- (90) *Permanent Habitation* means more than 14 days of occupancy within a calendar year.
- (91) *Planned unit development* means a tract of land of at least five acres which contains or will contain two or more principal buildings, developed under single ownership or control; the development of which is unique and of substantially different character than that of surrounding areas.
- (92) *Professional home offices* means residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions, used to conduct their professions where the office does not exceed one-half the area of only one floor of the residence and only one nonresident person is employed.
- (93) *Property lines* means the lines bounding a tract of land in single ownership.
- (94) *Public way* means any sidewalk, street, alley, highway or other public thoroughfare.
- (95) *Railroad right-of-way* means a strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops or car yards.
- (96) *Recreational camp* means an area containing one or more permanent buildings used occasionally or periodically for the accommodation of members of associations or groups for recreational purposes.
- (97) *Recreational vehicle (RV)* means a vehicular portable structure designed as a temporary dwelling for travel, recreation and vacation use, which does not fall within the definition of mobile homes.
- (98) *Recreational vehicle (RV) camp* means any park, court, campsite plot or parcels or tracts of land used to park camping type units of any nature and not used as permanent residence.
- (99) *Recycling drop-off station* means a facility consisting of appropriate storage containers designed to accept a limited volume of recyclable materials from households, including aluminum food and beverage containers, glass food and beverage containers, magazines or other materials printed on similar paper, newspapers or other material printed on newsprint, kraft paper (e.g. grocery bags), corrugated cardboard, office paper, plastic food and beverage containers, steel or bimetal food or beverage containers, and waste tires, that are intended to be stored temporarily in the containers provided before being taken to a resource recovery facility or resource recovery processing facility. Sorting, shredding, crushing, baling or other separation, other than that required by residents using a municipal recycling drop-off station to separate recyclable materials for placement in appropriate containers, shall be prohibited.
- (100) *Registered geologist* means a person who is registered as a professional geologist pursuant to Wis. Stats. §§ 443.037 and 443.09.
- (101) *Registered professional engineer* means a person who is registered as a professional engineer pursuant to Wis. Stats. §§ 443.04 and 443.09.

- (102) *Rendering plant* means a plant for the reduction of dead animals, or slaughtered animals not suitable for human consumption to byproducts such as hide, skin, grease, bones, glue, soap and for the storage of such byproducts.
- (103) *Resource recovery facility* means a building in which collected recyclables from residential and commercial sources, including aluminum food and beverage containers, glass food and beverage containers, magazines or other materials printed on similar paper, newspapers or other material printed on newsprint, kraft paper (e.g. grocery bags), corrugated cardboard, office paper, plastic food and beverage containers, steel or bimetal food or beverage containers, or other incidental recyclable items that may be delivered from time to time provided no dismantling is necessary according to market requirements and in which the incoming recyclables are sorted, shredded, crushed, baled or otherwise separated using equipment, for later shipment to markets. All activities that take place at a resource recovery facility shall take place inside the building, including the storage of recyclables. Dismantling, salvaging, crushing, or storage of motor vehicles, machinery, or appliances, or the processing or storage of putrescible, hazardous or toxic wastes are prohibited.
- (104) *Restaurant* means a space within a suitable building provided with adequate and sanitary kitchen equipment, approved by the state board of health and a dining room of related capacity, having employees for preparing, cooking and servicing suitable food.
- (105) *Right-of-way line* means the dividing line between a highway and the abutting lots or other divisions of land.
- (106) *Roadside stand* means a structure having a ground area of not more than 300 square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm or garden products produced on the premises.
- (107) *Rooming unit* means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.
- (108) *Rooming house, Tourist* means a single-family dwelling in which sleeping accommodations are offered to tourists or transients. It does not include private boarding or bed and breakfast establishments.
- (109) *Tourist or Transient* means a person who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business or employment.
- (110) *School, commercial*, means a school limited to special instruction, such as business, art, music, trades, handicraft, dancing or riding.
- (111) *Setback* means the minimum horizontal distance from the front line of the lot, the right-of-way line of the highway or the centerline of the highway, as designated, to the front wall of the building, exclusive of permitted projections. The setback shall be measured at right angles to such front lot line, right-of-way line or centerline of the highway.
- (112) *Setback lines* means lines established adjacent to highways for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently



- maintained, except as shown therein. The phrase "within a setback line" means between the setback line and the highway right-of-way.
- (113) *Shopping center* means a group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit. (See *Planned unit development*)
- (114) *Sign* means anything erected, hung, suspended, painted or attached to any other structure, carrying words, letters, figures, phrases, sentences, names, designs, trade names or trademarks or any other devices placed so as to be visible from a street or highway and calling attention to a business, trade, profession, commodity, product, person, firm or corporation.
- (115) *Slaughterhouse* means any building or premises used commercially for the killing, processing or dressing of cattle, sheep, swine, goats or horses for consumption and the storage, freezing and curing of meat and the preparation of meat products.
- (116) *Story* means that portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between such floor and the ceiling next above it.
- (117) *Story, half*, means a story under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite exterior walls, are not more than two feet above the floor of such story.
- (118) *Street* means a public or private thoroughfare which may either provide the principal means of pedestrian and vehicular access to abutting property or may provide for the movement of pedestrian or vehicular traffic or both.
- (119) *Street, arterial*, means a public street or highway intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways, as well as major thoroughfares, highways and parkways.
- (120) *Structural alterations* means any change in the supporting members of a structure such as bearing walls, columns, beams or girders, foundations and poles.
- (121) *Structure* means anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground but not including utility lines and their normal accessory equipment.
- (122) *Survey, certified* means a certified survey map of not more than four parcels of land which shall be recorded in the office of the register of deeds of the county and which shall meet the requirements of Wis. Stats. § 236.34.
- (123) *Temporary structure* means a movable structure not designed for human occupancy which may be used for protection of goods or chattels.
- (124) *Transportation Standards* means Wisconsin State Statutes, Wisconsin Administrative Codes, Wisconsin Department of Transportation Construction Standards and Facilities Design Manual, American Association of State Highway and Transportation Officials (AASHTO) publications and Institute of Transportation Engineers (ITE) publications.

- (125) *Use* means the use of property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained and shall include any manner of standards of this chapter.
- (126) *Use, accessory*, means a use subordinate in nature, extent or purpose to the principal use of a building or lot.
- (127) *Use, approved*, means a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards (if any) of such districts.
- (128) *Use, Conditional*, means the use of property, including the size, use and location of buildings, the size of lots and the dimensions of required yards, otherwise not allowable under the terms of this chapter, which is permissible by reasons of special provisions of the chapter, or for which a special permit may be issued by the Committee, under conditions specified in this chapter
- (129) *Use, principal*, means the main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be an approved use or a conditional use.
- (130) *Variance* means a departure from the terms of this chapter as applied to a specific building, structure or parcel of land, which the board of adjustment may permit, contrary to the regulations of this chapter for the district in which such building, structure or parcel of land is located, when the board of adjustment finds that a literal application of such regulation will affect a limitation on the use of the property which does not generally apply to other properties in the same district and for which there is no compensating gain to the public health, safety or welfare.
- (131) *Vision clearance* means an unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street or railroad right-of-way lines by measurement from their intersection as specified in this chapter.
- (132) *Water quality management area* means any of the following:
- a. The area within 1,000 feet from the ordinary high-water mark of navigable waters that consists of a lake, pond or flowage, except that, for a navigable water that is a glacial pothole lake. The term "water quality management area" means the area within 1,000 feet from the high-water mark of the lake.
  - b. The area within 300 feet from the ordinary high-water mark of navigable waters that consist of a river or stream.
  - c. A site that is susceptible to groundwater contamination or that has the potential to be a direct conduit for contamination to reach groundwater.
- (133) *Yard* means an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation as permitted, and except for permitted accessory buildings in rear yards.

- (134) *Yard, front*, means a yard extending across the full width of a lot, having a depth equal to the minimum horizontal distance between the front property line and the nearest point of the principal structure, excluding permitted projections.
- (135) *Yard, rear*, means a yard, unoccupied except by accessory buildings, extending from the rear line of the main building to the rear lot line for the entire width of the lot, excluding such projections as are permitted in this chapter.
- (136) *Yard, side*, means a yard or open space on each side of the main building extending from the side lot line to the side wall of the building, exclusive of permitted projections and from the front yard to the rear yard, when an accessory building is constructed as part of the main building or constructed on one side of the main building, the side yard requirements shall be the same for the accessory building as required for the main building.
- (137) *Youth camps*. See *Recreational camps*.
- (138) *Zoning district* means an area or areas for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.
- (139) *Zoning permit* means a permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the zone in which it is located.

(Code 1980, § 17.07, Ord. 10-11, 01-10-12; Ord. 02-18, 06-12-18)

Secs. 70-9--70-30. Reserved.

## ARTICLE II. ADMINISTRATION AND ENFORCEMENT\*

\***Cross references:** General Government and Administration, ch. 2; floodplain zoning administration, § 32-41 et seq.

(Ord. No. 07-18, 08-14-2018)

### Sec. 70-31 Enforcement, Violation and Penalty

- (a) *Violation*. Any building or structure erected, moved or structurally altered, or any use established in violation of the provisions of the ordinance from which this chapter is derived, shall be deemed an unlawful building, structure or use.
- (b) *Enforcement*. The Administrator shall report all violations of this chapter and action thereof to the Committee. The Administrator may sign a complaint and report same violation to the corporation counsel. It shall be the duty of the corporation counsel to expeditiously prosecute all such violators.
- (c) *Penalties*. Any person who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this chapter shall, upon conviction thereof, forfeit to the county a penalty of not less than \$ 100.00 together with the taxable costs in such action and not more than \$ 500.00, and in default of payment thereof shall be imprisoned in the county jail

for a term of not more than 30 days or until such penalty and costs are paid. Every day of violation shall constitute a separate offense in addition to any penalties. Compliance with this chapter is mandatory, and no building or structure shall be allowed without full compliance. Compliance therewith may also be enforced by injunctive order at the suit of the county against the owner or owners of real estate within the district affected by the regulations of this chapter.

(Code 1980, § 17.47)

### **Sec. 70-32 Administration**

- (a) *Delegation of Authority.* The Chippewa County Board of Supervisors designates the Chippewa County Department of Planning & Zoning to administer and enforce this ordinance.
- (b) *Duties.* In administering and enforcing this chapter, the Administrator or the Administrator's designated representative shall perform the following duties:
- (1) Advise applicants as to the provisions of this chapter and assist them in preparing permit applications provided by him.
  - (2) Issue permits after examined and approved and inspect or cause to be inspected properties for compliance with this chapter.
  - (3) Keep records of all permits issued, inspections made, work approved and other official actions.
  - (4) Issue conditional use permits when authorized by the Committee.
  - (5) Make an annual report of the Department's activities to the County Board.
  - (6) Take such action as may be necessary for the enforcement of the regulations provided in this chapter; attend all meetings of the Committee and the board of adjustment; and perform such other duties as the Committee and the Board of Adjustment may direct.
- (c) *Powers.* The Administrator or the Administrator's designated representative shall have authority including but not limited to the following:
- (1) Access to any structure or premise for the purpose of performing his duties between 8:00 a.m. and 6:00 p.m.
  - (2) Upon reasonable cause or question as to proper compliance, to revoke any building or zoning permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this chapter.

(Code 1980, § 17.45)

### **Sec. 70-33 Permits**

- (a) *Required.* No building, sign or structure, including trailers shall be constructed, enlarged, altered or moved after the effective date of the ordinance from which this chapter is derived within any area subject to this chapter until all applicable permits have been issued.
- (b) *Application.* Application for permits shall be made in writing to the Administrator upon a form furnished by the administrator.
- (c) *Evidence of property lines.* Prior to granting any permit required under this chapter, it is the duty of the property owner to present satisfactory evidence to the Administrator as to the location of the property lines relevant to the permit. The property owner/applicant may meet the evidence requirement by identifying the existing plat or certified survey markers. The Administrator may accept a mutually acknowledged lot line confirmed in writing by abutting property owners, provided that in any case where the Administrator should reasonably question the location of a property line, the Administrator may require a licensed survey thereof. The owner/applicant is responsible for survey costs. Granting a permit does not in itself determine property lines or the respective property rights of adjacent property owners.
- (d) *Termination.* Where a permitted use does not continue in conformity with the original approval, the permit shall be terminated by action of the Committee.
- (e) *Permit fee.* Application for permits or certificates prepared under the regulations of this chapter shall be accompanied by a fee set by the County Board. A copy of the current fee schedule shall be kept on file in the office of the Administrator. Any building, structure or sign found not having a permit shall be subject to after-the-fact fees as set forth by the County Board.
- (f) *Lapse of permit.* A building or zoning permit issued according to the regulations of this chapter shall lapse and be void unless construction of the building has commenced within 6 months from the date of issuance. A building or zoning permit shall expire unless construction of the exterior has been completed within one year from the date of issuance of the permit and the building itself has been completed within two years of issuance of such permit. An expired permit can be renewed for a \$25.00 fee if renewed within 2 months of the date of expiration otherwise re-application will be required. The renewed permit can only be for an additional 6 months. All applicable code and ordinance requirements in effect at the time of a renewal shall apply to the project.
- (1) The exterior of the building includes such things as final exterior siding, roofing, windows, and doors.
  - (2) The Administrator may grant an extension to keep a permit from becoming void or expired based on reasonable cause.
- (g) *Additional Permit Conditions.*
- (1) Deed Restriction required in or near Agricultural Areas. This deed restriction requirement is created to protect areas where agricultural production is the dominant land use and where a continuation of such use is in the interest of the farm operators and beneficial to the interests of the general public in terms of production of food and environmental quality.

- a. The owner of any new residential dwelling that is built within the agricultural district or within 1,320 feet of land zoned agricultural shall sign a deed restriction stating that the new residential dwelling unit is located in or near a pre-existing agricultural area where agricultural uses predominate and are approved by Chippewa County and the owners of said dwelling unit understand that they are moving into or near a pre-existing agricultural area with its associated accepted normal agricultural practices, including but not limited to, animal and plant husbandry, broad hours of operation, farm equipment traffic, farming debris on roads, farm equipment lights, odors, dust, smoke, noise, and manure, sludge, chemical, pesticide and herbicide application.
- b. The deed restriction shall be binding upon the owner, the heirs of the owner and assignees of the owner until cancellation as described in 70-33(g)(1)e below. The deed restriction shall be recorded with the Chippewa County Register of Deeds and shall be recorded in a manner that provides notice of the existence of the restriction by reference to the property where the dwelling unit is being constructed or erected.
- c. The deed restriction shall be recorded in the Register of Deeds office prior to issuance of the building or zoning permit.
- d. Exemption to the Deed Restriction. If a deed restriction was already required through a division of land or through the rezoning process, the above requirement may be waived by the Administrator if such deed restriction meets the purpose and intent as described in 70-33(g)(1) above and language similar to 70-33(g)(1)a is already recorded. A copy of such deed restriction shall be presented to the Administrator prior to the issuance of the required permits.
- e. Cancellation of the Deed Restriction. If the Administrator certifies that the dwelling unit is not located within 1,320 feet from an agricultural zoning district the deed restriction may be cancelled by executing and recording a certification letter with reference to the original deed restriction and signed by the Administrator. Such certification shall be recorded with the Chippewa County Register of Deeds and shall be recorded in a manner that provides notice of the cancellation of the restriction by reference to the property where the dwelling unit was constructed or erected.

(Code 1980, § 17.46)

Sec. 70-34 Intentionally Left Blank

### **Sec. 70-35 Board of Adjustment**

- (a) *Members.* There shall be a Board of Adjustment consisting of five (5) voting members and two (2) alternates for a total of seven (7) members. The members of the Board of Adjustment shall all reside within the county and outside the limits of incorporated cities and villages; provided, however, no two (2) members shall reside in the same town.
- (b) *Alternate Members.* Alternate members may participate in the discussion during a meeting or public hearing, but are limited to voting as follows:

- (1) The first alternate shall act, with full power, only when a voting member of the Board of Adjustment refuses to vote because of a conflict of interest or when a voting member is absent.
  - (2) The second alternate shall act, with full power, only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than one member of the Board of Adjustment refuses to vote because of a conflict of interest or is absent.
- (c) *Appointment.* All members of the Board of Adjustment shall be appointed by the County Administrator with County Board approval. Vacancies to unexpired terms shall be appointed in the like manner and shall be for the term remaining, unless otherwise approved. Alternates shall be appointed to an alternating schedule between first-alternate and second-alternate.
- (d) *Terms of Office.* The terms of the voting and alternate members shall be staggered as follows:
- (1) Three (3) voting members and one (1) alternate member shall be appointed for three (3) year terms. Successors shall be appointed in a like manner at the expiration of each term.
  - (2) Two (2) voting members and one (1) alternate member shall be appointed for two (2) year terms. Successors shall be appointed to a three (3) year term at the expiration of the initial two (2) year term.
- (e) *Rules*
- (1) The Board of Adjustment shall meet at the call of the chair and at such other times as the Board of Adjustment may determine at a fixed time and place.
  - (2) All meetings of the Board of Adjustment shall be open to the public.
  - (3) The Board of Adjustment shall fix a reasonable time for the hearing of the appeal; give public notice thereof by publishing a Class 2 notice in the official newspaper of the county, on each of two successive weeks, the last publication to be not less than one week before the date of the hearing as advertised therein, specifying the date, time and place of hearing and the matters to come before the Board of Adjustment; as well as mailed notices to the town clerk and abutting property owners.
  - (4) The Board of Adjustment shall keep complete minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Administrator and shall be a public record.
  - (5) The Board of Adjustment may call upon any other county departments, state and federal agencies for assistance in the performance of its duties.
  - (6) The Board of Adjustment may adopt additional procedural rules as are necessary to carry into effect the regulations of this chapter and any rules and regulations adopted by the County Board.

- (7) In the case of all appeals, the Board of Adjustment shall call upon the Administrator for all information pertinent to the decision appealed from.
- (f) *Appeals.* Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the Administrator. Such appeal shall be taken within a reasonable time as provided by the rules and by-laws of the Board of Adjustment, with notice of appeal specifying the grounds thereof. The Administrator shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken.
- (g) *Stays.* An appeal shall stay all proceedings in furtherance of the action appealed from unless the Administrator shall certify to the Board of Adjustment after notice of appeal shall have been filed with him, that by reason of facts stated in the affidavit, a stay would cause imminent peril to life and property. In such case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record.
- (h) *Powers and duties.* The powers and duties of the Board of Adjustment are identified in 59.694(7) of the Wisconsin State Statutes and in the applicable rules and by-laws as adopted by the County Board. The Board of Adjustment shall have the following general powers:
- (1) *Administrative Appeals.* To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination of the Administrator or Committee in the administration and enforcement of this ordinance.
  - (2) *Conditional Use Appeals.* To hear and decide requests for conditional use permits as specified in this ordinance.
  - (3) *Variances.* To authorize, upon appeal in specific cases, such variance from the term of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provision of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed, public welfare and safety secured and substantial justice done. A variance shall:
    - a. be consistent with the spirit and intent of this ordinance.
    - b. not permit any change in the uses in the established zoning districts.
    - c. not be granted unless it is demonstrated that the variance will not be contrary to the public interest or damaging to the rights of other persons or property values in the area.
    - d. not be granted for actions, which require an amendment to the ordinance.
    - e. not have the effect of allowing a use or structure, which is prohibited under this ordinance unless the BOA determines that no feasible legal use of the property can be made without such variance or strict conformity with the applicable provisions is unnecessarily burdensome and provided that a use variance may not be granted in a floodplain, shoreland-wetland or conservancy district.
    - f. not be granted on the basis of economic gain or loss.



- g. not be granted for a self-created hardship.
- (i) *Compensation.* The Board of Adjustment shall be paid the same per diem and mileage as authorized for the County Board.

(Code 1980, § 17.48) (Ordinance No. 05-09, 09-09-2009)

### **Sec. 70-36 Changes and Amendments**

- (a) *By County Board of Supervisors.* The County Board of Supervisors may alter, supplement or change the boundaries and regulations contained in this chapter with the procedures prescribed in Wis. Stats. § 59.69(5).
- (b) *Petitions by other than a governmental body.* Petition for amendments to the zoning district boundaries may be submitted by the property owner; however, this petition shall be accompanied by a public hearing and rezoning fee, as determined by the County Board, to defray the costs of advertising, investigation and processing.
  - (1) Deed Restriction required in or near Agricultural Areas. This deed restriction requirement is created to protect areas where agricultural production is the dominant land use and where a continuation of such use is in the interest of the farm operators and beneficial to the interests of the general public in terms of production of food and environmental quality.
    - a. The owner of any land that is rezoned for residential development and is located within 1,320 feet of land zoned agricultural shall be required to have a deed restriction attached stating that the land rezoned is located in or near a pre-existing agricultural area where agricultural uses predominate and are approved by Chippewa County and the owners of said lands understand that they are moving into or near a pre-existing agricultural area with its associated accepted normal agricultural practices, including but not limited to, animal and plant husbandry, broad hours of operation, farm equipment traffic, farming debris on roads, farm equipment lights, odors, dust, smoke, noise, and manure, sludge, chemical, pesticide and herbicide application.
    - b. The deed restriction shall be binding upon the owner, the heirs of the owner and assignees of the owner until cancellation as described in 70-36(b)(1)e below. The deed restriction shall be recorded with the Chippewa County Register of Deeds and shall be recorded in a manner that provides notice of the existence of the restriction by reference to the property where the rezone was approved.
    - c. The deed restriction shall be recorded in the register of deeds office within 30 days of final county board approval and prior to the issuance of any building or zoning permits for dwelling units to be constructed or erected on said property.
    - d. Exemption to the Deed Restriction. If a deed restriction was already required through a division of land or through a different permitting process, the above requirement may be waived by the Committee if such deed restriction meets

the purpose and intent as described in 70-36(b)(1) and language similar to 70-36(b)(1)a is already recorded. A copy of such deed restriction shall be presented to the Committee prior to a decision to grant the rezone request.

- e. Cancellation of the Deed Restriction. If the Administrator certifies that the entire lot or parcel is not located within 1,320 feet from an agricultural zoning district the deed restriction may be cancelled by executing and recording a certification letter with reference to the original deed restriction and signed by the Administrator. Such certification shall be recorded with the Chippewa County Register of Deeds and shall be recorded in a manner that provides notice of the cancellation of the restriction by reference to the property where the land was rezoned.

(Code 1980, § 17.50)

Secs. 70-37--70-60. Reserved.

### **ARTICLE III. DISTRICTS\***

\***Cross references:** Floodplain districts, § 32-81 et seq.

#### **Sec. 70-61 Established Districts**

In order to regulate and restrict the location of trades and industry and the location of buildings designed for specified uses and to regulate and limit the bulk of buildings erected or altered, to regulate and limit the density of population and for the purpose of promoting the health, safety and general welfare, the county, outside the limits of incorporated villages and cities is divided into thirteen (13) districts, namely:

- (a) Conservancy District (CON)
- (b) Public Institutional District (PID)
- (c) Public Conservancy District (PCD)
- (d) Recreational District (REC)
- (e) Residential 1 District (R1)
- (f) Residential 2 District (R2)
- (g) Residential 2 – Twin Home District (R2-TH)
- (h) Residential 3 District (R3)
- (i) Agricultural District (AG)
- (j) Local Commercial District (LC)

- (k) Highway Commercial District (HC)
- (l) Industrial District (IND)
- (m) Highway Corridor District

(Code 1980, § 17.20) (Ord. 06-15, 01-12-2016)

### **Sec. 70-62 Zoning Map and District Boundaries**

The boundaries of the first twelve (12) districts are shown on separate township maps numbered 1 through 23. These maps are designated as the official zoning maps of Chippewa County, Wisconsin. The 13<sup>th</sup> district is shown on maps overlaying the other districts. These maps and land descriptions are adopted by reference and made a part of this section as if fully set forth herein. All notations, references and other information shown upon such zoning maps and land descriptions shall be as much a part of this section as if the matter and things set forth by such maps and land descriptions were fully described herein. The definitions of boundaries are as follows:

- (a) District boundaries shall normally be lot lines, section lines, one-half, one-quarter, one-eighth, or one-sixteenth section line, centerlines of streets, highways, railroads, boundaries of lakes, rivers and streams.
- (b) In unsubdivided or subdivided lands where district boundaries are shown as adjacent and parallel or approximately parallel to street lines, such district boundary lines shall be assumed to be the lot lines of the lots abutting such streets.
- (c) When district boundary lines are shown on the Zoning Maps of Chippewa County as being adjacent to streets, highways or railroads, it is intended that such district boundary lines shall be assumed to abut the right-of-way of such street, highway or railroad.
- (d) Questions regarding the exact location of district boundaries shall be decided by the Administrator. Decisions may be reviewed on appeal to the Committee.
- (e) The Official Zoning Maps, Chippewa County, Wisconsin together with a copy of this chapter shall be kept at the county Administrator's office and shall be available for public inspection during office hours, Monday through Friday, excluding holidays.

(Code 1980, § 17.21) (Ord. 06-15, 01-12-2016)

### **Sec. 70-63 Zoning Schedule of Dimensional Requirements**

For buildings hereafter erected, converted in use, enlarged, moved or structurally altered, the building height limit, minimum dimension of yards, minimum area and width of lots shall comply with the following requirements:

(TABLE ON NEXT PAGE)

Zoning Schedule of Dimensional Requirements – TABLE

Dimensional Requirements	CON	REC	R1	R2	R2-TH	R3	AG	LC	HC	IND
Building height	35 ft	35 ft	35 ft	35 ft	35 ft	45 ft	45 ft	45 ft	75 ft	75 ft
<b>Minimum Lot Area</b>										
Without public sewer	5 Acres	30,000 ft <sup>2</sup>	20,000 ft <sup>2</sup>	20,000 ft <sup>2</sup>	10,000 ft <sup>2</sup> per side	20,000 ft <sup>2</sup>	1.5 acres	20,000 ft <sup>2</sup>	20,000 ft <sup>2</sup>	1 acre
With public sewer			10,000 ft <sup>2</sup>	10,000 ft <sup>2</sup>	10,000 ft <sup>2</sup> per side	10,000 ft <sup>2</sup>		10,000 ft <sup>2</sup>	10,000 ft <sup>2</sup>	
<b>Minimum Lot Width</b>										
Without public sewer	150 ft	150 ft	100 ft	100 ft	50 ft per side	100 ft	150 ft	100 ft	100 ft	150 ft
With public sewer			70 ft	70 ft	50 ft per side	70 ft		70 ft	70 ft	
<b>Side Yard</b>										
Principal Single side	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	20 ft	10 ft	10 ft	20 ft
Shared Property Line	NA	NA	NA	NA	0 ft	NA	NA	NA	NA	NA
Accessory building	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	15 ft	10 ft	10 ft	15 ft
<b>Rear Yard</b>										
Principal Building	40 ft	40 ft	25 ft	25 ft	25 ft	25 ft	40 ft	25 ft	25 ft	40 ft
Accessory Building	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	20 ft	15 ft	15 ft	20 ft

Note 1: Road setbacks are found in section 70-109.

Note 2: Non-conforming lot requirements are found in section 70-111.

Note 3: All of the setback requirements are in feet, while the required lot area is square feet, unless duly noted.

Note 4: See the individual zoning districts and 70-106 and 70-107 for additional height and setback restrictions and/or regulations.

See each district section for exceptions to the standards in this section.

(Code 1980, § 17.22) (Ord. 06-15, 01-12-2016)

### Sec. 70-64 Conservancy District (CON)

In order to protect and preserve the natural character of the lands included within this district and their values for wildlife, water conservation, flood control, recreation, forestry and other public purposes, no land shall be used and no building shall be erected or moved after the effective date of the ordinance from which this chapter is derived except in accordance with the following regulations:

(a) *Approved uses.* The following are approved uses in the conservancy district:

(1) Production of forest products.

- (2) Forest industries.
  - (3) Grazing.
  - (4) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds.
  - (5) Swimming and boating.
  - (6) The practice of wildlife, fish and forest management.
  - (7) Hydroelectric power stations, dams and other structures for the use or control of flowing water and flowage areas.
  - (8) Utilities such as, but not limited to, telephone, telegraph and power transmission lines.
  - (9) Nonresidential buildings and structures used solely in conjunction with the raising of wildlife and fish and the practice of forestry, including buildings and structures used by public or semipublic agencies or groups for research in or for the rehabilitation of natural resources.
- (b) *Dimensional Requirements.* See section 70-63.
- (c) *Highway setback lines.* See section 70-109.
- (d) *Off-street parking and loading areas.* See section 70-110.
- (e) *Substandard Lots.* See Section 70-111.

(Code 1980, § 17.23)

#### **Sec. 70-65 Public Institutional District (PID)**

The public institutional district is established to reserve and manage publicly owned land for future public institutional use.

- (a) *Approved use.* No use of the public institutional district shall be made of the lands described in subsection (c) of this section except the following:
- (1) Routine tillage, planting and field management operations in support of agricultural crop production.
  - (2) Noncommercial vegetation management conducted to establish public greenway, vegetative screening, pest or disease control and prairie restoration.
  - (3) Trapping and hunting limited to nuisance wildlife control.
  - (4) Improved non-motorized bicycle or pedestrian trails and associated structural improvements limited to signage, trail use and service access.

- (5) Stairways, elevated walkways, boardwalks, observation platform and pedestrian piers limited to those necessary to provide public access for educational purposes and to protect the resource.
- (b) *Conditional Uses.* The following uses shall be conditional uses in the Public Institutional District when the location of each shall have been approved by the Committee following a public hearing pursuant to Section 70-108.
- (1) Public schools, libraries, museums, public administrative offices and service buildings; which are serviced by municipal sewer and water services and public utilities.
  - (2) Public information or interpretative centers.
  - (3) Limited structural improvements associated with development of a public information or interpretative center, a public parkway, greenway, picnic area, unlit recreational area or trail related rest area including access roads, unlit parking facilities, well, public restroom or a private on-site wastewater treatment system receiving less than 8,000 gallons per day, which is in conformance with Wis. Admin. Code COMM ch. 83.
  - (4) Public utility distribution lines included, but not limited to, electric, gas, water, sanitary sewer collection and associated lift stations, television cable and telephone distribution lines and related accessories, subject to the owner granting a written easement.
    - a. All proposals will be outlined in a utility distribution plan. The plan will show the location of the proposed utility options which can be used to avoid construction in this district and measures which will be used to minimize aesthetic and environmental impacts of the proposed development.
    - b. In circumstances where public utility distribution lines are required to service approved uses or conditional uses as outlined in this section, all distribution lines will be installed in the ground and constructed to minimize disturbance to the area.
  - (5) Stormwater management structures, including surface and subsurface conveyance, filter strips and/or stormwater basins which meet the following planning, design and construction standards:
    - a. All proposals will be outlined in a stormwater management plan. The plan will show the location of proposed stormwater management measures; options which can be used to avoid construction in the district and measures which will be used to minimize aesthetic and environmental impacts of the proposed development.
    - b. Consistency with intended public land use and prescribed stormwater management objectives as outlined in an approved site specific management plan for the area titled *Conceptual Management Plan for the County Farm Public Institutional Use and Conservancy Area*.
    - c. Grading and excavation conditions as outlined in section 54-125.

- d. Design standards as established in engineering design criteria adopted by the county or approved stormwater management ordinances.

(Code 1980, § 17.233)

### **Sec. 70-66 Public Conservancy District (PCD)**

The public conservancy district is established in order to preserve open areas in an existing or natural state, for the purpose of resource protection and public education. It is intended that the public conservancy district will apply to publicly owned land with unique physical characteristics or aesthetic value. Such areas may include, but are not limited to, shorelands, floodplains, stream and river terraces, natural drainage ways, steep slopes, woodlots and greenways.

- (a) *Approved use.* No use of the public conservancy district shall be made of the lands described in subsection (c) of this section except the following:
  - (1) Improved non-motorized bicycle or pedestrian trails and associated structural improvements limited to signage and trail use and service access.
  - (2) Noncommercial vegetation management conducted to establish public greenway, vegetative screening, pest or disease control and prairie restoration; and commercial thinning of existing pine plantations.
  - (3) Limited trapping and hunting conducted to control wildlife in documented cases of wildlife damage and public nuisance.
  - (4) Stairways, elevated walkways, boardwalks, observation platforms and pedestrian piers limited to those necessary to provide public access for educational purposes and to protect the resource.
  - (5) Stormwater management structures, including surface and subsurface conveyance, vegetative filter strips and/or stormwater basin, where such structures are specifically limited to the following uses, locations, planning, design and construction standards:
    - a. Approved uses for stormwater management structures will be limited to circumstances where a stormwater management structure is required to manage and/or treat stormwater generated from the East River Bridge road corridor project and where the stormwater management structure cannot be planned, designed or constructed in the designated right-of-way.
    - b. Approved uses for stormwater management structures meeting the circumstances outlined in subsection (5)a of this section will be limited to structures installed on land situated within this district boundary located immediately adjacent to the East Ridge Bridge Corridor right-of-way.
    - c. Approved uses for stormwater management structures including surface and subsurface conveyance, vegetative filter strips, and/or stormwater basins, meeting circumstances and locations as outlined in subsections (5)a and b of this section will be limited to those which acknowledge the intended public use

of the area as outlined in subsection (a) of this section; and where such structures have been planned and designed to:

1. Minimize aesthetic and environmental impacts of the proposed development by restricting the steepness of side slopes, using irregular pond shapes, creating varying water depths and addressing safety without the use of barrier fences.
2. Meet minimum stormwater design and discharge standards as outlined in Wisconsin Department of Transportation design standards.
3. To be consistent with the intended and prescribed stormwater management objectives, as outlined in an approved site specific management plan for the area titled *Conceptual Management Plan for the County Farm Public Institutional Use and Conservancy Area*.

(b) *Conditional uses*. The following uses shall be conditional uses in the Public Conservancy District when the location of each shall have been approved by the Committee following a public hearing pursuant to Section 70-108.

- (1) Public utility distribution lines including, but not limited to, electric, gas, water, sanitary sewer collection and associated lift stations, television cable, and telephone distribution lines and related accessories; subject to the owner granting a written easement, and submitting a proposal which meets the following planning, design and construction standards:
  - a. All proposals will be outlined in a utility distribution plan. The plan will show the location of the proposed utility options which can be used to avoid construction in this district and measures which will be used to minimize aesthetic and environmental impacts of the proposed development.
  - b. In circumstances where public utility distribution lines are required to service an approved use or conditional uses as outlined in this section, all distribution lines will be installed in ground and constructed to minimize disturbance to the area.
- (2) Stormwater management structures, including surface and subsurface conveyance, filter strips and/or stormwater basins which meet the following planning, design and construction standards:
  - a. All proposals will be outlined in a stormwater management plan. The plan will show the location of proposed stormwater management structures; options which can be used to avoid construction in the district and measures which will be used to minimize aesthetic and environmental impacts of the proposed development.
  - b. Consistency with intended public land use and prescribe stormwater management objectives as outlined in an approved site specific management plan for the area titled *Conceptual Management Plan for the County Farm Public Institutional Use and Conservancy Area*.



- c. Grading and excavation conditions as outlined in section 54-125.
  - d. Design standards as established in engineering design criteria adopted by the county or approved stormwater management ordinances.
  - e. Potable well with hand pump.
- (c) *Prohibited use.* All uses in the public conservancy district, unless expressly identified as approved uses or conditional uses in this chapter, are prohibited.

(Code 1980, § 17.235)

### **Sec. 70-67 Recreational District (REC)**

In the recreational district, no building or premises shall be used and no building shall be erected, moved or structurally altered after the effective date of the ordinance from which this chapter is derived, unless otherwise provided in this chapter, except for one or more of the following specified uses:

- (a) *Approved use.* The following are approved uses in the recreational district:
- (1) All uses permitted in the conservancy district.
  - (2) Public and private parks.
  - (3) Golf course, playgrounds.
  - (4) Hiking, bicycling, snowmobile trails.
  - (5) Public and private beaches.
  - (6) Signs, as provided in article IV, division 3 of this chapter.
- (b) *Conditional Uses.* The following uses shall be conditional uses in the Recreational District when the location of each shall have been approved by the Committee following a public hearing pursuant to Section 70-108.
- (1) *Recreational and youth camps.* Recreational and youth camps shall meet the following requirements:
    - a. There shall be a yard on each side of any such recreational camp. Each such yard shall be not less than 50 feet wide, provided that all yards shall be increased by not less than ten feet in width for each ten camping units or fraction thereof by which such recreational camp exceeds a total of 40 camping units.
    - b. It shall be a condition of the granting of the permit for any such recreational camp, and a continuing condition for the operation of the same, that natural vegetation of equivalent density be planted therein, to provide a natural screen between such camp and neighboring residential areas and so that required yards shall be unused and unusable for the general public.

- c. In any camp not provided with sanitary sewer facilities, sanitary pit privies shall be constructed in accordance with the specifications contained in the bulletin entitled "Construction Requirements of Sanitary Privy" published by the Wisconsin Department of Natural Resources, June 21, 1968. Complete construction plans and specifications of such privies shall be submitted to the Administrator when an application is made for a building permit for such recreation camps. Such plans and specifications shall be approved by the Administrator before a permit is issued.
- (2) *Campgrounds.* Campgrounds for the temporary accommodation only of persons providing their own means of shelter including but not limited to recreational vehicles. Such camping areas shall meet the following requirements:
- a. No camping area shall be less than five acres in extent.
  - b. Every camping area shall be located on generally well-drained ground and no camping unit, nor any building or structure related to the operation of such camping area shall be located on ground which is substantially wet or muddy due to subsoil moisture. No camping area, nor any camping unit within such camping areas, shall be located to be subject at any time to the flow of surface filth.
  - c. Yards shall be provided on each side of any such camping area as required for recreational camps in subsection 70-67(b)(1)a.
  - d. There shall be not less than 2,000 square feet of land per camping unit, exclusive of required yards, parking lots and areas devoted to permanent buildings and their grounds.
  - e. There shall be an adequate source of pure water with supply outlets for drinking and domestic purposes, located not more than 300 feet from any camping unit. Where a public water supply is not available, the well or wells supplying any camping area shall comply with the state well construction code, except that well pit or pump pits shall not be permitted.
  - f. Sanitary sewage and waste disposal facilities shall be provided as required by Wis. Admin. Code NR chs. 113, 114.
  - g. A condition of granting a permit for the establishment of any camping area is that the permit may be suspended by the Committee at any time that the operation fails to comply with all the regulations in this subsection. In addition, the permit must be renewed every four (4) years on the authorization of the Committee after an inspection by the Administrator.
- (3) *Picnic grounds.*
- a. Required yards shall be maintained as provided in subsections 70-67(b)(1)a and 70-67(b)(1)b for picnic grounds. There shall be a yard on each side of such picnic grounds. Each side yard shall be not less than 50 feet wide.

- b. For picnic grounds having seating arrangements for more than 40 persons, ten feet of additional width on every yard for each additional ten persons or fraction thereof which such picnic ground is designed or equipped to accommodate is required.
- (4) *Recreational uses.* Recreational services oriented uses such as resorts and motels, restaurants and cocktail lounges, marinas, sport shops and bait sales and other recreational services which in the opinion of the Committee are of the same general character of existing uses, clearly incidental to a permitted use or authorized by conditional use.
- (5) *Single-family dwellings.* Single-family dwellings to allow owners of the uses named in this section to protect their investment during the entire year.
- (6) *Recreational Vehicle (RV) camps.* RV camps when in keeping with all requirements set forth in subsection 70-71(b)(10)b.
- (c) *Dimensional requirements.* See section 70-63.
- (d) *Highway setback lines.* See section 70-109.
- (e) *Off-street parking and loading areas.* See section 70-110.
- (f) *Substandard lots.* See section 70-111.

(Code 1980, § 17.24)

### **Sec. 70-68 Residential 1 District (R1)**

In the residential 1 district, no building or premises shall be used and no building shall be erected, moved or structurally altered after the effective date of the ordinance from which this chapter is derived, unless otherwise provided in this chapter, except for one or more of the following specified uses:

- (a) *Approved use.* The following are approved uses in the residential 1 district:
  - (1) Single-family dwelling, excluding mobile homes, tents, trailers.
  - (2) Tourist Rooming House as per section 70-116.
  - (3) Any use permitted in the residential 2 district except two-family dwellings. The use shall be in keeping with the conditions, if any, set forth in section 70-69 for the residential 2 district.
- (b) *Dimensional requirements.* See section 70-63.
- (c) *Highway setback lines.* See section 70-109.
- (d) *Off-street parking and loading areas.* See section 70-110

(e) *Substandard lots.* See section 70-111.

(Code 1980, § 17.25, Ord. 10-11, 01-10-12)

### **Sec. 70-69 Residential 2 District (R2)**

In the residential 2 district, no building or premises shall be used and no building shall be erected, moved or structurally altered after the effective date of the ordinance from which this chapter is derived, unless otherwise provided in this chapter, except for one or more of the following specified uses:

(a) *Approved use.* The following are approved uses in the residential 2 district:

- (1) Two-family dwellings, excluding mobile homes, tents, trailers.
- (2) Churches, public and private schools.
- (3) Parks, playgrounds.
- (4) Accessory buildings. A maximum of three per lot, including private garages and buildings clearly incidental to the residential use of the property.
  - a. An accessory building may not be used as a dwelling or dwelling unit.
  - b. The cumulative total square footage of accessory buildings on a lot shall not exceed 10% of the total square footage of the lot. The total impervious surface on a lot shall not exceed 30% of the total square footage of the, unless stormwater management facilities are designed and constructed on the property in accordance with Wisconsin Administrative Code NR 216 and NR 151.
  - c. Accessory buildings shall not have a length to width or width to length ratio greater than 1:2.
  - d. The sidewalls of an accessory building shall not exceed 10 feet in height, unless all required setbacks for the accessory building are increased by the amount of footage that exceeds 10 feet.
  - e. The overall height of the accessory building shall not exceed 35 feet. The overall height shall be measured from the lowest point in the floor to the highest point on the roof.
  - f. An accessory building may have bathroom facilities as allowed under section 70-102(d).
- (5) Gardening, the produce grown being principally for the use of the persons residing on the property.
- (6) Signs as permitted in article IV, division 3 of this chapter.

- (b) *Conditional Uses.* The following uses shall be conditional uses in the Residential 2 District when the location of each shall have been approved by the Committee following a public hearing pursuant to Section 70-108:
- (1) Telephone exchanges provided there is no service garage or storage yard. Telephone, power, oil or gas distribution lines and necessary appurtenant equipment housings. This regulation, however, shall not include microwave radio relay structures.
  - (2) Golf courses, country clubs, yacht clubs, tennis courts, swimming pools and additional recreational facilities and areas, but limited to noncommercial kinds for private and private-club purposes.
  - (3) Crop and tree farming, fruit and berry raising, and plant nurseries and greenhouses, but not general farming, dairying or stock, animal or poultry raising or feeding. See subsection 70-102(b).
  - (4) Municipal buildings, except sewage disposal plants, garbage incinerators, buildings for repair or storage of road building or maintenance machinery, asylums and correctional institutions.
  - (5) Roadside stands provided that there shall not be more than one stand on any single premises.
- (c) *Dimensional requirements.* See section 70-63
- (d) *Highway setback lines.* See section 70-109.
- (e) *Off-street parking and load areas.* See section 70-110.
- (f) *Substandard lots.* See section 70-111.

(Code 1980, § 17.26; Ord. No. 8-02, § 1(17.26), 7-9-2002; Ord. No. 4-15, 09-08-2015)

### **Sec. 70-695 Residential 2 – Twin Home District (R2-TH)**

In the Residential 2 – Twin Home district, no building or premises shall be used and no building shall be erected, moved or structurally altered after the effective date of the ordinance from which this chapter is derived, unless otherwise provided in this chapter, except for one or more of the following specified uses:

- (a) *Approved use.* The following are approved uses in the residential 2 – twin home district:
- (1) Two-family dwellings, excluding mobile homes, tents and trailers, where the structure has one common wall and a side-yard property line, which divides the ownership of the structure into two.
    - a. A joint or attached driveway serving the attached twin home dwellings is permitted provided covenants addressing the maintenance of such driveway are in a form approved by the Department.

- b. A minimum fire wall separation complying with SPS 321.08, Wis. Adm. Code, providing a vertical separation of all areas from the lowest level to flush against the underside of the roof, is required between each dwelling unit.
  - c. The plans, specifications and construction shall require the installation and construction of separate septic systems, water and other utility services to each twin home dwelling.
  - d. Both lots containing the attached twin home dwelling shall be held under the same ownership until the completion of construction of the twin home dwelling.
  - e. A maintenance agreement (party wall agreement) shall be entered into by the owners of the attached twin home dwellings in order to ensure that equal and reasonable maintenance and repairs are performed on the attached twin home dwellings. Alternatively, provisions for maintenance of common walls may be incorporated into applicable covenants to be reviewed and approved by the Department. Such agreements or covenants shall be recorded in the Chippewa County Register of Deeds.
  - f. Easements necessary for water, septic systems and utility services and the maintenance agreement shall be recorded in the Chippewa County Register of Deeds.
  - g. The exterior and roof materials on each attached twin home dwelling shall be of the same color, quality and consistency.
  - h. A statement shall be placed on the face of all twin home plats or certified survey maps creating twin home dwelling lot stating "When two attached, single family dwelling units are created matters of mutual concern to the adjacent property owners, due to construction, catastrophe, and/or maintenance, shall be guarded against by private covenants and deed restrictions and Chippewa County shall not be responsible for the same."
- (2) Signs as permitted in article IV, division 3 of this title.
- (3) Accessory buildings shall be allowed in accordance with section 70-69(a)(4).
- (b) *Conditional Uses.* As listed in section 70-69(b).
- (c) *Dimensional requirements.* As listed in section 70-63.
- (d) *Highway setback lines.* See section 70-109.
- (e) *Off-street parking and load areas.* See section 70-110.

(Ord. No. 06-15, 01-12-2016)

**Sec. 70-70 Residential 3 District (R3)**

*Specified uses.* In the residential 3 district no building shall be erected, moved or structurally altered after the effective date of the ordinance from which this chapter is derived, unless otherwise provided in this chapter, except for one or more of the following specified uses:

- (a) *Approved use.* The following are approved uses in the residential 3 district.
  - (1) Any use permitted in the residential 2 district. The use shall be in keeping with the conditions, if any, set forth in section 70-69 for the residential 2 district.
  - (2) Multiple-family dwellings.
    - a. An additional 3,000 square feet of land shall be provided for each dwelling unit above two.
  - (3) Lodging houses and boardinghouses.
  - (4) Private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business.
  - (5) Signs as permitted in article IV, division 3 of this chapter.
- (b) *Conditional Uses.* The following uses shall be conditional uses in the Residential 3 District when the location of each shall have been approved by the Committee following a public hearing pursuant to Section 70-108.
  - (1) Mobile home parks are permitted if approved by the Committee after public hearing and in keeping with subsection 70-71(b)(10)a.
  - (2) Hospitals may be permitted if the establishment, having up to ten patients, client or guest rooms, has a lot area of not less than 30,000 square feet and that all yards except the front yard shall be not less than two times the width or depth otherwise required by this section for residential buildings; provided further, that for each five such rooms in addition to the first ten, the area shall be increased by 4,000 square feet, but in no case shall a lot area of more than 100,000 square feet be required.
- (c) *Dimensional requirements.* See section 70-63.
- (d) *Highway setback lines.* See section 70-109.
- (e) *Off-street parking and loading areas.* See section 70-110.
- (f) *Substandard lots.* See section 70-111.

(Code 1980, § 17.27)

**Sec. 70-71 Agricultural District (AG)**

In the agricultural district no building or premises shall be used and no building shall be erected, moved or structurally altered after the effective date of the ordinance from which this chapter is derived, unless otherwise provided in this chapter, except for one or more of the following uses:

(a) *Approved use.* The following are approved uses in the agricultural district:

- (1) General farming, including dairying livestock and poultry raising, nurseries, greenhouses and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage and rubbish.
  - a. New or existing livestock operations which will house up to 649 animal units shall not require a zoning permit. However, the following requirements shall be met:
    1. Livestock operations shall be in conformance with provisions of chapter 62, article IV, division 4 of this Code.
    2. Livestock operations shall meet minimum statutory prohibitions for nonpoint source pollution control as follows:
    3. A livestock operation may have no overflow of manure storage structures.
    4. A livestock operation may have no unconfined manure pile in a water quality management area.
    5. A livestock operation may have no direct runoff from a feedlot or stored manure into the waters of the state.
    6. A livestock operation may not allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod cover.
    7. Requirements of Wisconsin Administrative Code NR 151 and Wisconsin State Statutes 281.
- (2) Single Family Dwellings.
- (3) Additional dwelling units for a parent or child of a farmer, or persons earning a substantial part of their livelihood on the farm. The additional dwelling(s) must meet all applicable setback, lot size and spacing requirements in case it is sold in the future.
- (4) Telephone, power transmission towers, poles and lines including transformers, substations, relay stations, equipment and television stations and transmission towers and microwave relay towers.
- (5) Roadside stands provided that there shall not be more than one stand on any single premises.



- (6) Signs as permitted in article IV, division 3 of this chapter.
  - (7) Sawmills, provided that the location of any sawmill on the same premises is less than ten days, excluding portable sawmills.
  - (8) Single-family mobile homes. Such home shall be connected to an acceptable water supply and separate and individual private wastewater facilities. See section 70-101.
  - (9) Accessory structures utilized solely in the business of agriculture, farm or farming, including but not limited to barns, equipment storage sheds, plant greenhouses and stables.
  - (10) Any non-commercial activity, which does not last longer than 96 hours, such as but not limited to: graduation parties, family reunions and picnics, and weddings.
  - (11) Agricultural-related businesses
  - (12) Recycling drop-off Station this is maintained and operated by the township or county.
- (b) *Conditional uses.* The following uses shall be conditional uses in the Agricultural District when the location of each such use has been approved by the Committee following a public hearing pursuant to Section 70-108).
- (1) Junk or salvage yards. See article IV, division 2 of this chapter.
  - (2) Non-Metallic Mining. See Division 5 of this chapter.
  - (3) Saw mills. See subsection 70-71(a)(7) of this section.
  - (4) Aircraft landing fields. Including the location on such fields of buildings related to the operation, storage or maintenance of aircraft. All aircraft landing fields shall take into consideration safety zones as set forth in subsection 70-106(d).
  - (5) Contractor's storage yards. Any such yard shall be placed or screened by plantings or fences as not to be visible from any public highway or any residential building other than that of the owner of such yard, his agent or employee.
  - (6) Power plants and flowage areas. As allowed upon consideration of the Department of Natural Resources and the soil conservation service.
  - (7) Drive-in theaters. Provided the following requirements are met:
    - a. There shall be no direct entrance to or exit from such drive-in theater and any federal, state or county highway.
    - b. No parking shall be permitted on any street or highway on which a drive-in theater abuts or on any street or highway connecting with an abutting street or highway anywhere within one-half mile of an entrance to or exit from such drive-in theater.

- c. There shall be a distance of not less than one-quarter mile between the boundary of any residential district and the nearest point on the boundary of such drive-in theater site, measured in a straight line.
- (8) Fur farms and pea vineries. When located not less than 1,000 feet from any residential building, other than that of the owner of the premises, his agents or employees and not less than 500 feet from the right-of-way line of any federal, state and county trunk highway provided that this regulation shall not apply to portable pea vineries where there is no stacking of the vines.
- (9) Animal hospitals, veterinary clinics and kennels. When located not less than 500 feet from any residential building other than that of the owner of such kennels, his agent or employee.
- (10) Mobile home parks and recreational vehicle camps. The following requirements shall be met:
- a. Mobile home park provided as follows:
    - 1. The minimum size of a mobile home park shall be five acres.
    - 2. The maximum number of mobile homes shall be eight per acre.
    - 3. The minimum dimensions of a mobile home site shall be 50 feet wide by 100 feet long.
    - 4. All drives, parking areas and walkways shall be hard surfaced or graveled, maintained in good condition, have natural drainage and all driveways shall be lighted at night.
    - 5. In addition to the requirements of highway setback of this chapter, there shall be a minimum setback of 40 feet from all other lot lines.
    - 6. The parks shall conform to the requirements of Wis. Admin. Code ATCP125, which shall apply until amended and then apply as amended.
    - 7. No mobile home site shall be rented for a period of less than 30 days.
    - 8. Each mobile home site shall be separated from other mobile home sites by a yard not less than 15 feet wide.
    - 9. There shall be two surfaced automobile parking spaces for each mobile home.
    - 10. Unless adequately screened by existing vegetation cover, the mobile home park shall be screened by a planting of fast-growing vegetation, capable of reaching a height of 15 feet or more, the individual trees to be such number and so arranged that within ten years they will have formed a screen equivalent in capacity to a solid fence or wall. Such

permanent planting shall be grown or maintained to a height of not less than 15 feet.

- b. Recreational Vehicle (RV) camps provided as follows:
  - 1. The minimum size of a RV camp shall be five acres.
  - 2. The maximum number of RVs shall be 15 per acre.
  - 3. Minimum dimensions of a RV site shall be 25 feet wide by 40 feet long.
  - 4. Each RV site shall be separated from other RV sites by a yard not less than 15 feet wide.
  - 5. There shall be 1 1/2 automobile parking spaces for each RV site.
  - 6. In addition to the requirement of highway setback of this chapter, there shall be a minimum setback of 40 feet from all other exterior lot lines.
  - 7. It shall conform to the requirement of Wis. Admin. Code HFS ch. 178 which shall apply until amended and then apply as amended.
  - 8. The screening provisions for mobile home parks are met.

(11) Garbage and refuse disposal sites provided as follows:

- a. The sites shall have clearly defined boundaries at the time of issuing a permit.
- b. The site shall be screened so that the salvage materials are not visible from other property in the vicinity or from a public right-of-way such as roads, streets and highways or waterways.
- c. The site shall not be located within 5 miles of the boundary of any residential district or any incorporated city or village, nor within 5 miles of any other residences, nor within 1,200 feet of the right-of-way of any federal, state, county or town highway.
  - 1. All such sites shall have minimum front, side and rear yards of 1,200 feet each.
  - 2. No location permit shall be issued without approval of the County and Town Board.

(12) Sale barns. Provided that no sale barn be located within one-half mile of the boundary of any residence district or any incorporated city or village, nor within one-quarter mile of any other residence except that of the owner of the property on which such sale barn is located or his agent, nor within 500 feet of the right-of-way line of any federal, state or county trunk highway.

- (13) Slaughterhouses shall be located not less than 1,000 feet from any residential building other than that of the owner of the premises, his agent or employee.
- (14) Creameries, dairies, cheese factories.
- (15) Mixing construction materials. Mixing of concrete, asphalt hot mix or other related materials.
- (16) A new or existing livestock operation, which houses or expands to house 650 or more animal units.
- (17) Manmade ponds. Construction/use of manmade ponds over one acre or combined to be over one acre, except that agricultural activities, including, but not limited to, cranberry bogs, commercial fish farming, livestock watering holes, and ponds established by non-metallic mining activities, are exempt. It shall be the responsibility of the petitioner to submit sufficient evidence to satisfy the following concerns: pollution to groundwater, drainage and flood protection, and depletion of groundwater, safety, aesthetics, traffic, noise and restoration of the site. The Committee may require documentation of other concerns which may be brought up during the public hearing.
  - a. Facilities that are approved in stormwater management plans are exempt from the provisions of this section.
  - b. The property owner must retain ownership of a minimum of 10 adjacent acres of property for every one acre of water and the property required shall be located around the entire manmade pond.
- (18) Hatcheries
- (c) *Dimensional requirements.* See section 70-63.
- (d) *Highway setback lines.* See section 70-109.
- (e) *Off-street parking and loading area.* See section 70-110.
- (f) *Substandard lots.* See section 70-111.

(Code 1980, § 17.29; Ord. No. 08-02, § 2(17.29), 07-09-2002; Ord. No. 01-04, § 1, 03-09-2004)

### **Sec. 70-72 Local Commercial District (LC)**

In the local commercial district no building or premises shall be used and no building shall be moved, erected or structurally altered after the effective date of the ordinance from which this chapter is derived unless otherwise provided in this chapter except for one or more of the following specified uses:

- (a) *Approved uses.* The following are approved uses in the local commercial district:
  - (1) One dwelling unit on the premises in connection with a permitted use for the owner or his agent.

- (2) Small retail stores and shops such as: art shops, clothing, drug, grocery, fruit, meat, vegetables, confectionery, hardware, sporting goods, stationery, music, variety and notion stores, household appliances and small service businesses such as stores and shops for barbers, beauticians, florists, jewelers, watchmakers, locksmiths, painters, plumbers, shoemakers, tailors, dressmakers, pressers, photographers.
  - (3) Signs as permitted in article IV, division 3 of this chapter.
  - (4) Offices and office buildings for business and professional firms including banks, medical and dental offices and public and public utility offices.
  - (5) Cleaning, dyeing and laundry pickup stations and self-service laundries and cleaning shops.
  - (6) Bakeries, confectioneries, ice cream and soft drink shops, but with food preparation limited to that for on-site sale and consumption.
  - (7) Restaurants.
  - (8) Frozen food or meat lockers for service to families and individuals.
  - (9) Liquor stores selling only packaged goods.
  - (10) Radio (AM or FM) or television broadcasting stations and transmitters and microwave radio relay structures.
  - (11) Clubs, lodges, and meeting rooms with seating capacities less than 300 persons.
  - (12) Telephone exchanges and accessory service garage and storage yards.
  - (13) Telephone, electric power and oil and gas distribution lines and necessary appurtenant equipment housings.
  - (14) Other retail stores and shops and small service businesses catering to neighborhood patronage, including only those deemed to be as appropriately located in local commercial districts as those enumerated above and only those not dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare and not impairing the use, enjoyment or value of any property.
- (b) *Conditional Uses.* The following uses shall be conditional uses in the Local Commercial District when the location of each shall have been approved by the Committee following a public hearing pursuant to Section 70-108.
- (1) Motels.
  - (2) Drive-in restaurants and refreshment stands.
  - (3) Gasoline service stations, repair garages and shops for motor vehicles, including parking, storage, repair, maintenance and washing of vehicles and parts, but excluding sand or steam cleaning and manufacture of vehicles and parts.

- (4) Auto-wash, except steam.
- (5) Commercial recreation uses.
- (c) *Dimensional requirements.* See section 70-63.
  - (1) Additional standards for side yards are as follows:
    - a. There shall be a side yard of not less than 15 feet wide along the side of any lot in the local commercial district which abuts the side lot line of a lot in a residential district and is not separated there from by a street or alley.
    - b. Buildings on abutting lots may be constructed with a common wall or with walls contiguous to one another.
- (d) *Highway setback lines.* See section 70-109.
- (e) *Off-street parking and loading areas.* See section 70-110.
- (f) *Substandard lots.* See section 70-111.
- (g) *Commercial Screening Regulations.* See section 70-113.
- (h) *Commercial Lighting Regulations.* See section 70-114.

(Code 1980, § 17.30)

### **Sec. 70-73 Highway Commercial District (HC)**

In the highway commercial district no building or premises shall be used and no building shall be erected, moved or structurally altered after the effective date of the ordinance from which this chapter is derived, unless otherwise provided in this chapter, except for one or more of the following uses:

- (a) *Approved uses.* The following are approved uses in the highway commercial district:
  - (1) Uses permitted in the local commercial district, including those requiring approval of the Committee in such district.
  - (2) Automobile display and salesroom, parking lots and structures and when accessory thereto, the retail sale of automobile parts and accessories and the washing, cleaning, greasing and servicing of automobiles, including minor adjustments, repairs, overhauling and rebuilding, but not demolition.
  - (3) Bars, taverns, nightclubs.
  - (4) Boat and mobile home salesrooms and lots.
  - (5) Cleaning, laundering and dyeing plants.

- (6) Department stores.
  - (7) Engraving, photoengraving, photofinishing, lithographing, printing, publishing and bookbinding plants.
  - (8) Household appliance and equipment repair shops.
  - (9) Laboratories; medical, dental and optical; other laboratories of non-hazardous or inoffensive operations when accessory to permitted uses.
  - (10) Loft buildings and mini-warehouses.
  - (11) Music conservatories, dancing studios.
  - (12) Paint shops, including sign and other painting.
  - (13) Retail, wholesale and jobbing businesses.
  - (14) Tire repair shops.
  - (15) Used car, farm implement sales lots.
  - (16) Signs as permitted in article IV, division 3 of this chapter.
  - (17) Other retail, wholesale or services considered to be as appropriate and desirable for inclusion within the highway commercial district as those permitted above and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof or to the public welfare and will not impair the use, enjoyment or value of any property.
  - (18) Any of the following uses are excluded from the highway commercial district:
    - a. Any use permitted in only the industrial district, including uses permitted only with Committee approval.
    - b. Automobile wrecking yards, junkyards, public dumping grounds.
    - c. Manufacturing and processing other than accessory uses customarily incidental to permitted retail, wholesale and service uses.
    - d. Any use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or because of subjection of life, health or property to hazard.
- (b) *Conditional Uses.* The following uses shall be conditional uses in the Highway Commercial District only when the location of each shall have been approved by the Committee following a public hearing pursuant to Section 70-108.
- (1) Bottling works bottling nonalcoholic beverages.
  - (2) Bottle gas storage for local distribution.

- (3) Bus, taxi and truck terminals, and storage; railroad lines, spurs and passenger terminals.
  - (4) Dairies, ice cream plants.
  - (5) Drive-in movies.
  - (6) Ice plants, cold storage plants.
  - (7) Mortuaries.
  - (8) Recycling drop-off station.
  - (9) Resource Recovery Facility.
- (c) *Dimensional requirements.* See section 70-63.
- (d) *Highway setback lines.* See section 70-109.
- (e) *Off-street parking and loading area.* See section 70-110.
- (f) *Substandard lots.* See section 70-111.
- (g) *Commercial Screening Regulations.* See section 70-113.
- (h) *Commercial Lighting Regulations.* See section 70-114.

(Code 1980, § 17.31)

**Cross references:** Businesses, ch. 14.

### **Sec. 70-74 Industrial District (IND)**

The industrial district is intended to provide for manufacturing and industrial operations which, on the basis of actual physical and operational characteristics, would not be detrimental to surrounding areas by reason of smoke, noise, dust, odor, traffic, physical appearance or similar factors relating to public health, welfare and safety. Those industries requiring outdoor storage for raw materials or finished products may be required to provide a fence or screen in accordance with subsection 70-127(d).

- (a) *Approved uses.* The following are approved uses in the industrial district:
- (1) Plants and similar type industrial operation consistent with the purpose of the district including manufacturing, fabricating, processing, assembling, distributing and transporting of materials, goods and foodstuffs.
  - (2) General warehousing.
  - (3) Accessory uses clearly incidental to a permitted use.



- (b) *Conditional Use.* The following uses shall be conditional uses in the Industrial District when the location of such use has been approved by the Committee following a public hearing pursuant to Section 70-108.
- (1) Fertilizer plants.
  - (2) Cannery.
  - (3) Slaughterhouses, stock yards.
  - (4) Garbage, rubbish, offal or dead animal reduction or dumping.
  - (5) Automobile wrecking yards or junkyards when fenced as provided in subsection 70-127(d).
  - (6) Inflammable gases, liquids, refining or manufacturing; overground tank farms.
  - (7) Fat rendering.
  - (8) Ammunition manufacturing, explosives or fireworks manufacturing or storage.
  - (9) Gelatin, glue or size manufacturing.
  - (10) Acid, ammonia, bleach, chlorine or soap manufacturing.
  - (11) Recycling drop-off stations
  - (12) Resource Recovery Facility.
  - (13) Adult book store, adult cabaret or adult motion picture theater as per section 70-112.
  - (14) Industrial Sand Processing Plants and Industrial Sand Transloading Facilities.
  - (14) Any other use which is objectionable by reason of pollution, emission of odor, dust, smoke, gas, vibration or noise, flashing lights or because of subjection of life, health or property to hazard.
- (c) *Dimensional requirements.* See section 70-63:
- (1) Additional standards are as follows:
    - a. There shall be a side yard not less than 25 feet wide along the side of any lot in the industrial district which abuts the side lot line in a residential district or individual residence not separated there from by a street or alley.
    - b. No, stock pile, waste or salvage pile, equipment storage yard or other accumulation of material or equipment in the open shall be stored or placed in such rear yard, except where properly screened.

- c. The rear yard shall be increased in depth by three feet for each additional five feet by which the principal building on the lot exceeds 35 feet in height.
- d. No rear yard shall be required when it abuts a railroad right-of-way.

- (d) *Highway setback lines.* See section 70-109.
- (e) *Off-street parking and loading areas.* See section 70-110.
- (f) *Substandard lot.* See section 70-111.
- (g) *Commercial Screening Regulations.* See section 70-113.
- (h) *Commercial Lighting Regulations.* See section 70-114.

(Code 1980, § 17.32)

### **Sec. 70-75 Highway Corridor District**

The highway corridor district overlays the other districts and shows where otherwise permitted uses would require issuance of a special permit after the building permit application is referred to the division of highways for a report and recommendations within a period of 30 days. In addition to the highway department's approval, all requirements of the original district shall be met.

(Code 1980, § 17.33)

### **Sec. 70-76 Planned Unit Development District (PUD)**

The PUD district is intended to provide for large-scale residential or residential/recreational development. This district shall have no definite boundaries until such are approved by the County Board on the recommendation of the Committee in accordance with procedures prescribed for zoning amendments by Wis. Stats. § 59.69. Plans for the proposed development shall be submitted in duplicate, and shall show the location, size and proposed use of all structures and land included in the areas involved. The plans may provide for a combination of single and multifamily development as well as related commercial uses, provided that the plans indicate that:

- (a) A single area of at least five acres is involved.
- (b) Each residential building and lot in the district shall conform to the appropriate residential district requirements and each commercial building and lot shall conform to the appropriate commercial district requirements.
- (c) Adequate streets as determined to serve the needs of the area involved shall be provided.
- (d) Adequate access to public streets and proper internal circulation shall be provided.
- (e) Adequate sewer and water facilities shall be provided.

(Code 1980, § 17.34)

Secs. 70-77--70-100. Reserved.

## ARTICLE IV. SUPPLEMENTAL REGULATIONS

### DIVISION 1. GENERALLY

#### Sec. 70-101 Site Restrictions

- (a) *Unsuitable land.* No land shall be used or structure erected where the land is held by the Committee to be unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of the community. The Committee, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusions that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability. Thereafter, the Committee may affirm, modify or withdraw its determination of unsuitability.
- (b) *Abutment; frontage and area.* All lots shall abut upon a public street or have access to a public street through a recorded easement.
  - (1) Prior to the issuance of any permits, the owner of the lot which is serviced by a private road, street, or driveway shall record appropriate easement language in the Chippewa County Register of Deeds that indicates at a minimum the exact location and width of the easement. The recorded easement shall include language that the lot is serviced from a private easement and the overall response rate of emergency vehicles such as fire, police and ambulance services may be negatively affected. The easement shall contain language that identifies the responsibilities of those property owners of all the lots which are to be serviced by the easement and the property owner's responsibilities of future maintenance and management of the easement.
- (c) *Principal structures.* All principal structures shall be located on a lot, and only one principal structure shall be located, erected or moved onto a lot, except for planned unit developments in accordance with the provisions of this chapter.
- (d) *Zoning permit.* No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (e) *Private sewer and water.* In any district where a public water service or public sewage service is not available, the lot width and area shall be determined in accordance with the county shorelands, sanitary, subdivision or floodplain management codes, whichever is greater.

(Code 1980, § 17.12; Ord. No. 4-15, 09-08-2015)

#### Sec. 70-102 Use Restrictions

- (a) *Approved uses.* Only those approved uses specified for a district, their essential services and the uses specified in subsections (b) and (f) of this section shall be permitted in a district.

- (b) *Accessory Uses.* The following accessory uses are permitted in any district, but not until the principal use is present or under construction. Accessory uses include professional home offices; household occupations; incidental repairs, parking facilities; gardening; itinerant agricultural, farm laborers and watchman's quarters not for rent; private swimming pools and private emergency shelters. Except as herein otherwise regulated, accessory uses shall not include the keeping, propagation or culture of pigeons, poultry or livestock.
- (c) *Accessory building without a principal building.* A single accessory building is permitted without a principal building under the following conditions:
1. The accessory building shall be used for personal storage only. Home occupations or commercial use of the accessory building shall be prohibited.
  2. The accessory building shall be located on the lot, so as to maintain adequate area for the future construction of a principal building, private sewage system and well.
  3. The parcel is zoned Residential 1, Agricultural or Shoreland. If the accessory building is to be located in a residential zoning district, section 70-69(a)(4) shall apply as well.
  4. The connection of the accessory building to a code compliant private sewage system is allowed.
  5. The accessory building shall not be utilized as a dwelling or dwelling unit.
  6. The bathroom shall not exceed 64 square feet in size. The bathroom is allowed a toilet, a sink and/or a shower. Bathtubs, whirlpools or other similar appurtenances are prohibited.
  7. A final inspection of the accessory building shall be required to verify compliance with the permit conditions.
  8. If the accessory building is found to be utilized as a dwelling or dwelling unit, the Administrator shall order the removal of the bathroom, and the connection to the private sewage system shall be terminated by removing the entire accessory building sewer pipe from the accessory building to the connection with the private sewage system.
  9. An affidavit shall be signed by the property owner and recorded in the Chippewa County Register of Deeds acknowledging the conditions as set forth.
- (d) *Connection of Accessory Buildings to an existing private sewage system.* A single accessory building may be connected to an existing private sewage system under the following conditions:
1. The principal use of the lot and principal building are present or currently under construction.
  2. The lot is zoned Residential 1, Agricultural or Shoreland. If the accessory building is to be located in a residential zoning district, section 70-69(a)(4) shall apply as well.

3. The connection of the accessory building to a code compliant private sewage system is allowed.
  4. The accessory building shall not be utilized as a dwelling or dwelling unit.
  5. The bathroom shall not exceed 64 square feet in size. The bathroom is allowed a toilet, a sink and/or a shower. Bathtubs, whirlpools or other similar appurtenances are prohibited.
  6. A final inspection of the accessory building shall be required to verify compliance with the permit conditions.
  7. If the accessory building is found to be utilized as a dwelling or dwelling unit, the Administrator shall order the removal of the bathroom and the connection to the private sewage system shall be terminated by removing the entire building sewer pipe from the accessory building to the connection with the private sewage system.
  8. An affidavit shall be signed by the property owner and recorded in the Chippewa County Register of Deeds acknowledging the use and the conditions of the permit.
- (e) *Conditional Uses.* Such uses may be permitted when approved by the Zoning Committee in accordance with the provisions under section 70-108.
- (f) *Unclassified or unspecified uses.* Such uses may be permitted by the Committee after the Committee has made a review and recommendation, provided that such uses are similar in character to the principal uses in the recommended district.
- (g) *Temporary uses.* Temporary uses may be established in any district from which they are otherwise excluded by the regulations of this chapter under the following conditions:
- (1) Temporary buildings and the temporary storage of materials and equipment incidental to the construction of buildings on the premises for a period not to exceed one year from the date of issuance of the building permit or permits for such construction.
  - (2) A basement of an uncompleted residence may be occupied for living purposes by the owner while construction is in progress, for a period not to exceed two years from the date of issuance of the building permit for such residence and provided such basement has two exits.
- (h) *Mobile homes.* No mobile home shall be used for the purpose of permanent habitation except within an approved mobile home park or a zoning district permitting mobile homes. A mobile home shall not be used as an accessory building.

(Code 1980, § 17.13; Ord. No. 4-15, 09-08-2015)

### **Sec. 70-103 Joint Use**

No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.

(Code 1980, § 17.14)

**Sec. 70-104 Buildings and Uses**

The Committee after investigation and public hearing may authorize the location of any of the following buildings or uses in any district, or when specified in this section, only in the districts as specified, from which they are excluded by this chapter as a conditional use. The Committee shall find that the proposed location is necessary in order to serve the public health, safety, convenience and welfare and provided further, that each such building or use shall comply with all other regulations for the district in which it is proposed to be located. To protect the value of neighboring buildings or uses, the Committee may attach reasonable conditions and safeguards in line with the general purpose and intent of this chapter when authorizing any of the following:

- (a) Cemeteries.
- (b) Fire and police stations.
- (c) Hospitals and clinics, in agricultural and residential 3 districts, but not including veterinary hospitals in residential 1 or 2 districts.
- (d) Institutions, public or private, of an educational, philanthropic or charitable nature, in agricultural, residential 1 or 2 districts.
- (e) Private clubs and lodges, excepting those whose chief activity is service customarily carried on as a business.
- (f) Public utility buildings, structures and lines, including microwave radio relay structures and their appurtenances, for such purposes as are reasonably necessary for the public convenience and welfare.
- (g) Railroad siding and structures.
- (h) Sewage disposal plants in agricultural and industrial.
- (i) Public and private airports in agricultural and industrial.

(Code 1980, § 17.15)

**Sec. 70-105 Lot Regulations**

- (a) No lot area shall be so reduced that the dimensional and yard requirements required by this chapter cannot be met after the effective date of the ordinance from which this chapter is derived. Lots existing and of record prior to adoption of the ordinance from which this chapter is derived, but of substandard size, may be devoted to uses permitted in the district in which located in accordance with subsection 70-63.
- (b) Larger Lots. Lot sizes greater than required by 70-63 shall be provided where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of Ch. H65, Wis. Adm. Code. Such larger lot sizes shall be considered as required by this chapter. (The Administrator is authorized to require percolation tests as required by CH H65, Wis. Adm. Code, before issuing a building permit on soil he/she has reason to believe may be subject to this provision).

- (c) Lots created after adoption of the ordinance from which this chapter is derived and which are not served by public sewer systems shall meet minimum area requirements of section 70-63..
- (d) When a structure is proposed to be constructed or created across a property line, within the required setbacks, or on a contiguous lot, the 2 parcels must be resurveyed as one lot by certified survey map procedures prior to the issuance of any permits.

(Code 1980, § 17.16)

### **Sec. 70-106 Height Regulations**

- (a) Except as otherwise provided in this chapter, the height of any building erected, converted, enlarged or structurally altered after the effective date of the ordinance from which this chapter is derived shall be in compliance with the regulations established in this chapter for the district in which such building is located.
- (b) The height of any of the following structures may exceed zoning code limits for the district in which it is to be located with the approval of the Committee: cooling towers, penthouses, stacks, lookout towers, water towers, spires, radio and television aerials, masts, antennae, conveyors or other equipment required for natural mineral extraction and any other necessary mechanical appurtenances.
- (c) Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding 75 feet, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- (d) In airport safety zones the maximum height of any object located within 125 feet of either side of the centerline of a landing strip, and extended to a distance of two miles from the end of the runway shall be no higher than  $\frac{1}{34}$  of the distance of the object to the landing strip, except for field crops and fences under four feet high. All utilities shall be placed underground when located at the end of the landing strip. The height restrictions contained in this subsection shall apply to all airports or landing strips in the county except the Eau Claire Municipal Airport, which may require more restrictive height regulations. See Wis. Stats. § 114.136(2) and (3).
- (e) Farm buildings and structures not for human habitation, radio and television towers, telephone and power transmission poles, microwave radio relay structures and accessory structures essential to the use or protection of a building or to a manufacturing process carried on therein are exempted from the height regulations of this section, except in the airport safety zones as set forth in subsection (d) of this section.
- (f) Residences may be increased in height by not more than ten feet when all yards and other required open spaces are increased by one foot for each foot by which such building exceeds the height limit of the district in which it is located.

(Code 1980, § 17.17)

**Sec. 70-107 Front, Side and Rear Yard Regulations**

- (a) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other open space required for another building.
- (b) No, stock pile, waste or salvage pile, equipment storage yard or other accumulation of material or equipment in the open shall be stored or placed in a minimum side and rear yard except in the industrial district where a loading platform may be established if it abuts on a railroad.
- (c) Except as otherwise provided in this chapter, any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts which abut the district boundary line.
- (d) Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets are complied with; and provided further that no accessory building shall extend within the setback lines on either street.
- (e) Every part of a required yard or court shall be open and unobstructed by a building or structure or object from its lowest point upward, except as follows:
  - (1) Detached accessory buildings may be located in the rear yard or in the side yard of a principal building provided that an additional side yard, with dimensions equal to that otherwise required for the main building, is provided.
  - (2) Sills, cornices, buttresses, and eaves shall not extend more than two (2) feet into a required yard. Open-work fire balconies and fire escapes, chimneys, flues and similar buildings appurtenances shall extend not more than four (4) feet into a required yard.
  - (3) Uncovered porches and steps to building entrances may extend not more than eight (8) feet into any required front yard or rear yard and not more than three (3) feet into any required side yard or court.
  - (4) Structures utilized for the sole purpose of farming shall be exempt from the setback requirements between other farming structures. All other required setbacks shall be met.
- (f) Structures in yards and courts. Walks, steps on ground slopes, retaining walls, paved terraces and paved areas shall be allowed in yards and courts, provided that the following requirements are satisfied:
  - (1) At-grade structures including, but not limited to, sidewalks, steps or patios or individual access driveways shall be set back at least five (5) feet from all property lines. Note: Driveways through the road right-of-way shall meet the setback and separation requirements of 70-109(e).
  - (2) Shared Access driveways shall be allowed within five (5) feet of the property line under the following regulations:



- i. Approval has been granted by the jurisdiction having authority over the highway.
  - ii. An access easement shall be recorded in the County Register of Deeds Office, which depicts the location of the shared easement where the access driveway will be located, the responsibility of each property owner to maintain the access driveway and the discontinuance of the access driveway.
  - iii. The shared access driveway shall be equally located on each property, until the point where the access driveway separates and/or divides. At this point, the driveway shall be required to meet the required setbacks of this ordinance.
  - iv. The shared access driveway shall not exceed the maximum width requirements of 70-109 of this ordinance.
- (3) Retaining walls and terracing shall be allowed only in the event they are required for landscaping purposes, shall be setback at least five (5) feet from all property lines and shall not exceed 42 inches in height.
- (4) Fences shall meet the requirements of 70-107(g) and 70-113 of this ordinance.
- (g) Fences. Fences shall be allowed within yards and courts as follows:
- (1) Definitions.
    - a. "Finished Surface" means that side of the fence which does not contain any exposed supporting posts or framing members; provided that, in case of a double sided fence, where an equal amount of supporting posts or framing members are visible on both sides of the fence, each side shall be considered a "finished surface".
    - b. For every 12" x 12" portion, "Open Fence" means a fence which is open at least 50% or more as measured and/or approved by the Administrator.
    - c. For every 12" x 12" portion, "Solid Fence" means a fence which is less than 50% open as measured and/or approved by the Administrator.
  - (2) General Requirements:
    - a. Open and solid fences shall have the finished surface facing the exterior of the lot upon which the fence is located.
    - b. Open and solid fences shall be exempt from side yard and rear yard setback requirements and from permit and fee requirements, except in the shoreland and floodplain districts.
    - c. Fences shall be allowed within the shoreland district provided that within 75' of the ordinary high-water mark they are an open fence.

- d. Fences shall be allowed within the floodplain district provided that they are open fences.
  - e. Barbed wire fencing or electrically charged fencing shall not be allowed within any district, except the commercial and industrial districts or in the agricultural district for grazing animals.
- (3) Agricultural Districts. Fences in agricultural districts shall be allowed as provided in Wis. Stat. Chapter 90.
- (4) Residential Districts.
- a. Open and solid fences shall not exceed six (6) feet in height on side yards and the rear yard, nor exceed forty-two (42) inches in height in the front yard except as provided in subsection b.
  - b. Open and solid fences may exceed forty-two (42) inches in height in the front yard under the following conditions:
    - 1. The fence is for an in-ground patio.
    - 2. The fence is limited to forty (40) lineal feet.
    - 3. The fence shall not exceed six (6) feet in height.
    - 4. The fence is not located within the visual clearance triangle.
    - 5. The fence is set back at least twenty (20) feet from the road right-of-way.
    - 6. The fence shall not have any type of roof system, canopy or cover.
- (5) Commercial and Industrial Districts. Fences in commercial and industrial districts shall be allowed as provided in section 70-113 of this ordinance.

(Code 1980, § 17.34)

### **Sec. 70-108 Conditional Use Permits**

- (a) *Purpose.* The Committee may approve a conditional use permit for the conditional uses of any given district in section 70-64 through 70-76 and 70-104 when the location of each such use has been approved by the Committee in written form after a public hearing. Such approval shall be consistent with the general purpose and intent of this ordinance and shall be based upon such evidence as may be presented at such public hearing, tending to show the desirability or undesirability of specific proposed locations for a specific proposed use from the standpoint of the public interest because of such factors as, without limitation because of enumeration, the creation of stormwater runoff and nonpoint source pollutants, smoke, dust, noxious or toxic gases and odors, noise, vibration, operation of heavy machinery, heavy vehicles, traffic and increased traffic on public streets. Such uses shall also be required to meet the specific conditions set out in this ordinance.

- (b) *Procedure.* Applications for a conditional use shall be submitted in to the Administrator on forms provided. The Administrator shall establish a fee to defray administrative costs, including publication of the public hearing notice and the public hearing.
- (1) The conditional use application shall be accompanied by the fee and necessary information as determined by the Administrator for proper evaluation of the conditional use application.
  - (2) The Committee shall schedule the matter for public hearing as soon as practical. A Class 2 public hearing notice shall be published in the official newspaper of the County, which describes the property and the proposed conditional use. Prior to the public hearing, a notice shall be sent by mail to the following:
    - a. All property owners within 400' of the exterior boundaries of the parcel or parcels on which the conditional use permit is being requested.
    - b. The Town Board Chair wherein the subject parcel is located.
  - (3) The Committee shall make a decision within 60 calendar days after the public hearing and render the decision in written form. The decision shall include an exact legal description of the property and all of the conditions imposed; or, if disapproved, shall specifically state the reasons for disapproval.
- (c) *Conditions.* The Committee may impose such conditions as it deems necessary to protect the public health, welfare and safety and may include the following:
- (1) General description and size of the existing and proposed structures.
  - (2) Setback requirements.
  - (3) Road access.
  - (4) Required screening.
  - (5) Concise description of the permitted use.
  - (6) Term and duration.
  - (7) Allowed expansions.
  - (8) Parking considerations.
  - (9) Drainage and sanitary disposal standards.
  - (10) Controls to eliminate noise, dust, odor, smoke, noxious or toxic gases, operation of heavy machinery, heavy vehicles, increased traffic on public streets and other potentially objectionable operating conditions.
  - (11) Days and hours of operation.

- (12) Any other conditions determined necessary by the Committee.
- (d) *Termination and revocation.* The conditional use permit shall lapse and is void:
- (1) Twelve (12) months after approval by the Committee unless the use is fully established and improvement to the property described in the permit is implemented.
  - (2) On the date of expiration set forth in the conditional use permit.
  - (3) At such time as the conditional use for which the permit was granted shall cease or be abandoned for twelve (12) consecutive months.
  - (4) If any condition of the permit is violated or if the conditional use is substantially detrimental to persons or property in the neighborhood, the Committee, following notice to all parties listed in 70-108(b)(2), shall hold a public hearing on the revocation of the conditional use permit. If, upon finding of facts, any material condition of the conditional use permit has been violated or if the character and quality of the area has been substantially and adversely affected by the continuation of the conditional use permit, the Committee may revoke or modify the conditional use. The Committee may thereafter direct counsel for the county to initiate such legal actions as are necessary to ensure compliance with this chapter.
- (e) *Effect of revocation.* In the event of revocation or termination, the conditional use is void and the property shall be governed thereafter by the rules of the zoning district to which the property is zoned at the time of the termination.
- (f) *Binding effect.* The applicant shall acknowledge in their application and the conditional use permit shall recite that the use is conditional and binding upon the applicant, his successors, assigns and personal representatives and is a restriction that runs with the land.

(Code 1980, § 17.35)

### **Sec. 70-109 Setbacks from Highway**

- (a) *Lots that abut on public highways.* For the purpose of determining the distance that buildings and other structures shall be setback from streets and highways, the highways of the county are divided into the following classes:
- (1) *Class A highways.* All state and federal highways are designated as Class A highways.
    - a. The setback from Class A highways shall be 50 feet from the right-of-way line.
  - (2) *Class B highways.* All county trunks are designated as Class B highways. For the purpose of this chapter, any road shall be considered a county trunk after it has been placed on the county trunk system by the County Board and approved by the Chippewa County Highway Department.
    - a. The setback from Class B highways shall be 40 feet from the right-of-way line.

- (3) *Class C highways.* All town roads, public streets and highways and private roads not otherwise classified, are designated Class C highways.
  - a. The setback from Class C highways shall be 30 feet from the right-of-way line.
- (b) *Visual clearance triangle.* In each quadrant of every public street intersection, there shall be a visual clearance triangle bounded by the street centerlines and a line connecting points on them 300 feet from a Class A highway intersection, 200 feet from a Class B highway intersection and 125 feet from a Class C highway intersection.
  - (1) The Administrator, in conjunction with the authority having jurisdiction over the road right-of-way, may allow a vision clearance triangle on highways to be reduced to no less than 75 feet based on a reduction in the speed limit, the elevation of the existing land and the ability to control traffic at the intersections.
- (c) *Structures prohibited within setback lines and visual clearance triangles.* No new structure or part thereof shall be placed within the required setback lines, unless specifically allowed by this ordinance.
- (d) *The following shall be structures allowed within setback lines and visual clearance triangles.*
  - (1) Open fences and at-grade structures such as sidewalks and patios as long as there is no obstruction to the view through the visual clearance triangle from items placed on such structures.
  - (2) Telephone and power transmission poles, lines and portable equipment as long as there is no obstruction to the view through the visual clearance triangle.
  - (3) Field crops, shrubbery and trees, except that no trees, shrubbery or crops may be planted within a visual clearance triangle so as to obstruct the view through the visual clearance triangle.
  - (4) Access or service road construction according to plans approved by the authority having jurisdiction over the adjacent highway.
  - (5) Signs placed by the authority having jurisdiction over the road right-of-way for the guidance or warning of traffic.
- (e) *Access driveways.*
  - (1) Access driveways to highways from adjacent properties shall comply with the following requirements:
    - a. Access driveways to Class A highways shall be approved and permitted by the authority having jurisdiction over said highway.
    - b. Access driveways to Class B highways shall have a separation distance between each other of at least 75 feet, but no more than three (3) access points, including public and private streets, may be located within 600 feet of each

- other. The access drive cannot be located within the visual triangle of intersecting roads.
- c. Access driveways to Class C highways shall have a setback of ten (10) feet from any adjacent property line in residential zoned areas or agricultural zoned areas, which are utilized for residential purposes.
- (2) The maximum number and width of access driveways to highways and service roads shall be as follows:
- a. Commercial, industrial and agricultural districts shall be allowed two (2) access driveways per lot, each with a maximum width of 35 feet, excluding radii. The width measured ten (10) feet from the pavement edge shall not exceed 62 feet in width. The access driveways shall be located at least ten (10) feet from an adjacent property line, except as allowed under section 70-107(f). Access driveways shall meet a separation distance of 75 feet from adjacent access points, measured from the edge of the access driveways at the road right-of-way.
  - b. *Field accesses.* For the safe and appropriate operation of farm machinery, access driveways solely for farm fields shall not be restricted regarding the number of driveways or width requirements under this ordinance. All proposed access driveways solely for farm fields shall require the approval of the authority having jurisdiction over the highway. An access driveway used solely for farm fields may be converted into a different access driveway if the Administrator determines that the proposed use and location meets the requirements of this ordinance.
  - c. Residential districts shall be allowed two (2) improved access driveways with a maximum width of 32 feet between the two access points, excluding radii. The radii shall not exceed 40 feet in width when measure ten (10) feet from the pavement edge. The access driveways shall be located at least ten (10) feet from an adjacent property line, except as allowed under section 70-107(f) of this ordinance.
    1. One unimproved access driveway shall be allowed on each lot, provided the unimproved access driveway meets a side yard setback of ten (10) feet and the authority having jurisdiction over the road right-of-way has approved the proposed location. An unimproved driveway is herein defined as a driveway that does not serve the principal structure in any manner and does not have any type of hard surface or base course. A culvert may be installed to maintain the proper ditching.
- (3) Where crossovers in median strips have been provided access driveways shall be directly opposite such crossovers.
- (4) In addition to the above standards, approval must also be obtained from the authority having jurisdiction over the public highway.

- (5) Access driveways shall be designed and constructed in accordance with State of Wisconsin Transportation Standards as to provide adequate access for emergency and rescue vehicles to the building location. Where it is deemed that a driveway may not meet this requirement because of concerns of the Administrator or the agency having jurisdiction over the road right-of-way, either individual may contact the local emergency personnel for verification. If it is found that the driveway is unsafe or inaccessible, the driveway permit may be denied.
- (7) Shared Access Driveways would be exempt from meeting the setbacks to adjacent property lines under section 70-109 if the requirements of section 70-107(f)(2) are met.

(Code 1980, § 17.40; Ord. No. 8-02, § 3(17.40), 7-9-2002)

### **Sec. 70-110 Required Off-Street Automobile Parking Space and Truck Loading Areas**

Off-street automobile parking spaces and truck parking and loading spaces shall be provided in various districts as required in this section for buildings erected, reconstructed or moved, for uses established and for extensions and enlargements of buildings and uses after the effective date of the ordinance from which this chapter is derived.

- (a) *Automobile parking spaces.* Automobile parking spaces shall be provided as follows for buildings and uses:
  - (1) *One-family, two-family dwellings and multiple-dwelling units.* Two spaces for each dwelling unit.
  - (2) *Motels, hotels, tourist homes and courts.* One space for each guest overnight accommodation, plus one space for the manager and for the greatest number of employees present at one time.
  - (3) *Restaurants, taverns, night clubs.* One space for every 50 square feet of primary floor or one space for each two seats provided for customers, whichever is greater, plus one space for the greatest number of employees present at one time.
  - (4) *Car service drive-in stands.* Five spaces for each employee required during periods of capacity patronage.
  - (5) *Retail business and service establishments.* One space for each 165 square feet of gross business floor area.
  - (6) *Service stations.* Spaces for all vehicles used in the business plus one space for the manager and for each employee, two spaces for each gas pump and three spaces for each grease rack and auto wash space.
  - (7) *Hospitals, convalescent and nursing homes.* One space for each three beds, plus one space for each two employees on the two largest shifts combined, plus one space for each staff doctor, in addition to spaces required for ambulances and other vehicles for patient delivery and pick-up.

- (8) *Doctors' and dentists' offices and medical clinics.* Four spaces for each doctor and for each dentist, plus one space for each employee.
  - (9) *Bowling alleys.* Seven spaces for each alley, plus one space for each employee at peak employment.
  - (10) *Warehouses, industries.* One space for each two employees on the two largest shifts combined.
  - (11) *Other uses.* In applying for permits for buildings and uses not included in this section, the applicant shall specify the minimum off-street parking spaces to be provided, and the Administrator shall issue the permit subject to such provision, and on the condition that spaces for additional need shall be provided if and when such need occurs.
- (b) *Truck loading areas and parking spaces.* Off-street spaces sufficient for all truck loading and truck storage and parking shall be provided in connection with all buildings and uses delivering and receiving goods, materials and supplies by truck and those using trucks in their business or operation.
- (c) *Supplemental parking space requirements.*
- (1) Each parking space shall be not less than 200 square feet in area and nine feet in width, exclusive of aisles, driveways and walks, and shall not include any portion of a street or alley.
  - (2) Required parking spaces for dwellings, trailer coaches, mobile homes, motels, autocourts and auto camps shall be located on the same premises as the use served. For other uses, where this would be unreasonable or an unnecessary hardship, the Committee may approve the location of a portion of the required stalls on other nearby property.
  - (3) Required parking spaces provided on a lot or in a building shall be kept clear of other uses and obstructions to parking.
  - (4) All parking spaces shall be graded and drained, and parking lots containing five (5) or more spaces shall be given a hard surfacing such as concrete or asphalt.

(Code 1980, § 17.41)

### **Sec. 70-111 Substandard Lots**

- (a) *Substandard lots served by a public sanitary system.* A substandard lot served by a public sanitary sewer which is at least 7,500 square feet in area and is 50 feet in width may be used as a building site upon issuance of a zoning permit by the Administrator if it meets all of the provisions of (b)(1), (b)(2) and (b)(3) of this section. In addition, the following requirements must be satisfied:
- (1) Such use is permitted in the zoning district.



- (2) The lot was not illegally created and was on record in the Chippewa County Register of Deeds office prior to April 1, 2001.
- (b) *Substandard lots not served by public sanitary sewer.* A substandard lot not served by public sanitary sewer, which is at least 10,000 square feet and at least 60 feet in width at the building setback line may be used as a building site upon issuance of a zoning permit by the Administrator if it meets all the provisions of subsection (a)(1) and (a)(2) of this section . In addition, the following regulations will be applicable:
- (1) All required setbacks must be met with all proposed buildings.
  - (2) The total impervious surface cannot exceed 30% of the lot area.
  - (3) A variance may not be granted for any type of side yard setback relief on the property.
- (c) *Other substandard lots.* A building permit for the improvement of a lot having lesser dimensions than those stated in subsections (a) and (b) of this section shall be issued only after granting of a variance by the board of adjustment. In addition, the provisions of subsection (a) and (b) of this section shall apply.

#### **Sec. 70-112 Adult Book Store, Adult Cabaret or Adult Motion Picture Theater Regulations**

- (a) *Standards.* An adult book store, an adult motion picture theater, and an adult cabaret are permitted as a Conditional Use Permit in the Industrial district, provided in each case that:
- (1) Such use shall not be located within 1,500 feet of any residence or residential district.
  - (2) Such use shall not be located within 1,500 feet of a public or private school, church, nursery, day care center, or park.
  - (3) Such use shall not be located within 1,000 feet of another adult book store, adult motion picture theater, or adult cabaret.
  - (4) The distances provided in this subsection shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the lot upon which the proposed use is to be located, to the nearest point of the residential zoning district boundary line.
  - (5) Such use shall not be located in a structure that has a door, window, or opening that is constructed in such a way that the public can view the interior contents and/or activities without entering the structure.
  - (6) Such use shall display a 2-foot by 2-foot sign located within 3 feet of the structure entrance in such a position that any person approaching to enter will be able to read the following: "Must be 18 years old to enter" and "Material beyond this door may be offensive".
  - (7) Violation of these provisions is declared to be a public nuisance per se.

- (8) Nothing in this subsection is intended to authorize, legalize or permit the establishment, operation, or maintenance of any business, building, or use which violates any County ordinances or statute of the State of Wisconsin regarding public nuisances, sexual conduct, lewdness, or obscene or harmful matter or the exhibition or public display thereof.

### **Sec. 70-113 Commercial Screening Regulations**

Any property being developed or expanded in a commercial or industrial district shall have effective solid screening along all lot lines adjoining any residential district except where waived by the Committee. All outside storage areas shall be effectively screened from public road right-of-ways.

(a) Screening Requirements:

- (1) Front yard screening shall be made of natural screening or of manmade materials at least 5 feet in height.
- (2) Side and rear yard screening shall be made of natural screening or of manmade materials at least 6 feet in height.
- (3) Natural screening shall not be less than 3 feet in height at time of planting and have the capability of growing to the required height as provided in (1) or (2) above. A berm may be utilized in lieu of natural screening as long as it does not create a potential problem associated with stormwater management.

(b) Waiver Conditions:

- (1) A reasonable probability that the adjoining properties will be rezoned for commercial or industrial use.
- (2) There is an existing natural topographic or vegetative screen.
- (3) If written agreements are arrived at with the affected property owners.

### **Sec. 70-114 Commercial Lighting Regulations**

It is the intent of this section to encourage outdoor lighting practices and systems which will minimize light pollution, glare, and light trespass while maintaining night-time safety, utility, security and productivity in a commercial or industrial district.

- (a) All lighting must be fully shielded in a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where the light is emitted.
- (b) Lighting must be directed away from adjacent properties to prevent light from trespassing or spilling on to those properties.
- (c) There shall be no flashing, revolving or intermittent lighting, which could be considered a nuisance or distraction to vehicular traffic.

- (d) Search lights, laser source lights, or any similar high-intensity light shall not be permitted, except in emergencies by police and fire personnel or at their direction.
- (e) Outdoor athletic fields, courts, tracks, or ranges, and airports are exempt from all lighting requirements.
- (f) All outdoor flood light projection above the horizontal is prohibited.
- (g) Temporary lighting, which does not conform to the provisions of this section, may be allowed for a total period of no longer than 30 days within a year.

### **Sec. 70-115 Home Occupations**

It is the intent of this section to set standards under which home occupations may be conducted so that such home occupations do not undermine the purpose of the ordinance.

- (a) Home occupations shall be allowed without permit in all residential and the agricultural districts, provided they conform to the following performance standards:
  - (1) The home occupation shall be conducted entirely within a dwelling unit or entirely within an accessory building, but not both.
  - (2) The home occupation is incidental to the residential use of the property and does not involve any external alterations that would effect a substantial change in the residential character of the dwelling unit or accessory building.
  - (3) The floor area devoted to the home occupation shall not exceed 25% of the habitable floor area of the dwelling unit, except as a conditional use permit issued under section 70-108.
  - (4) No person other than a resident of the dwelling unit shall be employed therein; except that additional non-resident employees may be approved as a conditional use under section 70-108.
  - (5) No inventory of a commodity shall be sold on a regular basis on the premises except as a conditional use permit under section 70-108.
  - (6) The home occupation shall not be objectionable to neighboring uses due to noise, dust, odors, and hours of operation, traffic generation or electrical interference.
  - (7) There shall be one sign allowed, which cannot exceed 6 square feet and shall be located on the dwelling unit or the accessory building.
  - (8) There shall be no outside storage or display of products, materials, or equipment except for seasonal products such as Christmas trees, which do not exceed 8 weeks.
- (b) The following home occupations may be allowed, but only after a conditional use permit is approved under section 70-108:
  - (1) Professional Offices, including but not limited to physicians, chiropractors, dentists, lawyers, real estate brokers, insurance agents and contractors;

- (2) Beauty and barber shops;
- (3) Repair of motor vehicles and small engines including the construction and operation of racing machines such as stock cars, snowmobiles and tractors.
- (4) Storage of motor vehicles and recreational vehicles in accessory structures that were existing at the time of adoption of the zoning code (1974).
- (5) CNC Machining; allowed only within the Agriculture District.
- (6) Rustic Wedding Venues; allowed only within the Agriculture District.

(Ord. 02-18, 06-12-2018)

**Cross references:** Traffic and vehicles, ch. 58.

### **Sec. 70-116 Tourist Rooming House**

It is the intent of this section to set standards and clear expectations under which an existing single-family dwelling may be used as a tourist rooming house after receiving a zoning permit from the Administrator. In the event property owners or the occupants of a tourist rooming house do not comply with the terms of this section, additional conditions shall be placed on the zoning permit.

- (a) A zoning permit shall be issued to the existing property owner of an existing single-family dwelling for use as a tourist rooming house upon meeting the following conditions, which shall continue and remain in effect throughout the life of the permit:
  - (1) The property owner must obtain a tourist rooming house license from the State of Wisconsin to maintain, manage or operate a tourist rooming house. A copy of the state approved license shall accompany the zoning permit application.
  - (2) The number of occupants allowed within the tourist rooming house shall be dependent upon the size of the septic system. The property owner shall provide written evidence to the Department that demonstrates the septic system is code compliant, and of the septic system size and location.
  - (3) The property owner and occupants of a property permitted for use as a tourist rooming house shall comply with the terms of the zoning permit and all other applicable permits and licenses, and all laws, ordinances and regulations that arise out of or relate to the maintenance, management, operation and occupancy of the tourist rooming house.
  - (4) Accessory structures or buildings located on a property that has a tourist rooming house shall not contain habitable living spaces such as, but not limited to: bathrooms, sleeping accommodations, kitchens, and offices.
  - (5) Tents and recreational vehicles, including, but not limited to: pop-up campers, motor homes or other means of overnight stay are prohibited.

- (6) Parking facilities shall be provided on the property and shall not be located within the road right-of-way, the required front, side, rear or water setbacks.
  - (7) The property owner shall provide the Department with a contact number at which the property owner may be reached for public complaints and/or inquires 24 hours per day.
  - (8) All applicable county permits and state licenses shall be referenced on any advertising, including advertisements on the internet. Licenses and permits shall be prominently displayed in a conspicuous location on the property where a tourist rooming house is located.
  - (9) A zoning permit allowing the use of the property as a tourist rooming house shall expire upon change of property ownership. The conditions of the zoning permit may be modified as outlined in section (b) below.
  - (10) The property owner requesting a zoning permit to use the property as a tourist rooming house shall, by certified mail, notify all property owners within 200 feet of the property where the tourist rooming house will be located of their intent to use the property for a tourist rooming house. The notification shall include a copy of this section of the zoning ordinance showing the conditions under which a zoning permit will be issued for the tourist rooming house, the property owner's mailing address and the property owner's 24 hour contact number. The certified mail receipts shall be presented to the Department or Administrator and placed within the property file prior to the issuance of the zoning permit under this section.
  - (11) A new property owner shall be required to apply for a new zoning permit for the operation of a tourist rooming house under this section. Any conditions placed on the zoning permit pursuant to section (b) below prior to the change of ownership shall be included in the new permit until such time that the conditions are removed pursuant to section (c) below.
- (b) *Non-compliance with Conditions of the Permit*
- In the event the Administrator determines that the property owner or the occupants of a tourist rooming house permitted pursuant to this section are operating, maintaining, managing or occupying the tourist rooming house in violation of the provisions of this section or any other applicable license or permit, the Administrator may issue a citation to the property owner pursuant to section 70-31(c). In addition to the citation, the Administrator shall take the following stepped enforcement:
- (1) *First Non-Compliant Offense*  
The Administrator shall place a condition on the zoning permit that limits the property owner from renting or otherwise leasing out the tourist rooming house for less than 7 consecutive days at a time. The Administrator shall remove this condition if the requirements under (c)(1) are met.
  - (2) *Second Non-Compliant Offense*  
In addition to the condition in (b)(1), the Administrator shall place an additional condition on the zoning permit that limits the total number of days within any consecutive 365-day period that the property owner may use the single-family dwelling as a tourist rooming house to 180 consecutive days. The property owner shall notify the

Department in writing 30-days prior to the first rental within the 365-day period. The first rental shall be the start of the 365-day period.

(3) *Third Non-Compliant Offense*

In addition to the condition in (b)(1) and (b)(2), the Administrator shall place an additional condition on the zoning permit that will place quiet time hours that prohibits unreasonable noise during the hours of 9 p.m. to 9 a.m. For the purpose of this section, “unreasonable noise” is defined as any noise loud enough to keep a reasonable person awake during these hours. In addition to the quiet time restrictions, the Administrator shall place an additional condition on the zoning permit that requires the property owner of the tourist rooming house to place screening adjacent to the tourist rooming houses property owner’s property line. Screening shall be either a natural vegetation or a standard fence and meets the requirements of all applicable ordinances.

(4) *Fourth Non-Compliant Offense*

In conjunction with (b)(1), (b)(2) and (b)(3), the Administrator shall place an additional condition on the zoning permit that limits the number of occupants allowed within the tourist rooming house to no more than two (2) guests per bedroom.

(c) *Removal of Additional Conditions Placed on the Zoning Permit pursuant to (b)*

The Administrator shall remove the additional conditions of section (b) in the event that the property owner or the occupants of the tourist rooming house are found to be operating, maintaining or managing the tourist rooming house in compliance with the conditions of an applicable license or permit as follows:

(1) *Removal of First Offense Condition*

If the Administrator has placed a condition pursuant to (b)(1) on the zoning permit for a tourist rooming house, and the property owner of the tourist rooming house has been in compliance with all conditions of the zoning permit for twenty-four (24) consecutive months, the Administrator shall remove the first non-compliant offense condition from the zoning permit.

(2) *Removal of Second Offense Condition*

If the Administrator has placed a condition pursuant to (b)(2) on the zoning permit for a tourist rooming house, and the property owner of the tourist rooming house has been in compliance with all conditions of the zoning permit for twenty-four (24) consecutive months, the Administrator shall remove the second non-compliant offense condition from the zoning permit. However, the first offense condition as listed in (b)(1) shall not be removed until the timeframe of (c)(1) has been reached.

(3) *Removal of Third Offense Condition*

If the Administrator has placed a condition pursuant to (b)(3) on the zoning permit for a tourist rooming house, and the property owner of the tourist rooming house has been in compliance with all conditions of the zoning permit for twenty-four (24) consecutive months, the Administrator shall remove the third non-compliant offense condition from the zoning permit. However, the second non-compliant offense condition as listed in (b)(2) shall not be removed until the timeframe of (c)(2) has been reached.

(4) *Removal of Fourth Offense Condition*

If the Administrator has placed a condition pursuant to (b)(4) on the zoning permit for a tourist rooming house, and the property owner of the tourist rooming house has been in compliance with all conditions of the zoning permit for twenty-four (24) consecutive months, the Administrator shall remove the fourth non-compliant offense condition from the zoning permit. However, the third non-compliant offense condition as listed in (b)(3) shall not be removed until the timeframe of (c)(3) has been reached.

- (d) *Administrative Appeal.* A property owner may make an Administrative Appeal under section 70-35 of this ordinance.

(Ord. 10-11, 01-10-12; Ord. No. 08-19, 06-11-19)

### **70-117 Commercial Site Plan Review Process**

- (a) *Purpose.* The purpose of the commercial site plan review requirements are as follows:

- (1) To maintain and improve the quality of the environment;
- (2) To encourage the aesthetic compatibility of the design and construction of new development with adjacent and nearby land uses;

- (b) *Jurisdiction.* Site plans shall be submitted by the applicant, and shall be subject to the review and approval by the Department prior to the issuance of building and/or zoning permits for all new or redeveloped commercial development(s). Building or sanitary permits for a nonresidential building shall not be issued until all of the applicable provisions of this section have been met and approved.

- (c) *Plan Submittal Requirements.* The submittal requirements for site plan applications shall include the following:

- (1) *Written Narrative.* A written description of the intended use describing in reasonable detail the following:

- a. Current and proposed land use(s).
- b. Projected number of employees, number of daily customers, and hours of operation for the proposed commercial land use(s).
- c. Anticipated future expansion plans that would occur in the next five years from the date of site plan approval.

- (2) *Site plan.* A site plan which includes the following:

- d. A title block, which indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner, etc) for the project.
- e. The dates of the original site plan and amendments to the site plan.
- f. A north arrow and a graphic scale. Said scale shall not be smaller than 1 inch

- equals 100 feet.
- g. A legal description of the subject property.
  - h. All property lines and the existing and proposed right-of-way lines with bearings and dimensions clearly labeled.
  - i. All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to the ownership and purpose.
  - j. All existing and proposed contour lines for the property.
  - k. All required building setback lines.
  - l. All existing and proposed buildings, structures, septic systems, private wells, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls.
  - m. The location of onsite floodplain boundaries. If available, the delineation between the flood-fringe and flood-way.
  - n. The location of on-site wetlands.
  - o. The location and dimension (cross-section and entry throat) of all access points onto public streets.
  - p. The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided.
  - q. The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas.
  - r. The location of all outdoor storage areas and the design of all screening devices.
  - s. The location, type, height, size, and lighting of all existing or proposed signage on the subject property.
  - t. The location, height, design/type, illumination power, and orientation of all exterior lighting on the subject property.
  - u. The location and type of any permanently protected green space areas.
  - v. The location of existing and proposed storm water management, conveyance, and drainage facilities.
  - w. Total lot area.
  - x. Gross floor area.



- y. The area, location and type of each impervious surface, and the total impervious surface area.
- (3) *Building Elevations.* Drawings of each elevation of the proposed building(s) or proposed remodeling of any existing building(s) showing finished exterior treatment. Labels on the elevation drawings shall identify all exterior materials and colors.
  - (4) *Landscaping Plan.* Drawings of the subject property, at the same scale as the site plan, showing the location of existing and proposed plant materials, fencing, and berms.
  - (5) *Request for Additional Information.* The Department may require the applicant to submit additional information in the event the Department determines that such information is needed to make a thorough and accurate review of the project.
- (d) *Review and Approval Procedure.*
- (1) All completed site plan applications shall be submitted to the Department for approval. All site plan applications shall be accompanied by the applicable fee, two (2) paper copies of the site plan, written material, and other information required in section 70-117(c), one (1) electronic copy in a portable document file (PDF) with a searchable text feature, and one (1) electronic copy of the site plan in CADD form.
  - (2) The Department shall review the site plan application and accompanying material for conformance to this section.
  - (3) Within 14 days of the receipt of the site plan application and all required information, the Department shall render a decision. If no decision is made by the Department within said 14 day period, the site plan application shall be considered approved. The Department shall approve, deny, or approve subject to compliance with such modifications or conditions as it may deem necessary to carry out the purpose of these regulations and insure that the external design and site plan for all developments are in accordance with the provisions of this section.
    - a. Within one (1) day of the receipt of the site plan application, the Department shall send an electronic copy to the town board chair or designated agent for review and consideration.
    - b. Within 10 days of the receipt of the site plan application, the town board chair or designated representative shall, by email, forward suggested modifications or conditions as they may be deem necessary to carry out the purpose of these regulations and to insure that the external design and site plan for all developments are in accordance with the provisions of this section.
  - (4) When acting upon a site plan application, the Department shall consider the contents of the proposed site plan application in conjunction with the review criteria of section 70-117(e). Upon review of the site plan application, the Department shall take one of the following courses of action:
    - a. Approve the site plan application with or without conditions;

- b. Deny the site plan application; or
  - c. Defer the site plan application for further study.
- (5) Following approval of a site plan application and prior to issuance of the applicable building and/or zoning permits, the applicant shall submit to the Department two (2) copies of the final approved site plan application which shall include all changes or other pertinent information required by the Department.
- (6) All proposed amendment(s) to a previously approved site plan application must be submitted to the Department for the Department's review and consideration. If, upon review and consideration, the Department determines that a proposed amendment does not materially alter the previously approved site plan application, the Department staff may approve the site plan application amendment. If a proposed site plan application amendment materially alters the principal uses, parking and circulation, drainage, landscaping, or other site plan elements of a previously approved site plan application, the Department shall review and consider such proposed amendment following the procedure and review criteria for all site plan applications as set forth in this section 70-117.
- (e) *Review Criteria.*
- (1) When acting upon a site plan application, the Department shall rely upon generally accepted site planning and design principles.
  - (2) The existing natural topographic and landscape features of a site shall be incorporated into a development plan. Such plan shall include all prudent and necessary steps required to protect the natural environment of the site and surrounding areas during and after construction.
  - (3) Site coverage, paved areas, lawn areas, building scale, setbacks, and open spaces shall be in proportion with existing and planned structures and spaces in the surrounding area.
  - (4) Buildings shall be sited in an orderly, non-random fashion. Excessively long, unbroken building facades shall be avoided. Building materials and design features shall be consistent with the general design theme of the development.
  - (5) All areas not otherwise occupied by structures or paved areas shall be landscaped with ground cover, shrubs and trees. Landscape plans for developments with ground floor areas in excess of 10,000 square feet shall be prepared by a professional landscape architect or an experienced landscaper.
  - (6) Access to the site shall be provided by driveways which are located in a manner to minimize traffic congestion and difficult turning movements. The number and width of driveways shall be regulated by the authority having jurisdiction over the access road and any applicable ordinances.
  - (7) The interior circulation of the site shall be designed to provide for the convenient and safe flow of pedestrians and non-pedestrian traffic on the site and onto and from public

streets or sidewalks.

- (8) Sites shall be lighted with fixtures, when required, which relate to the scale and design of the development and which have an intensity high enough to maintain security and low enough to avoid being a nuisance.
  - (9) Paved areas shall be only as large as necessary to serve parking, circulation, and open space needs. The appearance of paved areas shall be enhanced by landscaping. Monotonous, extended, or unbroken parking areas, driveways, and carport or garage structures shall be avoided. Parking structures and areas shall be separated from residential buildings by landscaped areas.
  - (10) Outdoor activity areas, parking lots, storage yards, trash areas and other exterior features or uses shall be adequately landscaped or screened to minimize any potential nuisance features of the use of the site on existing or potential adjacent land uses.
  - (11) Recyclable materials storage areas shall be provided for any use which generates significant amounts of recyclable materials and such area will be appropriately screened.
- (f) *Expiration Date.* The proper building and zoning permits for the project must be applied for and approved within 12 months of the Department's final approval of the site plan application. If this timeframe is not met, a new site plan application shall be submitted with the applicable fees. The Department shall review and consider the site plan application following the procedure and review criteria for all site plan applications as set forth in this section 70-117.

(Ord. 20-12, 09-11-2012)

Secs. 70-118 --70-125. Reserved.

## **DIVISION 2. JUNK, SALVAGE AND WRECKING YARDS**

### **Sec. 70-126 Permit Required**

No person shall, after the effective date of the ordinance from which this chapter is derived, except in districts designated in this chapter, keep, conduct or maintain any building, structure, yard or place for keeping, storing or piling, in commercial quantities, whether temporarily, irregularly or continually, or for the buying or selling at retail or wholesale or dealing in any old, used or secondhand materials of any kind, including cloth, rags, clothing, paper, rubbish, bottles, equipment, automobiles, farm machinery, trucks, parts, equipment or supplies or other similar articles without first having obtained and paid for a permit as provided in this division.

(Code 1980, § 17.43(1)(a))

### **Sec. 70-127 Application for Permit**

Every applicant for a permit to operate a junkyard shall file with the Administrator a written application upon a form, signed by the applicant or applicants with the following information:

- (a) Such application shall state:

- (1) The name and residence of the applicant, if an individual, if a partnership or firm the names of the principal officers and their residence if the applicant is an association or corporation.
  - (2) The detailed nature of the business to be conducted and the kinds of material to be collected, bought, sold or otherwise handled.
  - (3) The description of the premises where such business is to be located or carried on.
  - (4) An agreement that the applicant accepts the license, if granted, upon the condition that it may be suspended for cause at any time by the Committee.
- (b) The Administrator shall report such application to the Committee, who shall inspect or cause to be inspected such premises to determine whether it complies with all provisions of this Code, rules or regulations. The premises and all structures thereon shall be so situated and constructed that the business of the junk dealer may be carried on in a sanitary manner, shall contain no fire hazards and shall be arranged so that there can be a thorough inspection at any time by proper authorities.
- (c) If the Committee determines that the proposed junkyard complies with the requirements set forth in this section, it shall, within a reasonable time, hold a public hearing, notice of which shall be given by a Class 2 notice as provided in Wis. Stats. ch. 985. After such public hearing the Committee may authorize the issuance of the permit. Permits shall be renewed for a two-year period on authorization of the Committee upon inspection of the business. If the business is being conducted in accordance with the provisions of this section the Committee may waive the two-year renewal. However, if the business is not being conducted in accordance with the provisions of this section the permit may be renewed or revoked after a public hearing.
- (d) Each of the premises upon which the business of the junk dealer is to be carried on shall be enclosed by a solid fence or evergreen planting screen of a height not less than eight (8) feet or that height necessary to completely prevent a view from any other property or public right-of-way.
- (e) Each of the premises shall be located at least 750 feet from any residential district or any interstate federal or state trunk highway and at least 300 feet from any county highway.
- (f) Upon complaint being made in writing by any town or county official or resident of the county to the Administrator that any person has violated any of the provisions of this section, the Committee shall summon such permit to appear before it at the time specified in the summons, which shall be not less than three days after the date of the service thereof, to show cause why the permit shall not be revoked. The Committee and the Administrator shall proceed to hear the matter and if they find the allegations of the complaint are correct they shall revoke the permit. If the permit is revoked, the permittee shall not be granted another permit for one year from the date of revocation.

(Code 1980, § 17.43(1)(b))

**Sec. 70-128 Inoperative Motor Vehicles, Equipment or Machinery**

- (a) No person owning or having custody of any inoperative motor vehicles, equipment or machinery shall allow it to remain on any premises, whether public or private, longer than 30 days after notification thereof by the Administrator or his designated representative. Notification shall be given in the manner most likely to inform the owner or custodian or the owner or the property of the provisions of this section.
- (b) Any person who violates, disobeys, omits, neglects or refuses to comply with the provisions of this section shall, upon conviction, be subject to the penalties set forth in subsection 70-31(c).
- (c) Within the meaning of this section the term "equipment" shall include, but not be limited to, motor vehicle accessories, items of household furnishings, tools and items of repair, items commonly incidental to farming operations and items which have been removed or salvaged from vehicles or machinery or the other items listed in this section.
  - (1) Equipment, which is utilized for farming purposes, including abandoned, disassembled, non-operable, disabled, equipment is exempt from this section as long as it is solely utilized for the current farming practices.

(Code 1980, § 17.43(2))

Secs. 70-129--70-145. Reserved.

### **DIVISION 3. SIGNS**

#### **Sec. 70-146 Generally**

No sign shall be erected, constructed, altered or modified except as regulated in this division.

(Code 1980, § 17.42(1)) (Ord No. 01-20, 02-11-2020)

#### **Sec. 70-147 General Sign Provisions**

- (a) *Hazardous signs.* No sign shall, by reason of its shape, location, lighting, size, color or intensity, create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words that might be construed as traffic controls, such as "stop," "caution," or "warning" unless such sign is intended to direct traffic on the premises.
- (b) *Sign maintenance.* All signs and sign structures shall be properly maintained in a safe, orderly condition and parts and supports shall be properly painted at all times. Signs or sign structures which are rotted, unsafe or which have otherwise deteriorated or have been defaced shall be repainted, repaired or replaced by the owner of the lot upon which the sign is located, or by his licensee.
- (c) *Interference.* No signs, nor any guides, stays or attachments thereto, shall be erected, placed or maintained upon rocks, fences or trees, or in such a manner as to interfere with firefighting equipment or personnel, or any electric light, power, telephone or cable wires or supports thereof.
- (d) *Signs within right-of-way.* No signs other than governmental signs shall be erected or temporarily placed within any public right-of-way.

- (e) *Signs within a vision clearance triangle.* Signs shall be allowed within the vision clearance triangle if the sign is not considered a hazard for motorists or the general public. The vision clearance triangle is designated under section 70-109(b) of this ordinance.
- (f) *Safe ingress and egress to and from structures.* No sign or sign structure shall be erected or maintained so as to prevent or deter free movement to or from any door, window or fire escape, nor shall a sign be attached to a standpipe or fire escape.
- (g) *Signs required by law.* All signs required by law shall be permitted in all districts.
- (h) *Sign faces.* If a freestanding sign or sign structure is constructed so that the sign faces are not parallel, the angle between the sign faces shall not exceed 30 degrees. If the angle between the sign faces is greater than 30 degrees, the total area of both sign faces shall be the calculated sign area. If the angle between the sign faces is less than 30 degrees, the sign faces shall be considered one sign face for purposes of calculating sign area and number of signs.
- (i) *Obsolete signs.* An obsolete sign or a sign which advertises an activity, product or service which is no longer being produced or conducted shall be removed within 90 days from the last date upon which the activity or service was produced or conducted. Responsibility for the removal of an obsolete sign shall be that of the lot owner upon which the sign is located.
- (j) *Illumination.* Signs may be internally or externally illuminated, except as prohibited by this section and subject to the following restrictions:
- (1) Light that is used to illuminate a sign face shall be directed away from adjacent lots and shall be directed towards the ground in order to prevent light trespass on adjacent lots and illumination of a sign face from a light that is pointed towards the sky.
  - (2) Signs which contain, include, or are illuminated by flashing, intermittent, or moving light or lights are prohibited, except those allowed as multiple or variable message signs under subsection (k).
  - (3) Illumination which is not effectively shielded as to prevent beams or rays of light from being directed at any portion of public road right-of-way and is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or that otherwise interferes with any driver's operation of a motor vehicle is prohibited.
  - (4) No sign shall be so illuminated that it obscures or interferes with the effectiveness of an official traffic sign, device or signal.
- (k) *Multiple or variable message signs.* Free standing or advertising (off-premise) signs in the Commercial or Industrial Districts may contain multiple or variable messages, including messages on louvers that are rotated and messages formed solely by use of lights or other electronic or digital displays or processes, are subject to all of the following restrictions:
- (1) All existing signs on the lot must be in compliance with the specific ordinance regulations that apply to the district in which the lot is located regarding height, sign area, and location.

- (2) *Brightness.* Sign faces shall not exceed 7500 nits during daylight hours and 500 nits during nighttime hours. (Note: A “nit” is a measurement of luminance. One “nit” equals one candela per square meter.)
  - (3) Advertising (off-premise) signs:
    - a. Each change of message shall be accomplished in one (1) second or less.
    - b. Each message shall remain in a fixed position for at least six (6) seconds.
    - c. The use of traveling messages or segmented messages is prohibited.
    - d. The owner of the sign must provide at least five (5) hours per month for public messaging announcements at no cost to the town in which the sign is located.
  - (4) Freestanding signs:
    - a. Shall be used only to advertise activities conducted on the lot on which the sign is located or to display public emergency messages.
    - b. No message may be displayed for less than one-half of one second.
    - c. No message may be repeated at intervals of less than two (2) seconds.
    - d. No segmented message may last longer than ten (10) seconds.
    - e. No traveling message may travel at a rate slower than 16 light columns per one (1) second or faster than 32 columns per one (1) second.
    - f. Shall provide the opportunity to display public emergency messages to notify the traveling public in the event that an emergency is declared by the county or town. Public emergency messages may include the following: amber alerts, traffic accidents, re-routing of traffic or similar events.
  - (5) Signs shall be equipped with a dimmer control or other device which allows the luminance of the display to be adjusted. The sign shall also be equipped with a photo cell or other means by which the sign can automatically adjust luminance to varying ambient light conditions. Both the dimmer and ambient light device shall be in full operational capacity. Non-operation of these devices is deemed a malfunction and dealt with according to this section.
  - (6) *Malfunctioning Signs.* Signs shall be designed and equipped to freeze the device in one position in the event a malfunction occurs. The displays shall be equipped with a means to immediately discontinue the display in the event of a malfunction occurs, and the sign owner shall immediately stop the display when notified by the Department that it is not in compliance with the ordinance standards.
- (I) *Double frontage lots.* Lots having frontage on two (2) streets or roads shall be permitted to have signs on any side of the principal building as long as the signage does not exceed the maximum number and square feet of signage allowed.

- (m) *Signs on parked vehicles.* The parking of any vehicle or trailer on a public right-of-way, or public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon, any sign or advertising device that advertises products or directs people to an on premise or off-premise business or activity is prohibited. However, vehicular signage permanently attached on construction vehicles or trailers while in use at construction sites is allowed. In addition, vehicular signage located on a vehicle or trailer which is incidental to the principal use of the lot is allowed unless such vehicle or trailer is clearly visible from the public right-of-way and is not moved from its location for a period exceeding five (5) calendar days.

(Code 1980, § 17.42(2)) (Ord. No. 01-20, 02-11-2020)

### **Sec. 70-148 Permitted Signs**

The following signs shall be allowed subject to the following and without a zoning permit, unless the sign is proposed to be located within a vision clearance triangle:

- (a) *Governmental signs.* Signs of a public, non-commercial nature, including but not limited to safety signs, traffic control devices, scenic or historical signs and memorial plaques.
- (b) *Integral signs or nameplates.* Signs attached to buildings or structures which name only the building, date of construction and commemorative actions. Signs shall be limited to six (6) square feet in size.
- (c) *Construction signs.* Construction signs are limited to three (3) signs per lot and shall be non-illuminated. The construction sign may name the architects, engineers, contractors and other individuals or entities involved in the construction, alteration or repair of a structure. Construction signs shall be confined to the construction site and shall be removed when the project is completed or upon the granting of occupancy of the structure, whichever occurs first. A construction sign face shall not exceed 32 square feet in size in any district.
- (d) *Future use of site signs.* Future use signage is limited to one (1) sign per site and shall be non-illuminated. The future use sign shall display only information specific about the future use of the lot and applicable contact information. The sign cannot be placed onsite until the applicable zoning and building permits for the construction of the principal building have been issued. Signs shall not measure more than six (6) square feet in size in residential districts nor more than 32 square feet in size in all other districts.
- (e) *Real estate signs.* A single on premise sign announcing the owner, manager, realtor or other person directly involved in the sale or rental of a property. Signs shall not measure more than six (6) square feet in size in residential districts nor more than 32 square feet in size in all other districts. In the event of sale, the sign must be removed within ten days thereafter.
- (f) *Trespassing signs.* Signs which indicate the allowed use of private property, such as no trespassing, no hunting, or hunting by permission only per terms of law as to frequency and size.
- (g) *Agriculture test plot signs.* Agricultural test plot signs shall be allowed in the Agricultural District under the following conditions:



- (1) One sign facing each direction.
  - (2) Sign shall not exceed 32 square feet in size and are permitted during the growing season and shall be removed after harvest.
  - (3) Row markers and variety markers are permitted as necessary.
- (h) *Occasional yard sale sign.* One sign is allowed, shall not exceed six (6) square feet in size and shall not be placed more than one day prior to the sale and shall be removed at end of sale.
- (i) *Personal expression sign.* A personal expression sign is an on premise sign that expresses an opinion, interest, position or other non-commercial message or advertising and shall not be illuminated. Signs shall not measure more than six (6) square feet in size in residential districts nor more than 32 square feet in size in all other districts.
- (j) *Window signs.* Window signs located on the inside of a building and displaying pertinent business information such as a business' hours of operation or a special sales event or promotion shall be excluded from calculations for building signs.

(Code 1980, § 17.42(3)) (Ord. No. 01-20, 02-11-2020)

#### **Sec. 70-149 District Regulations**

- (a) *Signs in all districts.* Signs are regulated or prohibited in particular zoning districts according to their size, height, number and location on the lot.
- (1) *Lot line setback.* Freestanding signs, regardless of the zoning classification or the requirement for a zoning permit shall be located at least ten (10) feet from a lot line or right-of-way line.
  - (2) *Height.* Unless specifically referenced within the ordinance, freestanding signs shall not extend higher than eight (8) from the existing grade level.
- (b) *Permits required.*
- (1) Except as allowed in section 70-148, signs shall not be erected, constructed, enlarged or otherwise modified without first receiving all applicable zoning permits.
  - (2) An application for a zoning permit, along with the applicable fee shall be submitted to the Department and shall include a rendering of the design of the sign, a site plan showing the location of the sign on the lot or building, a list of all existing signs that will remain on the lot, a list of existing signs that will be removed from the lot, and all pertinent information showing compliance with this division.. A zoning permit shall be issued if the proposed sign meets the requirements of this division.
- (c) *Residential and Planned Unit Development Districts.* One (1) sign shall be allowed within the front yard of one (1) lot or on the principal building façade that is adjacent to a public road. The sign shall be of a non-commercial activity, shall not exceed six (6) square feet in size and shall be limited to an overall height of six (6) feet from the existing grade at the location of the sign.

- (d) *Public Institutional, Public Conservancy, Recreational and Agricultural Districts.* One (1) sign shall be allowed within the front yard of one (1) lot or on the principal building façade that is adjacent to a public road. Signs shall be limited to on premise activities only and shall not exceed 32 square feet in size.
- (e) *Commercial and Industrial Districts.* Sign regulations for Local Commercial, Highway Commercial and Industrial Districts shall be as follows:
- (1) *Building signs.* The gross area of all signs on the principal building shall not be the total lineal footage of the outside dimensions of the principal building footprint. Signs may project from the wall and roof, subject to the following restrictions:
- a. The sign shall not project over a public road right-of-way.
  - b. The sign shall not project more than 48 inches from the principal building wall.
  - c. The sign shall not extend more than five (5) feet above that portion of the roof or parapet wall upon which the sign is located.
  - d. The sign must be permanently attached to the wall or roof.
  - e. The sign shall not have support posts to the ground.
- (2) *Freestanding signs.* Freestanding signs may be either a monotype sign or monument sign. The sign shall meet the following district regulations:
- a. Local Commercial District.
    - (1) One (1) sign per lot shall be allowed.
    - (2) The total sign face shall not exceed 75 square feet.
    - (3) The sign shall not extend more than 25 feet in height above the centerline of an adjacent highway at the location of the sign. However, if the grade of the adjacent lot is higher than the centerline of the adjacent highway the sign shall not extend more than 25 feet in height above the existing grade of the lot.
  - b. Highway Commercial and Industrial Districts.
    - (1) Two (2) signs per lot are allowed.
    - (2) The total of all sign faces shall not exceed 200 square feet.
    - (3) The sign shall not extend more than 30 feet in height above the centerline of an adjacent highway at the location of the sign. However, if the grade of the adjacent lot is higher than the centerline of the

adjacent highway the sign shall not extend more than 30 feet in height above the existing grade of the lot.

- (3) *Directional and parking signage.* Free standing signs intended to facilitate the movement of vehicles and pedestrians upon the lot shall not exceed six (6) square feet in size. There is no limit to the number of directional and parking signs allowed per lot.
- (4) *Off-premise development signage.* Freestanding signs that identify and display businesses within an approved area as designated under a developer's agreement in either the commercial or industrial districts shall abide by the following restrictions and/or requirements:
  - a. Under this subsection, a maximum of two (2) freestanding signs shall be allowed, but they cannot be located on the same lot.
  - b. Each freestanding sign may not exceed 400 square feet in sign faces.
  - c. On-premise freestanding signs allowed under section 70-149(e)(2) shall not be allowed on those lots whose name or logo appears on the development sign.
  - d. Advertising (Off-Premise) signs under section 70-150 shall not be allowed on those lots within the approved area.
  - e. The total portion of the sign face on the off-premise development sign for each business shall not exceed 75 square feet.
  - f. The signs shall not include any type of electronic message center or flashing lights, except for a single temperature and time sign that shall not exceed six (6) square feet.
  - g. The sign shall not extend more than 30 feet in height above the centerline of an adjacent highway at the location of the sign. However, if the grade of the adjacent lot is higher than the centerline of the adjacent highway the sign shall not extend more than 30 feet in height above the existing grade of the lot.
- (5) *Banners.* One (1) sign constructed of nylon, plastic or other pliable material and without a permanent rigid frame, which does not exceed thirty-two (32) square feet in size and is not displayed for a period to exceed thirty (30) calendar days shall be allowed. Each lot shall be allowed one (1) banner sign at a time. However, a location where banner signs are regularly erected shall be treated as a freestanding sign and subject to the requirements of section 70-149(e)(2). For banners, "regularly" shall be defined as more than 60 days within a calendar year.
- (6) *Window signs.* Window signs located on the inside of a building and displaying pertinent business information such as a business' hours of operation or a special sales event or promotion shall be excluded from calculations for building signage under section 70-149(d)(1).

(Code 1980, § 17.42(4); Ord. No. 09-02, § 4(17.42), 07-09-2002; Ord. No. 01-20, 02-11-2020)

**Sec. 70-150 Advertising (Off-Premises) Signs**

Off-premises advertising signs are permitted in the local commercial, highway commercial and industrial districts subject to the following provisions:

- (a) *Spacing.* There shall be a minimum of 1,000 feet of separation between advertising signs. No more than three (3) off-premise signs shall be allowed per mile of highway. Signs which are not back to back shall be spaced 300 feet when on opposite sides of a highway.
- (b) *Parallel signs.* Advertising signs may be double-faced, with each side considered as facing traffic flowing in the opposite directions. Such signs shall be considered as one when computing sign area.
- (c) *Size, height and length.* Advertising signs shall not exceed 400 square feet in total area including all faces, except parallel signs, nor shall the height exceed the permitted height in the district in which it is located as per section 70-149(d) and (e). No advertising sign shall exceed 55 feet in length.
- (d) *Relation to on premise business signs.* When advertising (off-premises) signs are located on the same lot as on premise signs, the on premise signs shall be included in the computation of the number and square footage of the total off-premise sign size allocation.

(Code 1980, § 17.42(5)) (Ord. No. 01-20, 02-11-2020)

**Sec. 70-151 Official Government Sign**

Under this section, a town, after a public meeting, may designate any sign as an “Official Government Sign”. The official government sign’s main purpose is to identify the town and welcome individuals into the town limits. The sign is subject to the following requirements:

- (a) *Location.* Only one (1) sign shall be located in each of the four (4) major directions of the compass.
- (b) *Size and height.* The official sign shall not exceed 150 square feet in total area, including all faces. The sign shall not extend more than 12 feet above the centerline of an adjacent road.
- (c) *Official wording.* The wording on the sign shall be determined by the town board and shall be a minimum of 32 square feet in total size. Non-profit organizations, designating their association, shall be allowed to place a sign face, shall receive town board approval prior to the placement of the sign face.
- (d) *Relation to business signs.* A designated “Official Government Sign” by the Town Board shall not be included in the total square feet of sign allowed on a lot; however the sign shall meet the minimum setback requirements of this division.

(Ord. No. 01-20, 02-11-2020)

**Sec. 70-152 Nonconforming Signs**

- (a) Legal nonconforming signs may not be structurally altered or enlarged except in accordance with this chapter or reestablished after being brought into compliance.
- (b) Nothing in this division shall be construed as relieving the owner of a legal nonconforming sign from the provisions of this division regarding safety, maintenance and repair of signs. However, no change in the sign structure or copy shall be made which makes it more nonconforming.

(Code 1980, § 17.42(6)) (Ord. No. 01-20, 02-11-2020)

### **Sec. 70-153 Inspection**

All signs for which a permit is required shall be subject to inspection by the Administrator. The Administrator may enter any property during normal business hours to ascertain whether the provisions of this division are being obeyed. The Department shall order the removal of any sign that is not maintained in accordance with the provisions of this division.

(Code 1980, § 17.42(7)) (Ord. No. 01-20, 02-11-2020)

### **Sec. 70-154 Enforcement**

The Administrator shall administer and enforce this division. Any person violating any regulation or any provision of this division, or any amendment or supplement thereof, is subject to penalties set forth in section 70-31. Each and every day during which illegal location, erection, construction, maintenance, abandonment or use continues may be deemed separate offense.

(Code 1980, § 17.42(8)) (Ord. No. 01-20, 02-11-2020)

Secs. 70-155-70-159 Reserved

## **DIVISION 4. LIVESTOCK FACILITY SITING**

### **Sec. 70-160 Purpose.**

The Agriculture District is intended to preserve and promote a full range of agricultural uses. Under ATCP 51, which is commonly referred to as the Livestock Facility Siting Law, Chippewa County can use its zoning authority in different ways to regulate the siting and operation of livestock facilities. (If a local government only establishes one agricultural district, livestock facilities cannot be prohibited based on size in that zone). However, the law does not affect Chippewa County's authority to exclude livestock operations in non-agricultural districts. Chippewa County will require a conditional use permit under section 70-71(b)(16) for livestock facilities with the following regulations/criteria.

### **Sec. 70-161 Definitions.**

- (a) The following definitions are specific to this division of the zoning ordinance. All others can be referred back to section 70-8 of the zoning ordinance.
  - (1) *ATCP 51* means Wisconsin Administrative Code, Agriculture, Trade and Consumer Protection (ATCP), Chapter 51

- (2) *Adjacent* means located on land parcels that touch each other, or on land parcels that are separated only by a river, stream, or transportation or utility right-of-way.
- (3) *Agricultural use* means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising.
- (4) *Animal unit* has the meaning that was given in s. NR 243.03(3) as of April 27, 2004.
- (5) *Complete application for local approval* means an application that contains everything required under ss. ATCP 51.30(1) to (4).
- (6) *DATCP* means the Wisconsin Department of Agriculture, Trade, and Consumer Protection.
- (7) *Expanded livestock facility* means the entire livestock facility that is created by the expansion, after **May 1, 2006**. “Expanded livestock facility” includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing or altered.
  - a. **NOTE:** This division applies to local approvals of *new or expanded* livestock facilities that will have 650 or more animal units (or will exceed a lower permit threshold incorporated in a local *zoning* ordinance prior to July 19, 2003). See s. ATCP 51.02. Although this division covers all livestock structures in an “expanded livestock facility,” existing structures are subject to less rigorous standards than new or expanded structures, and are completely exempt from certain requirements.
- (8) *Expansion* means an increase in the largest number of animal units kept at a livestock facility on at least 90 days in any 12-month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an “expansion” unless that operator increases the largest number of animal units kept at the combined livestock facilities on at least 90 days in any 12-month period.
- (9) *LCFM* means the Chippewa County Department of Land Conservation and Forest Management.
- (10) *Livestock* means domestic animals traditionally used in this state in the production of food, fiber or other animal products. “Livestock” includes cattle, swine, poultry, sheep and goats. “Livestock” does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.
- (11) *Livestock facility* means a feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A “livestock facility” includes all of the tax parcels of land on which the

facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single “livestock facility” for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate “livestock facility.”

- (12) *Livestock structure* means a building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. “Livestock structure” includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. “Livestock structure” does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.
- (13) *Navigable waters* has the meaning given in s. 30.01(4m), Stats.
- (14) *New livestock facility* means a livestock facility that will be used as a livestock facility for the first time, or for the first time in at least 5 years. “New livestock facility” does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding 5 years.
- (15) *Operator* means a person who applies for or holds a local approval for a livestock facility.
- (16) *Person* means an individual, corporation, partnership, cooperative, limited-liability-company, trust or other legal entity.
- (17) *Populate* means to add animal units for which a permit or other local approval is required.
- (18) *Property line* means a line that separates parcels of land owned by different persons.
- (19) *Related livestock facilities* means livestock facilities that are owned or managed by the same person, and related to each other in at least one of the following ways:
- a. They are located on the same tax parcel or adjacent tax parcels of land.  
**NOTE:** A mere acquisition of a neighboring livestock facility does not constitute an “expansion” unless more animal units are added to the combined facilities.
  - b. They use one or more of the same livestock structures to collect or store manure.
  - c. At least a portion of their manure is applied to the same land spreading acreage.  
**NOTE:** Compare definition of “animal feeding operation” under s. NR 243.03(2). “Related livestock facilities” are treated as a single livestock facility for purposes of local approval, except that a “separate species facility” may be treated as a separate livestock facility.
- (20) *Separate species facility* means a livestock facility that meets all of the following criteria:

- a. It has only one of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related (see definition of a “related livestock facility”):
    1. Cattle.
    2. Swine.
    3. Poultry.
    4. Sheep.
    5. Goats.
  - b. It has no more than 500 animal units.
  - c. Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related.
  - d. It meets one of the following criteria:
    1. Its livestock housing and manure storage structures, if any, are located at least 750 feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related.
    2. It and the other livestock facilities to which it is related have a combined total of fewer than 1,000 animal units.
- (21) *Waste* means manure, milking center waste and other organic waste generated by a livestock facility.
- (22) *Waste storage facility* means one or more waste storage structures. “Waste storage facility” includes stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. “Waste storage facility” does not include equipment used to apply waste to land.
- (23) *Waste storage structure* means a waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. “Waste storage structure” does not include equipment used to apply waste to land. For purposes of ss. ATCP 51.12(2) and 51.14, “waste storage structure” does not include any of the following:
- a. A structure used to collect and store waste under a livestock housing facility.
  - b. A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.



- (24) *Winter grazing area* means cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period October 1<sup>st</sup> to April 30<sup>th</sup>. Winter grazing area does not include any of the following:
- a. An area, other than pasture, where livestock are kept during the period from May 1<sup>st</sup> to September 30<sup>th</sup>.
  - b. An area, which at any time has an average of more than 4 livestock animal units per acre.
  - c. An area from which livestock have unrestricted access to navigable waters of the state, such that the livestock access prevents adequate vegetative cover on banks adjoining the water.
  - d. An area in which manure is deposited by livestock causes nutrient levels to exceed standards in ATCP 51.16.
- (25) *WPDES permit* means a Wisconsin pollutant discharge elimination system permit issued by DNR under ch. NR 243.

#### **Sec. 70-162 Approval Required**

- (a) **New Livestock Facilities.** A conditional use permit is required for a new livestock facility if the number of animal units kept at the livestock facility will be 650 or more animal units.
- (b) **Existing Livestock Facilities.** A conditional use permit is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:
- (1) 650 or more animal units and
  - (2) An increase of at least 20% in animal units that existed on May 1, 2006 or on the effective date of the permit requirement, whichever date is later.
- (c) **No Permit Required.**
- (1) A conditional use permit is not required for an existing livestock facility that existed before May 1, 2006 or before the effective date of the permit requirement in this ordinance, except as provided in (b) above.
  - (2) A permit is not required for an existing livestock facility that was previously issued a conditional use permit or other local approval, except as provided (b) above. A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.

#### **Sec. 70-163 Application Procedure**

A livestock operator must complete the application and worksheets prescribed by ATCP 51, including any authorized county modifications. The application requirements specified in ATCP 51, Wis. Adm. Code are incorporated by reference, without reproducing them in full. The application form and worksheets establish compliance with the standards in ATCP 51 and this ordinance. The operator must file four (4) duplicate copies of the application form, including worksheets, maps and supporting documentation. A single copy of facility engineering designs and engineering design specifications shall be considered adequate with no duplicate copies required.

- (a) Application.
  - (1) The operator must file four (4) duplicate copies of the application form, including worksheets, maps and supporting documentation.
  - (2) A single (1) copy of facility engineering designs and engineering design specifications shall be considered adequate with no duplicate copies required.
- (b) Filing of Copies. After a final decision is determined on the application, all required copies shall be stamped either approved or disapproved. Copies are to be filed as follows:
  - (1) One (1) copy forwarded to DATCP;
  - (2) One (1) copy to the applicant;
  - (3) One (1) copy to LCFM; and,
  - (4) One (1) copy remains in the Department.
- (c) Application Fee. A non-refundable application fee of \$1,000 shall accompany the application.
- (d) Application Review Procedure. Applications for a Conditional Use Permit (CUP) for new and expanding livestock operations, which house or expand to house, under Section 70-71(b)(16) of the Chippewa County Zoning Ordinance shall be filed with the Department.
  - (1) Within 45 days after receiving an application, the Zoning Administrator shall notify the applicant whether the application is complete. To determine this, the Administrator, upon receipt, will convey the application and supporting materials to LCFM, for review.
    - a. Within 14 days of receiving the application material, LCFM will complete a review of the application to determine whether it is fully complete and supported by information that is technically sound and verifiable. LCFM will immediately document its findings in a written report which describes the completeness of the application and any deficiencies that exist. The report shall be added to the application and shall be returned to the Administrator.
  - (2) Incomplete Application. If the application is not complete, the Administrator will notify the applicant. The notice shall describe the additional information needed. Upon resubmittal and receipt of the additional information, the review process will be repeated, as outlined in this section, to confirm that the application is complete.

- (3) Complete Application. Within 14 days after the applicant provides all of the required information and after receiving all review reports provided by the LCFM, the Administrator shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.
- a. Within 14 days after the Administrator notifies an applicant that the application is complete, the Department shall notify adjacent landowners of the application. The Department shall use the approved notice form in ATCP 51, and mail a written notice to each adjacent landowner.
  - b. The Administrator shall grant or deny an application within 90 days after the notice of a complete application is provided as required by (3) above. The Administrator may extend this time limit for good cause, including any of the following:
    1. The Administrator needs additional information to act on the application;
    2. The applicant materially modifies the application or agrees to an extension.
  - c. The Administrator shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline by which the Administrator will act on the application.

**Sec. 70-164 Public Hearing.**

The Department shall schedule a public hearing on the application within 90 days after issuing a notice of a complete application.

**Sec. 70-165 General standards.**

The standards for issuing a permit are as follows:

- (a) The state livestock facility siting standards adopted under ATCP 51, Wis. Adm. Code. These standards are incorporated by reference, without reproducing them in full.
- (b) Navigable Waters, Wetlands and Floodplain. A livestock facility or waste storage facility shall comply with setbacks and related requirements in any applicable shoreland, wetland or floodplain zoning ordinances enacted within the scope of authority granted under s. 59.692, 61.351, 62.231 or 87.30, Stats.
- (c) Wells. All wells located within a livestock facility shall comply with chs. NR 811 and 812. New or substantially altered livestock structures shall be separated from existing wells by a distance required in chs. NR 811 and 812, regardless of whether the livestock facility operator owns the land on which the well is located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and the existing well.
- (d) Livestock Structures.

- (1) Existing. These setback requirements do not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the property line or public road right-of-way.
  - (2) New Livestock Structures.
    - a. Property Lines. A new structure must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 100 feet from the property line if the livestock facility will have 1,000 or more animal units.
    - b. Public Road Right-of-Way. A new structure must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 100 feet from a public road right-of-way, if the livestock facility will have 1,000 or more animal units.
- (e) Waste Storage Structures.
- (1) Existing. These setback requirements do not prevent the use or expansion of an existing waste storage structure that was located within the setback area prior to the effective date of the setback requirement, except that the structure may not be expanded closer to the property line or public road right-of-way.
  - (2) New Waste Storage Structures.
    - a. Property Lines. A new structure must be located a minimum of 350 feet from the property line.
    - b. Public Road Right-of-Way. A new structure must be located a minimum of 350 feet from a public road right-of-way.
  - (3) One-Time Exemption. A single new waste storage facility may be constructed closer to the property line or public road if the new structure is:
    - a. Located on the same tax parcel was a waste storage structure in existence before May 1, 2006.
    - b. No larger than the existing structure.
    - c. No further than 50 ft. from the existing structure.
    - d. No closer to the road or property line than the existing structure.

#### **Sec. 70-166 Criteria for Issuance of a Permit**

- (a) A permit shall be issued if the application for the proposed livestock facility contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this ordinance.

- (b) A permit may be denied if any of the following apply:
  - (1) The application, on its face, fails to meet the standard for approval.
  - (2) The county finds, based on other clear and convincing information in the record that the proposed livestock facility does not comply with the applicable standards in this ordinance.
  - (3) Other grounds authorized by s. 93.90, Stats., that warrant disapproving the proposed livestock facility.
- (c) No conditions may be imposed on the permit other than standards provided in the ordinance.

#### **Sec. 70-167 Record of Decision**

- (a) The Committee shall issue its decision in writing. Its decision shall be based on written findings of fact supported by evidence in the record.
- (b) In the event that a permit is approved, the applicant shall receive a duplicate copy of the approved application, marked "approved." The duplicate copy must include worksheets, maps and other documents (other than engineering specifications) included in the application.
- (c) Notice to DATCP.
  - (1) The county clerk as required by ATCP 51.36 within 30 days of the town/county decision on the application shall do all of the following:
    - a. Give DATCP written notice of the town/county decision.
    - b. File with the DATCP a copy of the final application granted or denied, if the county has granted or denied an application under this ordinance. (The copy shall include all of the worksheets, maps and technical reports generated by the technical authority.)
    - c. If the county has withdrawn a local approval under this ordinance, file with DATCP a copy of the county final notice or order withdrawing the local approval.

#### **Sec. 70-168 Expiration of Permit.**

- (a) Expiration of Permit. A permit remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under the permit, and regardless of whether the livestock operator exercises the full authority granted by the approval. However, the county may treat a permit as lapsed and withdraw the permit if the permit holder fails to do all of the following within 2 years after issuance of permit:
  - (1) *Begin* populating the new or expanded livestock facility.
  - (2) *Begin* constructing all of the new or expanded livestock housing or waste storage structures proposed in the permit application.

- (b) Permit Modifications. The operator shall notify the Administrator of any alteration or management changes that may affect compliance with the standards. The operator may make reasonable changes that maintain compliance with the standards in this ordinance, and the county shall not withhold authorization for those changes.

**Sec. 70-169 Compliance Monitoring.**

The Department shall monitor compliance with the ordinance as follows:

- (a) A livestock operator shall develop and submit to LCFM a complete nutrient management plan for the operation within 12 months of populating the permitted livestock facility.
- (1) The operator shall maintain field specific nutrient management records, as needed to verify compliance, and shall develop and file annual updates to this plan. LCFM will review these records and plans on an annual basis to monitor compliance with ATCP 51.16(1)(a)1. Written correspondence detailing the annual monitoring shall be sent to the Administrator and the livestock operator regarding compliance or non-compliance.
- (b) Upon given notice to the livestock facility owner requesting the right of the Department to personally view the permitted facility at a reasonable time and date to insure that all commitments of the application as approved are being complied with.
- (c) If the livestock facility owner refuses these authorities the right to view the permitted facility, the Administrator may obtain an inspection warrant from the circuit court to inspect the permitted facility for the purpose of protection of the public health and safety under Sec. 66.0119 of Wis. Statutes.
- (d) If a permitted facility is found not to be in compliance with the commitments made in the approved application, LCFM shall prepare an evaluation report that documents the points of non-compliance. LCFM shall provide this report to the Administrator. The Administrator shall issue a written notice to the livestock facility owner stating the conditions of non-compliance and directing that compliance of the commitments of the approved application be complied with in a reasonable amount of time stated in this written notice.
- (e) If non-compliance of the permit conditions as described in the written notice given by the Administrator continue past the stated reasonable time to comply, the Administrator may take further action as provided in this ordinance, including but not limited to issuance of a citation or seeking of injunctive relief.
- (f) If the livestock facility owner disputes that the conditions of the permit have not been complied with, the livestock facility owner may request a hearing in writing within five (5) days of receipt of the notice of noncompliance. The Committee shall schedule a hearing within five (5) days to determine if the conditions of the permit have been complied with or whether non-compliance of the commitments of the approved application and local approval exists.

**Sec. 70-170 Terms of the Permit.**

A permit and the privileges granted by a permit issued under this ordinance is conditioned on the livestock operator's compliance with the standards in this ordinance, and with commitments made in

the application for a permit. The County is authorized to suspend a permit or seek other redress provided in this ordinance for non-compliance.

#### **Sec. 70-171 Transferability**

A permit and the privileges granted by the permit run with land, and remain in effect, despite a change in ownership of the livestock facility, as long as the new operator does not violate the terms of the local approval. An applicant may record with the Register of Deeds, at the applicant's expense, the duplicate copy of the approved application.

- (a) Upon change of ownership of the livestock facility, the new owner of the facility shall file information with the County Clerk providing pertinent information, including but not limited to such information as the name and address of the new owner and date of transfer of ownership.

#### **Sec. 70-172 Variance**

- (a) State Requirements. The County is not authorized to grant a variance from the state requirements related to livestock facility siting, except as provided in s. 93.90, Stats. and ATCP 51.
- (b) Ordinance Requirements. Please see section 70-35 of the Zoning Ordinance.

#### **Sec. 70-173 Severability**

Each section, paragraph, sentence, clause, word and provisions of this ordinance section is severable, and if any provisions shall be held to be unconstitutional or invalid for any reason, such decisions shall not affect the remainder of the ordinance nor any part thereof other than that affected by such decision.

(Ordinance No. 2008-01, 02-12-2008 – Division 4 created)

Secs. 70-174—70-179 Reserved

### **DIVISION 5: NON-METALLIC MINING REGULATIONS**

#### **Sec. 70-180 Purpose**

The purpose of the regulations hereunder 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 use; preserve environmentally sensitive areas; 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 performance standards and best management practices.

#### **Sec. 70-181 Application**

In addition to the application requirements of Sec. 70-108, *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. If the applicant is a corporation, partnership, limited liability company or limited liability partnership, the application shall include the full legal name of the business entity; the date of incorporation, registration or organization; the state in which the entity was incorporated, registered or organized; and the name, address and phone number of the designated contact person for the application.
  - (2) The name, position title, address and phone number of the individual who is responsible for the daily operation and maintenance of the site and who will serve as the primary contact person for the County.
  - (3) A signed statement by the applicant, property owner and operator, if different than the applicant, that the applicant, property owner and operator, is familiar and will comply with the provisions of this division, including the responsibility to pay the required fees and any possible citations, if imposed for a violation, for the effective administration and enforcement of this division.
  - (4) A list and description of all applicable local, state or federal permits that will be required for the operation of the proposed nonmetallic mine site or the associated activities onsite, including any variance request that the owner or operator will submit to operate on the proposed site.
- (b) *Initial Site Plan.* A site plan, drawn at a scale of not less than 1" = 200', which produces a clearly legible drawing and shall include the following:
- (1) North point, scale, and date.
  - (2) Location Map to indicate general location of the proposed non-metallic mining site in the county by town and range.
  - (3) Property boundaries of the land on which the proposed nonmetallic mining site will be located.
  - (4) Location and boundaries of the proposed nonmetallic mining site, including extent of the area to be excavated, related storage, stockpiling and processing areas.
  - (5) Location and dimension of all existing culverts, access points, roads, rights-of-way, utilities and utility easements on or abutting the property.
  - (6) Location and dimension of all structures within 660 feet of the proposed nonmetallic mining site and the use of each proposed or existing structure.
  - (7) Location and direction of flow of both ground and surface water on or within 660 feet of the proposed nonmetallic mining site, and, the disposition of both ground and surface water. Said location and direction of flow shall be portrayed graphically. Maps prepared by the County or State may be used to satisfy the requirements of (b)(7). Maps that are not prepared by the County or State may also be used to satisfy shall the requirements of (b)(7), but shall be prepared by a professional engineer, geologist or hydrologist licensed to work in the State of Wisconsin.



- (8) Location of permanent benchmarks, section corners or section monumentation.
  - (9) A topographic map, with a contour interval of not more than 1' foot, of the proposed nonmetallic mining site and the area within 660 feet of the proposed nonmetallic mining site which identifies all existing section corner's or property corners of the property on which the proposed nonmetallic mining site will be located and benchmarks tying the property into the existing contour data of the county.
  - (10) Typical cross section of the proposed nonmetallic mining site showing the water table.
  - (11) Wetlands within 660 feet of the proposed nonmetallic mining site. All wetlands on the proposed nonmetallic mining site shall be delineated and staked in the field.
  - (12) Boundaries of any previous excavations on the proposed nonmetallic mining site, including information pertaining to the history of any excavations, the type of material that was excavated from the proposed nonmetallic mining site and time period during which the excavations occurred.
  - (13) Wells within 660 feet of the proposed nonmetallic mining site.
  - (14) Locations and names of all intermittent and perennial streams and lakes as indicated on USGS 7.5 minute topographic maps within 660 feet.
- (c) *Operation Plan.* An operation plan, which shall include a written description of the proposed nonmetallic mining operation and methods and procedures to be used in mining the proposed nonmetallic mining site. The operation plan shall also include the following:
- (1) A legal description and general location map of the tracts of land on which the proposed nonmetallic mining site will be located. The exterior property boundaries of the proposed nonmetallic mining site shall be surveyed and marked so they are clearly identified.
  - (2) Planned cell boundaries showing the progression of all activities throughout the duration of the permitted activity, and areas where nonmetallic mining refuse is to be deposited. The plan shall include the areas proposed for operation as a result of the application, and, any known future areas of operation to be subject of a separate, future application, as well as any areas not subject to this chapter, due to being a legal nonconforming use or being covered by a conditional use permit issued prior to the effective date of this chapter.
  - (3) The approximate date of the commencement of the proposed nonmetallic mining site operations.
  - (4) Proposed parking areas, signs, and fencing, including a description of the purpose of the fencing.
  - (5) Type of mining, processing, and transportation equipment to be utilized within the proposed nonmetallic mining site and for hauling material from the proposed nonmetallic mine site.

- (6) List the type(s) of nonmetallic mining materials, which will be mined from the proposed nonmetallic mining site. Estimate the quantity of nonmetallic materials to be mined in each proposed cell and over the life of entire proposed nonmetallic mining site. Estimate the life of each planned cell and the life of the proposed nonmetallic mining site.
  - (7) Existing and proposed roads and drives to be used on the proposed nonmetallic mining site, including all points of ingress and egress, and all primary transportation routes to be utilized within the County to transport the material to State or Federal highways. Access to transportation routes shall not be approved unless prior written consent is provided by the local jurisdiction having authority over the road. The Committee may establish as a condition of the issuance of a conditional use permit, but shall not be a party to any road use agreements between the local jurisdiction having authority over the proposed transportation route and the operator.
  - (8) Estimated number of truckloads of material per day, and estimated weight of material per truckload.
  - (9) Operational measures to be taken to minimize noise, dust, air contaminants, and vibrations.
  - (10) Operational measures to be taken to prevent groundwater and surface water degradation including methods for site dewatering and preventing potential effluent discharge.
  - (11) Measured depth to groundwater and general groundwater flow direction at the nonmetallic mining site. Information from the Chippewa County groundwater flow maps and aquifer susceptibility maps shall be referenced. If excavations below the water table are proposed, detailed operational measures that will be taken by the operator to prevent entry of contaminants into the groundwater shall be identified.
  - (12) Detailed operational measures that will be taken by the operator to stabilize topsoil and other material stockpiles.
  - (13) Detailed operational measures that will be taken by the operator to ensure no wetland is disturbed, unless prior written approval to disturb the wetland(s) is secured from the U.S. Army Corps of Engineers and/or the Wisconsin Department of Natural Resources.
  - (14) Areas on the proposed nonmetallic mining site to be used for drainage and erosion control management or sedimentation ponds, if proposed. This may include, but is not limited to the following: water diversions, grassed waterways, sediment basins, filter strips, silt fencing, bale check dams, sod strips, rock rip-rap, temporary seeding and mulching.
- (d) *Drainage and Erosion Control Plan.*
- (1) A written description detailing storm water drainage and erosion control measures that will be taken by the operator on the proposed nonmetallic mining site for all mapped information, which include, but is not limited to the following:

- a. contours of which shall be shown at 1' foot intervals;
  - b. existing drainage ways, subsurface tile drains, pipes and culverts;
  - c. existing floodplains, wetlands and water bodies within 660 feet of the boundaries of the proposed nonmetallic mining site;
  - d. arrows illustrating the direction of surface water drainage;
  - e. the impact of the nonmetallic mining activity on adjacent properties both upstream and downstream from the proposed nonmetallic mining site in order to demonstrate that runoff rates from mining activity will not exceed pre-mining runoff rates of a 10-year 24-hour storm;
  - f. location and design details of runoff detention facilities planned or constructed to contain, at a minimum, the runoff from a 10 year 24-hour storm; and,
  - g. temporary and permanent erosion control measures.
- (2) The operator shall comply with all applicable ordinances, codes or permits regulating erosion control measures and water drainage and discharge from the proposed nonmetallic mining site. A copy of all applicable storm water runoff, water drainage or erosion control permits shall be submitted to the Department prior to the commencement of activities on the proposed nonmetallic mining site. The conditional use permit shall require that in the event drainage and erosion control permits are required to be obtained in the future, a copy of the issued permits shall be submitted to the Department, within 10 days of permit issuance.
- (e) *Reclamation Plan.* At the time of application for the conditional use permit the applicant shall demonstrate or provide evidence that a Draft Reclamation Plan that has been developed in accordance with specifications provided by the Chippewa County Department of Land Conservation and Forest Management (LCFM) and that has been accepted by LCFM as complete. Prior to beginning activities on the proposed nonmetallic mining site, the operator must demonstrate (or provide evidence) that the final reclamation plan has been approved, and a reclamation permit issued by the LCFM.
- (f) *Lease(s).* If the proposed nonmetallic mining site is leased to the operator, a copy or portion of the lease that evidences the operator has been granted access to the property for activities with the proposed nonmetallic mining site shall be submitted with the application.
- (g) *Exception.* The Administrator may waive portions of the specified information upon finding that the specified information is not relevant or is unnecessary for a full and proper evaluation of the application based on the nature or method of the nonmetallic mining operation.
- (h) *Additional Information.* By written request, the County 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.

## **Sec. 70-182 General Requirements**

- (a) *Setbacks.* The setbacks in this division shall apply to all nonmetallic mining activity including, without limitation: nonmetallic mining, the storage of waste materials, stockpiling of mined and separated materials, inventory, and equipment. The County reserves the right to require greater setbacks for activity on the proposed nonmetallic mining site in order to protect the integrity of the sloped perimeters from erosion. The setback requirements are inapplicable to berms or other methods of landscaping.
- (1) The proposed nonmetallic mining site shall be located at least:
- a. 50 feet from all exterior lot lines of the property on which the proposed nonmetallic mine site is located, including road right-of-ways;
  - b. 250 feet of a dwelling unit(s);
  - c. 250 feet from a private well providing potable water;
  - d. 50 feet from a commercial, industrial or agricultural structure;
  - e. 100 feet from a wetland, stream, creek, river, lake or mapped floodplain.
- (2) *Waiver.* The County may consider a reduced setback under this section, provided that a signed written agreement between adjoining property owners is filed with the application or prior to consideration of the conditional use permit, which specifies the agreed upon separation distance between the adjoining property owners.
- (3) *Landfill Setback.* A setback to an active, inactive or abandoned landfill shall be as follows:
- a. Delineated Landfill Boundaries. 1,200 feet setback from the edge of the delineated WDNR boundary.
  - b. Undelineated Landfill Boundaries. 1,200 feet setback from the all exterior parcel lot lines on which the landfill is located.
  - c. Hydrogeological Study. A reduced setback shall be allowed if a hydrogeological study is submitted which demonstrates to the satisfaction of the Department that groundwater contamination will not occur as a result of the activities on the proposed nonmetallic mining site and that groundwater flow will not be disrupted. The study shall be conducted by a qualified registered engineer, geologist or hydrogeologist, demonstrating the impact on existing groundwater flow patterns.
- (b) *Hours of Operation.* Operations within the proposed nonmetallic mining site shall be limited to the hours of 6 a.m. to 9 p.m., Monday through Friday, and 6 a.m. to 3 p.m. on Saturday. Operations within the proposed nonmetallic mining site shall not be conducted on Sundays or legal holidays. The hours of operation restrictions may be adjusted to address special circumstances or demonstrated problems, but only if the Department provides its written consent to the modification after notice and a hearing.
- (1) *Special Projects with Limited Night-time Hours.* Projects specifically related to the construction or reconstruction of local, county, state or federal roadways shall be

allowed to operate outside of the permitted hours. Written notification shall be sent via certified mail at least 30-days prior to the start of special projects with limited night-time hours to all property owners within 660 feet of proposed nonmetallic mining site boundaries, to the Town Board Chair and to the Department. The written notification shall confirm the intended project, the expected hours of operation, the anticipated start date, the approximate number of days the project is projected to last and the expected nonmetallic mining activities.

- (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 operator shall comply with all applicable noise regulations and industry recommendations.
- (e) *Lighting Control.* The illumination of the site shall comply with section 70-114 of the Chippewa County Zoning Ordinance.
- (f) *Vibration and Blasting.* The operations of the permitted nonmetallic mining site 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 location of seismic sensors at and around the nonmetallic mining site, the reading from those sensors and the blasting logs to the County.
  - (1) *Structure Inspections.* To ensure dwellings and structures are not damaged from blasting or vibration, the applicant or their designee shall comply with Wisconsin Administrative Code, Safety and Professional Services, Chapter 7, Explosives and Fireworks.
  - (2) *Complaint Log.* The operator shall maintain a log of all complaints of damage and a description of the follow-up action taken by the operator. A copy of the complaint and the follow-up action shall be forwarded to the Department within 21 working days of receiving the complaint.
- (g) *Groundwater Monitoring.* If a high-capacity well is purposed on the property the following shall occur:
  - (1) *Private Well Baseline.* The operator shall send a certified letter, with return receipt requested, to owners of adjacent properties on which a private well is located. The letter shall notify the property owner of the property owner's right to have a baseline test performed within 30 calendar days of receipt of the letter on the landowner's existing well. The operator shall be responsible for all well testing where the property owner has indicated in writing within the 30 calendar day period mentioned that they want to have their well tested and have granted permission for access and testing on the property. The operator is strongly encouraged to get written evidence from all property owners that choose not to participate in the baseline testing. Baseline testing shall test for, at a minimum: bacteria, turbidity and drawdown. Testing must be completed and results obtained prior to the operation of the permitted nonmetallic mine site. Drawdown tests shall be conducted when requested in writing by a property owner who believes the quantity of water in the property owner's well has been

- impacted by the mining activities. All tests shall be performed by a qualified third party professional.
- (2) All test results shall be provided to both the owner and the County within 10 calendar days of receipt of the test results. If test results show that the well is not suitable for use as a result of the permitted nonmetallic mining site, the operator 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. The operator shall also be responsible for, at the operator's option, either repairing the well, drilling a new well or casing a well, which was found compliant and safe at the time the conditional use permit was issued, which later revealed turbidity, or drawdown problems as a result of the nonmetallic mining activity. 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 this subsection (g).
- (3) An operator may install a residential well for use in the nonmetallic mining operation. High capacity wells and high capacity well systems, both as defined in Wis. Admin. Code NR 812.07, as amended, shall comply with Wisconsin State Law and Wisconsin Administrative Codes, regarding high capacity well systems.
- (h) *Spill Prevention.* The operator shall comply with the applicable State and Federal requirements regarding chemical storage and handling and spill response, including, but is not limited to: OSHA or MSHA, EPA's Spill prevention or Countermeasures, Alcohol, Tobacco and Firearms, and any other applicable State or Federal law and regulations.
- (i) *Limits on Pre-Existing Nonmetallic Mining Operations.*
- (1) For operations, which were approved by a permit, which predate this division, the extent of nonmetallic mining operations shall be limited to the parameters approved by the permit, which authorized the nonmetallic mining operation.
- (2) If the nonmetallic mining operation predated the towns adoption of the county zoning ordinance the nonmetallic mining activity may 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 the county zoning ordinance.
- (3) In no case shall nonmetallic mining operations extend to an adjacent parcel unless a conditional use permit is approved by the Committee.
- (j) *Dumping Prohibited.* The operator of a nonmetallic mining operation shall not place any junk material into or outside of the proposed nonmetallic mining site. The operator shall not allow junk materials to accumulate as a result of dumping by others.
- (k) *Landscaping and Screening.* Unless an alternative landscaping and screening plan is approved by the County, all nonmetallic mining operations shall install a berm around the perimeter of the proposed nonmetallic mining boundaries, except for entrances and exits. Berms shall be in compliance with the following:

- (1) Prior to construction of said berm, the operator shall submit and obtain approval from the County for a detailed berm, landscaping and related drainage and erosion control plan.
- (2) The berm shall be installed within 14 calendar days of stripped overburden and topsoil becoming available from the proposed nonmetallic mining site or from suitable outside sources. The berm may be constructed in phases as material becomes available.
- (3) The berm shall not be placed closer than 5' to an exterior property line or road right-of-way.
- (4) Only clean topsoil, subsoil or overburden from the proposed nonmetallic mining site or suitable outside sources shall be used in constructing the berm.
- (5) The height of the berm must be adequate to provide screening from all roadways adjacent to the property on which the nonmetallic mine site is located and adjacent land uses. The top of the berm shall be a minimum of 4' wide.
- (6) The outward-facing slopes of the berm shall not be steeper than 3 horizontal units to 1 vertical unit. The inner-facing slopes may be steeper, but must be stabilized and maintained to remain stable.
- (7) The berm shall be constructed in a manner that does not result in flooding, concentrated runoff, inadequate drainage or excessive erosion or sedimentation
- (8) The exterior of the berm shall be kept free of noxious weeds, trash and debris.

### **Sec. 70-183 Industrial Sand Mining**

Industrial sand mining includes mining of sand or sandstone for any of the following purposes: Abrasive sand, blasting sand, enamel sand, filtration sand, foundry sand, molding sand, frac sand, including for use as a proppant in hydraulic fracturing, grinding sand, industrial sand, silica sand and silica. In addition the requirements of this division, the following are additional requirements for nonmetallic mining sites that will be mining industrial sand:

- (a) *Fugitive Dust Plans.* A fugitive dust plan shall be submitted to the Department as part of the permitting process and shall be designed employing the best management provisions of NR 415.075 and NR 415.076. In addition, the provisions as listed in NR 415.075(3) must be satisfied.
- (b) *Traffic Impact Analysis and Public Improvement Plan.* A traffic impact analysis shall be submitted to the Department for the proposed nonmetallic mining site. The traffic impact analysis shall be developed by professionals with expertise in traffic patterns. Any recommended improvements and associated costs shall be memorialized in a developer's or road usage agreement with the jurisdiction having authority over the road right-of-way. All necessary improvements shall be installed prior to the issuance of permits for the proposed nonmetallic mining site.
- (c) *Ambient Air Monitoring Plan.* An ambient air monitoring plan shall be submitted as part of the permitting process. The ambient air monitoring plan shall be developed by a professional with expertise in ambient air monitoring. Components of the plan, such as testing, data collection or

analysis shall be completed by appropriate licensed professional and laboratory. The plan shall contain all of the following:

- (1) Strategy for the collection, analysis and reporting mechanisms for ambient air monitoring, including baseline information and the appropriate meteorological data collected from the proposed nonmetallic mining site or other approved sites.
  - (2) An alternatives analysis which reviews several different methods for the ambient air monitoring plan or ambient air monitoring plan components. The ambient air monitoring plan shall explain why one alternative is recommended over another and shall include a final recommendation.
  - (3) Best available technology for monitoring and reporting shall be explored and utilized on an ongoing basis, including “real time” reporting under which the results are sent automatically to a secured site for collection, review and retention. Improvements to monitoring or technology shall be incorporated into the conditional use permit and utilized in the operation of the nonmetallic mine site within 6 months.
  - (4) The ambient air monitoring plan shall address expected, anticipated and theorized types of failures with the proposed equipment. A contingency plan for repairing or replacing the equipment shall be established. In the event that a failure occurs that was not anticipated or theorized, a contingency plan shall be developed and implemented within 48 hours of failure.
  - (5) The ambient air monitoring plan shall include specific techniques, strategy and methodology to be utilized on the proposed nonmetallic mine site in monitoring for particulate matter  $PM_{2.5}$ . If  $PM_{2.5}$  levels exceed 35 micrograms per cubic meter in any 24-hour period, the operator shall evaluate and implement additional best management practices to minimize  $PM_{2.5}$  emissions. In the event the State of Wisconsin or the EPA adopts a stricter standard, the stricter standard shall take precedence under the permit.
  - (6) The ambient air monitoring plan shall state specific strategies that will be utilized on the nonmetallic mine site to monitor total suspended particulates (TSP). In the event TSP levels exceed 150 micrograms per cubic meter of TSP in any 24-hour period, the operator shall evaluate and implement additional best management practices to minimize TSP. In the event the State of Wisconsin or the EPA adopts a stricter standard, the stricter standard shall take precedence under the permit
- (d) *Groundwater Monitoring Plans.* A groundwater monitoring plan shall be submitted to the Department as part of the joint Nonmetallic Mining Reclamation and Conditional Use permitting process. The groundwater monitoring plan shall be developed by professionals with expertise in groundwater monitoring. Components of the plan, such as testing, data collection or analysis shall be completed by appropriate licensed professional and laboratory. The groundwater monitoring plan shall include the following:
- (1) The installation of onsite monitoring wells in sufficient numbers and locations so that the depth to groundwater and the direction of flow can be properly observed.
  - (2) The potential draw-down area and the effects on existing and proposed municipal wells and private potable wells.



- (3) A schedule for yearly testing for all potable wells that are located within the draw-down area or down gradient of the proposed nonmetallic mining operation. Baseline information shall include static water level, the existing levels of arsenic, nitrates and iron, bacteria, nitrites, VOC's, total suspended solids and chemicals or residuals of chemicals utilized onsite.
  - (4) A water budget, which spans the life of the nonmetallic mine site. The water budget shall include alternatives such as the connection to a municipal water supply or the ability and process to reuse water in the daily operations.
- (e) *Settling Ponds.* Describe the purpose and functionality of the proposed settling pond. Describe any types of additives to be utilized in the settling pond, typical flow loads into and out of the settling pond, the protocol for maintenance of the settling pond, the proposed location for deposit of any material or water taken from the ponds and a contingency plan addressing protocol to be followed in the event the pond is compromised. Material Safety Data Sheets (MSDS) for any chemicals utilized directly in the settling pond or added to water that will be stored in the settling pond shall be submitted as part of the application.
  - (f) *Disposal of Hazardous Waste.* Specific information pertaining to the disposal or placement of any material brought into or is generated within the non-metallic mining site which contains hazardous substances and/or biological substances that would cause groundwater to be unpalatable or unfit for human consumption.
  - (g) *Limits of Excavation in Groundwater.* Any excavation in the proposed nonmetallic mining site shall occur at least 10 feet above the groundwater elevation
  - (h) *Base Flow for Streams and Base Elevations for Lakes and Ponds.* A map showing the base flows and elevations to those streams, tributaries, ponds and lakes within 1,320 feet of the proposed nonmetallic mine boundaries shall be submitted to the Department as part of the application. One base flow and elevation measurement shall be provided for every 1,000 feet of stream that is within 1,320 feet of the proposed nonmetallic mine boundary.
  - (i) *Transportation Routes.* A map clearly identifying the routes that will be utilized to transport the industrial sand off-site shall be submitted to the Department. The hours for transportation off-site may be restricted in order to provide for the safety of residents going to and from work, school bus routes, school zones or quiet zones.

#### **Sec. 70-184 Permits**

- (a) *Review.* Provided the application meets the requirements of this division, a conditional use permit application shall be scheduled for a public hearing pursuant to Sec. 70-108, *Conditional Use Permits*. When reviewing the application, the County shall consider, as a minimum, the following:
  - (1) The appropriateness of the proposed nonmetallic mining site and nonmetallic mining activities in relation to the existing nearby land uses.
  - (2) The effect of the proposed nonmetallic mining site and nonmetallic mining activities upon existing private and public water quality and quantity.

- (3) The economic impact of the proposed nonmetallic mining site and nonmetallic mining activities on private enterprises and local government (e.g. road repair expenses).
  - (4) The effect of the proposed nonmetallic mine on public health and safety.
  - (5) The location of, and effect upon, the proposed nonmetallic mining site and nonmetallic mining activities with respect to floodplains, floodways, drainage paths, and shorelands
  - (6) Evidence demonstrating that no wetlands will be filled or negatively impacted as a result of the proposed nonmetallic mine.
- (b) *Contingent on Other Required Permits.* In addition to satisfactorily meeting the requirements of this division, approval of the application and approval of the conditional use permit shall be contingent upon the receipt of all other required permits for effluent discharge, storm water management, erosion control and highway road access.
- (c) *Initial Duration of Permit.* The initial conditional use permit for nonmetallic mining shall be effective for 2 years from the date of County approval.
- (d) *Renewal of the Conditional Use Permit.* The Committee may renew conditional use permits authorizing nonmetallic mining activities subject to the following:
- (1) Applications for the renewal of a conditional use permit must be submitted at least 45 calendar days prior to the expiration date of the existing conditional use permit. Applications are not required to include any items shown on previously submitted applications, unless the information has changed. Renewal applications may merely indicate no change in such items. Any proposed changes from prior applications shall be required to submit the applicable required information under this division.
  - (2) Unless a public informational hearing is requested by a person who owns property within 660 feet of the proposed nonmetallic mining site, no public hearing shall be required to be held with the respect to the conditional use permit renewal application. However, if the application provides for an enlargement of a permitted nonmetallic mining site, or otherwise provides for an alteration or change in the method of operations or reclamation previously approved, a new conditional use permit shall be required and approved by the Committee only after finding such change will not adversely properties within 660’.
  - (3) Conditional Use Permit renewals may be conditioned upon correction of any unanticipated environmental impacts, which occurred during the term of initial or renewal permits.
  - (4) The conditional use permit may be renewed by the Committee for up to an additional 4 years based on the operators compliance with the requirements of the conditional use permit and this division. To ensure compliance, the Department shall bi-annually inspect the nonmetallic mining operation.

- (e) *Termination.* The conditional use permit shall not be terminated or denied without first providing the operator with a notice of a public hearing and a public hearing at which the operator shall be given the right to respond to any alleged noncompliance of the conditions of the permit and this division. Termination or non-renewal shall occur only in the event of an operator's failure to comply with any material term of the initial or renewed conditional use permit, the Reclamation Plan, the performance standards incorporated herein, or upon a significant change, as determined by the Committee, in material circumstances rendering continued operation under the conditional use permit to be contrary to the health, safety, or welfare of the County.
- (f) *Transfer of Permit.* In the event an operator succeeds the interest of another at an uncompleted nonmetallic mine site, the former operator shall be released of the responsibilities imposed by the current permit issued to the former operator upon satisfaction of the following conditions.
- (1) The nonmetallic mine site is in compliance with the requirements of this division and the permit for the operation of the nonmetallic mine site.
  - (2) The new operator assumes the responsibility of the former operator to complete the reclamation of the entire permitted nonmetallic mining site by a written, signed and notarized document and provides adequate financial assurance for approved reclamation of the nonmetallic mine site.

#### **Sec. 70-185 Nonmetallic Mine Site Enlargement**

Any proposed nonmetallic mining site enlargement shall be processed as a new application pursuant to this division. All provisions of this division shall apply to the proposed enlargement.

#### **Sec, 70-186 Failure to Open and Operate**

Failure of an operator to take substantial steps to open and operate a nonmetallic mining site within 1 year of the initial permit issuance shall invalidate the permit. A new permit application shall be required for any future nonmetallic mining activity.

**Sec. 70-187 Abandonment of Nonmetallic Mine Operations**

Any nonmetallic mine site on which no nonmetallic mining activity has taken place for 24 consecutive months shall be determined to be abandoned. If the abandonment of a nonmetallic mine site occurs, the conditional use permit shall be terminated and all applicable reclamation standards and bonds shall be enforced or executed. Nonmetallic mining operations shall not be conducted within the boundaries of the previously permitted nonmetallic mine site, unless a new nonmetallic mine permit has been issued under this division.