

Title 18

ZONING

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SUBTITLE I. ZONING REGULATIONS

Chapter 18.01

PURPOSE, INTENT AND NATURE OF THE ZONING CODE

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18.01.001 Authority. Pursuant to Wis. Stat. §§ 59.69, 59.692, 59.694, and 87.30, and the authority vested in the county under those provisions, the county hereby adopts the following Zoning Code. (Ord. 149-07, Sec. 1, 2005; Ord.141-03, Sec.1, 1997; Ord. 126-16 Sec.3(part), 1982).

18.01.010 Purpose. It shall be the purpose of this subtitle, through the regulation of the use of lands and structures, through the establishment of physical standards, through the creation of separate zoning districts and through the mechanisms provided herein for enforcement and administration to:

- A. Promote the public health, safety, comfort, convenience and general welfare of the citizens of Eau Claire County;
- B. To protect and conserve the natural resources of the county, including agricultural lands, forest, wetlands, surface and groundwater, by conserving the most appropriate use of land;
- C. To protect and conserve the social character and economic stability and preserve property values;
- D. To prevent the overcrowding of land and undue congestion of population;
- E. To provide adequate light, air and convenient access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties;
- F. To facilitate adequate and economic provisions of services such as roads, water and sewer, schools, and police and fire protection;
- G. To encourage the use of land and buildings which are compatible with nearby existing and planned land uses, and to prohibit and control existing land uses deemed incompatible with nearby land uses;
- H. To prevent harm to persons and property by flood, fire, explosion, toxic fumes or other hazards. (Ord. 154-2, Sec. 41, 2010; Ord. 126-16 Sec.3(part), 1982).

18.01.020 Jurisdiction.

A. The jurisdiction of this subtitle shall apply to all land and water located outside the limits of incorporated cities and villages subject to town approval as provided in Wis. Stat. § 59.69.

B. Title 20, Shoreland Protection Overlay District and Chapter 18.20, Floodplain Overlay District are mandated by Wis. Stat. §§ 59.692, 87.30, and 281.31 and are effective in all towns. (Ord.160-23, Sec. 9, 2017; Ord.141-03, Sec.1, 1997; Ord.141-03, Sec.1, 1997; Ord. 126-16 Sec.3(part), 1982).

18.01.030 Relation to the land use plan. It is the policy of the county that the enactment, amendment and administration of this subtitle shall be accomplished with due consideration of the purposes and goals of the County Land Use Plan adopted on January 16, 1979, as amended from time to time, and other land use plans adopted by the county, such as a farmland preservation plan. The board recognizes that the Land Use Plan and its amendments is a guide for the future development of the county and is the basis for the enactment of this subtitle. (Ord. 126-16 Sec.3(part), 1982).

18.01.040 Nature of the Zoning Code. The Zoning Code shall consist of original official zoning maps and current official zoning maps designating various use districts in conjunction with this subtitle, the combination of which shall control the uses of land, the height and bulk of structures and dimensions of lots or building sites and yards, the location and size of signs and the number and location of off-street parking and loading facilities.

A. Original Official Zoning Maps. Each of the initial town zoning district maps shall be entitled the "Town of \_\_\_\_\_, Original Official Zoning Map," and dated. Each map shall be signed and dated by the town chair and the chair of the committee. The original official zoning map shall be kept in the department, and shall not be changed. Such maps shall be used for reference purposes only when there is a need to determine the original applicable zoning.

B. Current Official Zoning Maps. One or more sets of zoning maps entitled "current official zoning maps," shall be made available for public reference in the department. All amendments to the district boundaries shall be placed upon such maps by the department promptly after each amendment has been adopted by the board. (Ord. 126-16 Sec.3(part), 1982).

Chapter 18.02

RULES AND DEFINITIONS

Sections:

- [18.02.010](#) Rules of general construction.
- [18.02.020](#) Definitions.

18.02.010 Rules of general construction. The following rules of construction shall be applied in this subtitle:

A. All measured distances shall be to the nearest integral foot or meter and increments of one-half or more of a foot or meter shall cause the next highest foot or meter to be applied.

B. As to the herein contained words, the following construction shall apply. The term "structure" shall include any part thereof; the phrase "use for" shall include "arrange for"; the word "lot" shall include the words "parcel," "plot," "site," "zoning lot," and "tract," unless the context clearly dictates otherwise. (Ord. 126-16 Sec.3(part), 1982).

18.02.020 Definitions.

A. The following definitions shall apply in this title unless the context dictates otherwise:

1. "A zones" means those areas shown on the official floodplain zoning map as inundated by the regional flood. These areas may be numbered or unnumbered A Zones. A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area

2. "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..

3. "Adult book store" means an establishment having as a predominant portion of its stock in trade, books, magazines and other periodicals or video cassettes 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).

4. "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 defined herein) for observation by patrons therein.

5. "Agricultural-related business" means a business or activity that is consistent with or secondary to the primary agricultural use of the property or that is an integral support service of agriculture as provided in Wis. Stat. ch. 91.

6. "Agri-tourism" means an educational or recreational activity that takes place on a farm, ranch, grove, or other place where agricultural, horticultural, or silvicultural crops are grown or farm animals or farmed fish are raised, and that allows visitors to tour, explore, observe, learn, participate in, or be entertained by an aspect of agricultural production, harvesting, processing, or husbandry that occurs on the farm, ranch, grove, or other place.

7. "Alley" means a public way used as a secondary vehicular access to the side or rear of abutting property.

8. "Alteration" means an enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

9. "Animal unit" has the meaning given in Wis. Admin. Code ch. NR 243.03 (3).

10. "Apartment" means a room or rooms in a multiple dwelling structure or multiple use structure intended to be used as a separate housing unit.

11. "Automotive gasoline station" means a business whose principal activity is the sale of gasoline, oil and other automotive products and the accessory performance of minor tune-up and repair work.

12. "Automotive repair service" means a business whose principal activity is body or engine repairs or painting of motor vehicles.

13. "Automotive sales and service" means a business whose principal activity is the sale of new or used motor vehicles and the performance of repair work as an integral part of the business.

14. "Base flood elevation" means an elevation equal to that which reflects the height of the base flood.

15. "Basement" means a portion of a building with the floor located below the mean grade level. For the purpose of this Subtitle, any such basement with more than 4 feet above grade level shall be counted as a story.

16. "Bed and breakfast establishment" means any place of lodging that provides 8 or fewer rooms for rent for more than 10 nights in a 12 month period, is owner-occupied and in which the only meal served to guest is breakfast.

17. "Block" means a platted tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.

18. "Boarding house" means an owner occupied dwelling where lodging and meals are furnished for compensation for 3 or more persons not members of the same family.

19. "Boathouse" means a structure at or near the water to houseboats or boating accessories.

20. "Brew Pub" means a facility for the production of 31,000 gallons or less per year of fermented malt beverages in accordance with Wis. Stat. § 125.295 in which a license to operate a restaurant has also been issued under Wis. Stat. § 97.30 on the same premises.

21. "Brewery" means a facility for the production of fermented malt beverages, as defined in Chapter 125 of the Wisconsin Statutes, that are sold wholesale and/or off premises directly to retailers as authorized by statute.
22. "Building" means a structure, including a roof supported by walls designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.
23. "Brewery premises" means all land and buildings used in the manufacture or sale of fermented malt beverages and covered by a permit issued under Wis. Stat. § 125.295
24. "Bulkhead line" means a geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the DNR pursuant to Wis. Stat. § 30.11, and which allows complete filling on the landward side except where such filling is prohibited by the floodway provisions of this subtitle.
25. "Campground" means any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
26. "Camping unit" means any portable device, no more than 400 square feet in area used as a temporary shelter including, but not limited to, a camping trailer, motor home, bus, van, pick-up truck or tent that is fully licensed, if required, and ready for highway use.
27. "Certificate of compliance" means a certification by the zoning administrator that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
28. "Certificate of occupancy" means a certificate issued by the department, stating that the use of land, and the use and location of structures conforms to the provisions of this Subtitle and any additional requirements placed on the property through the conditional use or variance procedure.
29. "Channel" means a natural or artificial watercourse with definite bed and banks which confine and conduct normal flow of water.
30. "Church" means a building designed or used as the principal place of worship of a religious organization or congregation along with associated uses such as fellowship rooms, and Sunday School rooms. The term church includes temple or synagogue, but does not include elementary or secondary schools, day care centers or seminaries.
31. "Clinic" means an establishment of physicians or dentists for the examination and treatment of persons on an outpatient basis.
32. "Clinic, veterinarian" means an establishment for the examination and treatment of animals.
33. "Club" means an association of persons using a structure for a common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.
34. "Commercial composting facility" means a facility capable of processing source separated compostable materials for the purpose of engineering soil amendments commonly referred to as compost, which can be made available for sale on and off the facility site.
35. "Committee" means the committee on planning and development.

36. "Community living arrangement" means any of the following facilities licensed or operated, or permitted under the authority of the department: child welfare agencies under Wis. Stat. § 48.60, group homes for children under Wis. Stat. § 48.02(7), community based residential facilities under Wis. Stat. § 50.01, and adult family homes under Wis. Stat. § 50.01; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails.

37. "Conditional use" means a use, either public or private, which because of its unique characteristics, cannot properly be classified as an approved or permitted use in a particular district. Based on the facts in each case, the impact of the proposed use upon neighboring lands and the public need for the particular use at the particular location, the committee may discretionarily grant such a use, subject to standards and conditions as may be deemed appropriate and necessary.

38. "Consistent with agricultural use" means a use of land, other than an agricultural use, that will do none of the following:

a. Convert, to a nonagricultural use, land that has been in agricultural use for at least 12 consecutive months during the last 36 months.

b. Limit the potential for agricultural use of surrounding lands.

c. Conflict with any current agricultural use of land.

39. "Cottage industry" means a small business or service operation located entirely within a dwelling, or as an accessory structure located on the same lot or tract as a dwelling, which complies with the requirements of local code. The use is clearly incidental and secondary to the use of the property and is compatible with adjacent land uses. A cottage industry will have less than 5 employees, generate low traffic volumes, and have little or no noise, smoke, odor dust glare, or vibration detectable at any property line.

40. "Crawlways" or "Crawl space" means an enclosed area below the first usable floor of a building, generally less than 5 feet in height, used for limited access to plumbing and electrical utilities.

41. "Day care center" means a facility used for the care of preschool or school age children which meets the requirements of a day care center formulated by the Wisconsin Department of Health and Family Services.

42. "Deck" means an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

43. "Department" means the department of planning and development.

44. "Development" means any artificial change to improved or unimproved real estate including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings or structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

45. "District" means a specific area designated with reference to this code and the official zoning maps within which the regulations governing the use and erection of structures and the use of premises are uniformly applied.

46. "DNR" means The Wisconsin Department of Natural Resources.



47. "Drainageway" means a natural or artificial watercourse including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, waterways, gullies, ravines or washes in which water flows in a definite direction or course, either continuously or intermittently, or in which runoff water accumulates permanently or temporarily, including any adjacent area subject to inundation by overflow or floodwater.

48. "Dryland access" means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

49. "Dwelling unit" means a residential structure or portion thereof, containing a separate and complete living area, for one family, not including boarding houses, camping trailers, hotels, motor homes, or motels.

a. "Dwelling, single family" means a residential structure containing only one dwelling unit.

b. "Dwelling, two family" means a residential structure containing 2 dwelling units.

c. "Dwelling, multiple family" means a residential structure containing more than 2 dwelling units.

d. "Dwelling, accessory" means a residential structure which is secondary to the principal structure on a lot and which houses guests on a temporary basis.

50. "Encroachment" means any fill, structure, building, use or development in the floodway.

51. "Essential services" means services provided by public and private utilities, necessary for the exercise of the principal, accessory, or conditional use or service of a principal, accessory or conditional structure. These services include underground, surface, or overhead gas, electrical, steam water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings. Telecommunications facilities as defined and regulated under Chapter 18.50 shall not constitute essential services.

52. "Equal degree of hydraulic encroachment." The effect of any encroachment into the floodway must be computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach. This computation assures that property owners.

53. "Exploratory boring" means an excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface for the purpose of obtaining information on the physical, chemical, radiological or biological characteristics of geological formations or depth to groundwater. This definition does not include drillholes regulated by Wis. Admin. Code chs. NR 132 and NR 141.25.

54. "Family" means an individual or two or more persons related by blood, marriage or adoption, or not more than 5 persons who are not so related, living together in one single-family dwelling and are not charged for provisions and needs.

55. "Family day care home" means a dwelling licensed as a day care center by the department of health and social services where care is provided for not more than 8 persons.

56. "Farm" means all contiguous land under common ownership that is primarily devoted to agricultural use.

57. "Farming" includes operations required to produce \$6,000 of agricultural products per year and shall include accessory uses such as treating or storing of produce provided that the operation of an accessory use is secondary to the normal farming activities.

58. "Federal Emergency Management Agency (FEMA)" means the federal agency that administers the National Flood Insurance Program.

59. "Farm consolidation" means farm structures and dwellings existing prior to the adoption of this ordinance and separated from a farm through acquisition or consolidation of farm land in order to be held under separate ownership from the remaining property.

60. "Farm residence" means residences which include single-family or two family dwellings that are occupied by: an owner or operator of the farm, a parent or child of an owner or operator of the farm, or an individual who earns more than 50 percent of his or her gross income from the farm.

61. "FIA" means the Federal Insurance Agency.

62. "Flea market" means where goods and services are sold by different proprietors in an open area.

63. "Flood" or "Flooding" means a general or temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- a. The overflow or rise of inland waters.
- b. The rapid accumulation or runoff of surface waters from any source.
- c. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

64. "Flood frequency" means the probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.

65. "Flood fringe" means that portion of the floodplain outside of the floodway which is covered by floodwaters during the regional flood and associated with standing water rather than rapidly flowing water.

66. "Flood hazard boundary map" means a map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

67. "Flood insurance rate map" (FIRM) means a map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the FEMA.

68. "Flood insurance study" (FIS) means a technical engineering examination, evaluation and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and BFE and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. FIRMs, that accompany the FIS, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

69. "Floodplain" means land which has been or may be covered by floodwater during the regional flood. It includes the floodway and the flood fringe and may include other designated floodplain areas for regulatory purposes.

70. "Floodplain island" means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

71. "Floodplain management" means the policies and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

72. "Flood profile" means a graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

73. "Flood proofing" means any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities, and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

74. "Flood protection elevation" means an elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood.

75. "Flood storage" means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

76. "Floodway" means the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

77. "Floor Area" means the sum of the usable horizontal area of the several floors of a building as measured from the exterior walls, including interior balconies and mezzanines, elevator shafts, stairwells and utility rooms, but not including basements, garages, breezeways, and unenclosed porches.

78. "Foundation" means a basement or crawlspace meeting the state uniform dwelling code.

79. "Freeboard" means a factor of safety expressed in terms of a certain amount of feet above a calculated flood level, Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

80. "Frontage" means the width of a lot as measured on a public street, road or highway and having access to said street, road or highway.

81. "Garage, private" means an accessory structure or portion of a principal structure utilized for the private storage of motor vehicles.

82. "Garage, public" means a structure or portion thereof where motor vehicles are stored for compensation.

83. "Greenhouse" means a structure exclusively used for the cultivation of plants in which natural sunlight is allowed to enter through transparent material and temperature and humidity are controlled.

84. "Greenhouse, commercial" means a structure from which plants, seedlings, seeds, trees and those items related to cultivation are sold, traded or bartered to the public.

85. "Habitable structure" means any building or portion thereof used or designed for human habitation.

86. "Habitation" means a fixed place of residence.

87. "High flood damage potential" means damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

88. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

89. "Home business" means a business activity for financial gain carried on by a resident of a property within a residential structure or in an accessory structure that has little or no impact on the character of the neighborhood beyond that typically expected from residential use.

90. "Home occupation" means any occupation for gain or support conducted entirely within a residential structure by its occupant.

91. "Historic Structure" means any structure that is either: Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register, Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historical district or a district preliminarily determined by the Secretary to qualify as a registered historic district, Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

92. "Increase in regional flood height" means a calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

93. "Junk yard" shall mean any establishment or premises where worn out or discarded materials, whether purchased, donated or abandoned are kept, or where two or more unlicensed motor vehicles, operable or inoperable, are kept or stored either for purposes of sale or otherwise.

94. "Junkyard materials" include, without limitation because of enumeration hereunder, waste paper, scrap metal, rags, bottles, machines and machine parts, motor vehicles and motor vehicle parts, and uses or secondhand items.

95. "Kennel" means a place where 4 or more dogs over the age of 4 months are boarded, bred or offered for sale.

96. "Land use " means any nonstructural use made of unimproved or improved real estate.

97. "Livestock facility" means a feedlot or facility, other than a pasture, where animals used in the production of food, fiber, or other animal products are or will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12 month period. "Livestock facility" does not include an aquaculture facility.

98. "Lot" means a parcel of land, legally created, which is occupied or designed to provide space for one principal structure and approved uses, including the open spaces required by this subtitle. A lot includes all contiguous property under one owner and may consist of multiple deeds, abstracts, and tax statements.

a. Lot, corner. "Corner lot" means a lot situated at the intersection of 2 streets, roads or highways.

b. Lot, interior. "Interior lot" means a lot with frontage on only one street, road or highway.

c. Lot, through. "Through lot" means a lot other than a corner lot with frontage on two streets, roads or highways.

99. "Lot area" means that area located within lot lines, not including any part of a street, highway, alley or railroad right-of-way or access easement.

100. "Lot depth" means the shortest horizontal distance between the front lot line and the rear lot line measured at a 90° angle from the road right-of-way.

101. "Lot width" means the horizontal distance between the side lot lines at the building setback line.

102. "Lot of record" means a lot which has been legally created prior to the effective date of this Subtitle.

103. "Lowest adjacent grade" means an elevation of the lowest ground surface that touches any of the exterior walls of a building.

104. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

105. "Maintenance" means the act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

106. "Medical waste facility" means any facility involved in the handling, storage, disposal, transport, or other manipulation or handling of "medical waste" as defined in the Wisconsin Statutes or Administrative Code and the U.S. Code or Code of Federal Regulations and shall include "infectious waste" as therein defined.

107. "Metallic mineral extraction" the extraction processing, for sale or use by the operator, of mineral aggregate such as iron ore, taconite, copper, lead, zinc, cadmium and other metalliferous minerals.

108. "Micro-brewery" means a facility for the production of 100,000 gallons or less per year of fermented malt beverages, as defined in Chapter 125 of the Wisconsin Statutes, that are sold wholesale and/or off premises directly to retailers as authorized by statute. On premise sales will be allowed only where permitted by the zoning code.

109. "Micro-winery" means a facility for the production of 25,000 gallons or less per year of wine, as defined in Chapter 125 of the Wisconsin Statutes, that are sold wholesale and/or off premises directly to retailers as authorized by statute. On premise sales will be allowed only where permitted by the zoning code.

110. "Mine operator" means any person or business entity engaged in nonmetallic mining who/which applies for or holds a nonmetallic mine reclamation permit issued under a nonmetallic mining reclamation ordinance whether individually, jointly, or through subsidiaries, agents, employees, contractors, or subcontractors.

111. "Mining operation" means operations or activities for the extraction from the earth of mineral aggregates and nonmetallic minerals and related operations or activities, including, but not limited to, excavation, grading, or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes including, but not limited to, stockpiling, crushing, screening, scalping, dewatering, and blending. It does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic mining minerals such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

112. "Mining and reclamation plan" means the operator's proposal for the mining and reclamation of the project approved by the committee prior to the issuance of the mining permit.

113. "Mobile/manufactured homes" means the following:

a. Mobile home means a vehicle manufactured or assembled before June 15, 1976; designed to be towed as a single unit or in sections upon a highway and equipped and used or intended to be used primarily for human habitation; with walls of rigid uncollapsible construction; and which has an overall length in excess of 45 feet.

b. Manufactured home means a structure constructed after 1976 which is transportable in one or more sections; which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or when erected is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required facilities.

114. "Mobile home park" means an area of land on which is provided the required space for the accommodation of two or more mobile homes, together with the necessary accessory buildings, driveways, screening, and other requirements of Chapter 18.29.

115. "Mobile recreational vehicle" means a vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles.

116. "Model, corrected effective" means a hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

117. "Model, duplicate effective" means a copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

118. "Model, effective" means the hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

119. "Model, existing (pre-project)" means a modification of the Duplicate Effective Model or Corrected Effective Model to reflect any manmade modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

120. "Model, revised (post-project)" means a modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

121. "Motel and hotel" means a structure or group of structures containing rooms which are offered to travelers for temporary accommodations in exchange for compensation.

122. "Motor vehicle" shall include with limitation because of enumeration hereunder, any watercraft, automobile, truck, motorcycle, trailer, semi-trailer, travel trailer, snowmobile, all terrain vehicle, bus or other motorized or mobile vehicle.

123. "NGVD or national geodetic vertical datum" means elevations referenced to mean sea level datum 1929 adjustment.

124. "Nano-brewery" means a facility for the production of less than 10,000 gallons of fermented malt beverages per year that may be bottled, packaged, possessed, stored, sold, shipped, transported, delivered and/or consumed on premise in accordance with the provisions of Wis. Stat. §125.29. A nano-brewery may operate a restaurant on the brewery premises as provided in Wis. Stat. § 125.29(6).

125. "Nano-winery" means a facility for the production of less than 10,000 gallons of wine per year that may be bottled, packaged, possessed, stored, sold, sampled, shipped, transported, delivered and/or consumed on premise in accordance with the provisions of Wis. Stat. ch. 125.53. A nano-winery may also operate a restaurant on the winery premises in accordance with county and state permitting requirements.

126. "Navigable waters" means all natural inland lakes, flowage and other waters within the territorial limits of this county. Under Wis. Stat. § 281.31, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Wis. Stat. § 59.692, and Wis. Admin. Code ch. NR 115 do not apply to farm drainage ditches if:

- a. Such lands are not adjacent to natural navigable stream or river;
- b. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- c. Such lands are maintained in nonstructural agricultural use.

127. "New construction" means, for floodplain management purposes, structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purposes of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

128. "Nonconforming lot" means a lot of record which does not meet the minimum area, depth, width, or frontage required by this Subtitle.

129. "Nonconforming structure" means a structure which existed on the date of adoption of Subtitle 18 or amendments thereto, which does not conform to the yard, parking, loading, height, and access requirements of the subtitle. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

130. "Nonconforming use" means the use of land, water, or structures existing at the time of the adoption of Title 18 or amendments thereto, which does not meet the requirements of this Subtitle and which has been continually maintained.

131. "Non-metallic mineral" means a product, commodity or material consisting principally of naturally 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.

132. "Nonmetallic mining site, project site, or site" means the location where a nonmetallic mining operation is proposed or conducted including all surface areas from which minerals are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited and areas disturbed by the nonmetallic mining operation and by activities, including but not limited to, the construction or improvement of roads or haulage ways.

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

134. "Obstruction to flow" means any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in the regional flood height.

135. "Official floodplain zoning map" means that map, adopted and made part of this subtitle, which has been approved by the DNR and the FIA Office of FEMA.

136. "Official letter of map amendment" means the official notification from the Federal Insurance Administration office of FEMA that a flood hazard boundary map or flood insurance study map has been amended.

137. "Open sales lot" means an area used for the purpose of buying and selling automobiles, trucks, motorcycles, boats, trailers, recreational vehicles, mobile/manufactured homes and similar products.

138. "Open space use" means those uses having a relatively low flood damage potential and not involving structures.

139. "Ordinary high water mark" means the point on a bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognizable characteristic.

140. "Owner" or "property owner" means the fee-simple title holder or the beneficial owner of land whose interest is primarily one of ownership or possession, and enjoyment on contemplation of ultimate ownership. The term includes, but is not limited to mortgagees and vendors under contract for deed.

141. "Parking area" means a portion of a lot with access to a street or alley, which is suitably surfaced and maintained for the temporary storage of motor vehicles, but not including the display of vehicles for sale.

142. "Parking space, off-street" means a space containing parking area or a stall in a private garage.

143. "Performance standards" means criteria established by this subtitle to regulate certain uses.

144. "Person" means an individual, or group of individuals, corporation, partnership, association, municipality or state agency.

145. "Planned commercial development" means a lot or tract of land that contains one principal building with two or more uses in a commercial district and which uses share common amenities such as but not limited to parking, loading, storage, and signage.



146. "Planned development" means the development of a tract of land created by one landowner into two or more lots. Development shall be allowed at densities permitted in the A-R and A-3 districts.

147. "Planned unit development" means a lot or tract of land containing 2 or more principal buildings or uses developed as a unit where such buildings or uses may be located in relation to each other rather than to a lot line or zoning district boundaries.

148. "Private sewage system" means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

149. "Private swimming pool" means a receptacle of water or an artificial pool of water having a depth capacity at any point of more than 2 feet, intended for the immersion or partial immersion of human beings, and including all appurtenant equipment.

150. "Professional office" means the office of one engaging in a calling requiring specialized knowledge and often long and intensive academic preparation, including but not limited to offices of doctors of medicine or dentistry, or ministers, architects, engineers, attorneys, musicians or artists.

151. "Public utilities" means those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

152. "Quarter section and quarter-quarter section" means a division of a section of land according to the rules of the original United States Government Public Land Survey.

153. "Quasi-public uses" means those facilities which are partially public in nature such as churches, schools, cemeteries.

154. "Race track" means a use of land for the purpose of operating a motorcycle, all terrain vehicle, automobile, or similar motorized vehicle over a constructed track or course or where the continuous use of the land creates a track or course.

155. "Reach, hydraulic." "Hydraulic reach" means that portion of the river or stream extending from one significant change in the hydraulic character of the river or stream to the next significant change, usually associated with breaks in the slope of the water-surface profile, and may be caused by bridges, dams, expansion and contraction of the water flow, and changes in stream-bed slope or vegetation.

156. "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

157. "Reconditioned mobile/manufactured home" means a mobile/manufactured home which has been rebuilt, restored or reconditioned to habitable condition.

158. "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 recycling drop-off station to separate recyclable materials for placement in appropriate containers, shall be prohibited. A recycling drop-off station can be a permitted or an accessory use except when the facility accepts waste tires and then it shall be a conditional use.

159. "Regional flood" means a flood determined to be representative of a large flood known to have occurred in Wisconsin. A regional flood is a flood with a 1 % chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the Regional Flood Elevation is equivalent to the Base Flood Elevation.

160. "Repair shop" means a place where motor vehicles or other materials are restored to a sound or good or operable state after decay, injury, dilapidation or partial destruction.

161. "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 not to exceed 15 horsepower, for later shipment to markets. All activities that take place at a resource recovery facility shall take place inside the building including 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. A resource recovery facility is also called a material recovery facility or MRF.

162. "Resource recovery processing facility" means a resource recovery facility which collects from residential, commercial, and industrial sources where equipment of any horsepower may be used, outdoor storage may be allowed, and where dismantling of separate motor vehicles parts or components and separate machinery parts or components may be allowed. Resource recovery processing facilities may be allowed in conjunction with salvage yards.

163. "Restaurant" means any building, room or place at which the predominant activity is the preparation, service, or sale of meals to transients or the general public as defined in Wis. Stat. § 97.01(14g).

164. "Restaurant, drive-in" means a business establishment consisting of a kitchen, with or without a dining room, where a portion of the food sold is eaten either off the premises or within automobiles on the premises.

165. "Salvage yard" means any establishment or premises where motor vehicles or other materials are collected for the purposes of dismantling, salvaging or demolition.

166. "Seasonal structure" means a structure used occasionally or periodically for a period not to exceed six months of a calendar year.

167. "Setback lines" means lines established parallel to rights-of-way, lot lines, or water bodies for the purpose of defining limits within which structures, buildings, or uses must be constructed, maintained or confined.

168. "Shorelands" means lands within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond or flowage; 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

169. "Sign" means the use of any words, numerals, pictures, figures, devices or trademarks by which anything is made known to show an individual, firm, profession or business and are visible to the general public.

a. "Advertising (off-premise)" means a billboard, poster panel, painted bulletin board, or other sign which is used to advertise products, goods, or services which are not exclusively related to the premise on which the sign is located.

b. "Agriculture test plot" means a sign used to mark test plot areas on a farm and includes a sign identifying the manufacturer of the seed being tested.

c. "Area identification" means a freestanding sign which identified a subdivision, a multiple residential complex consisting of 3 or more structures, a shopping center consisting of 3 or more separate business concerns, an industrial area, an office complex consisting of 3 or more structures or any combination thereof.

d. "Business (on-premise)" means any sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used in the identification of promotion of any principal commodity or service, including entertainment, offered or sold upon the premise where such sign is located.

e. "Campaign sign" means a sign erected for the purpose of soliciting support for or application to a candidate or a political party or relating to a referendum question in an election held under the laws of the State of Wisconsin.

f. "Construction" means a temporary sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.

g. "Directional" means a sign which bears the address and name of a business, institution, church, or other use or activity plus directional arrows or information on location.

h. "Flashing" means an illuminated sign upon which the artificial light is not kept constant in terms of intensity or color at all times when the sign is illuminated, (not including time, temperature and public information signs).

i. "Free-standing" means a stationary or portable, self-supported sign not affixed to any other structure.

j. "Illuminated" means a sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.

k. "Information" means a sign giving information to employees, visitors of delivery vehicles, but containing no advertising or identification.

l. "Monument" means a freestanding sign having a low profile with no open space between the ground and the sign and having a sign structure constructed of masonry, wood, or materials similar in appearance.

m. "Name plate" means a sign indicating the name and address of a building and its functions or the name of an occupant thereof and the practice of a permitted home occupation or an agricultural related business.

n. "Portable" means a sign so designed as to be movable from one location to another and which is not permanently attached to the ground, sales display or device or structure.

o. "Projecting" means a sign other than wall sign, which is affixed to a building and which extends in a perpendicular manner from the building wall.

p. "Roof" means a sign which is erected, constructed or attached wholly or in part upon the roof of a building and which projects completely above the parapet wall.

q. "Seasonal agricultural product" means a sign which identifies a seasonal agricultural business such as but not limited to strawberry farms, apple orchards, or truck farms and the direction to that business.

r. "Temporary" means any sign which is erected or displayed for a specified period of time.

s. "Wall" means a sign which is affixed to the exterior wall or mansard roof of a building and which is parallel to the building.

170. "Sign alteration" means any structural change to a sign but shall not include routine maintenance, painting or change of copy of an existing sign.

171. "Sign area" means that area within the marginal lines of the surface which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of a building; that area which is included in the smallest connecting geometric figures which can be made to circumscribe the message, figure or symbol displayed thereon. Only changeable copy areas of canopy sign shall be considered in determining the total sign area.

172. "Sign Structure" means the supports, uprights, bracing and framework for a sign including the sign area.

173. "Special event" means any occasional or periodic assembly or gathering of people at a predetermined and fixed location, requiring the use and/or construction of temporary structures and facilities such as but not limited to stages or tents or booths, having a duration of up to 7 days within any 30 day time period and occurring not more than 4 times within any 12 month period excluding time for set-up and take-down, for entertainment and/or other leisure purposes. Special events include, but are not limited to the following: fairs, carnivals, music or other types of festivals, runs, walks or bicycle tours. Special events shall not include gatherings for activities such as neighborhood garage/thrift sales, neighborhood parties, or other similar activities.

174. "Single family dwellings" means a residential structure which is meant to house a single family and which is a minimum of 24 feet in width, has a roof with a minimum slope of 3:12, is on a permanent foundation meeting the state one and two family dwelling code, and has a minimum of an 8 inch eave attached to at least 50% of the perimeter of the structure. This definition includes manufactured homes but excludes mobile homes.

175. "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not

part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling floor or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

176. "Storage capacity of a floodplain" means the volume of space above an area of floodplain land that can be occupied by floodwater of a given stage at a given time, regardless of whether the water is moving.

177. "Specified anatomical areas"  
a. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola;  
b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

178. "Specified sexual activities"  
a. Human genitals in a state of sexual stimulation or arousal; or  
b. Acts of human masturbation, sexual intercourse or sodomy; or  
c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

179. "Story" means that part of a building between a floor and either the next floor above, or the ceiling. A basement shall constitute a story if it is more than 4 feet above grade level.

180. "Streets, Roads or Highways" means a thoroughfare which may either provide the principal means or movement of pedestrian and vehicular access to abutting property.

181. "Streets, roads or highways, private" means a thoroughfare which is owned and maintained by a private entity for the use by a limited membership.

182. "Streets, roads or highways, public" means a thoroughfare which is owned and maintained by a governmental entity for use by all members of society.

183. "Structural alteration" means any change in the supporting members of a building such as bearing walls, columns, rafters, beams, girders, footings and piles.

184. "Structure" means any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

a. "Accessory structure" means a subordinate structure which is clearly and customarily incidental to and located on the same lot as a principal structure except that mobile/manufactured homes are not allowed as storage structures.

b. "Principal structure" means the main structure on a lot.

185. "Structure height" means the vertical distance measured from the mean grade level to the highest point of a flat surface roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

186. "Structure setback" means the minimum distance between structure or use and property line or a road right-of-way line or high water mark of a water body.

187. "Subdivision" has the meaning given in Wis. Stat. § 236.02(12).

188. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50% of the equalized assessed value of the structure before the damage occurred.

189. "Substantial improvement" means any repair, reconstruction rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50% of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

190. "Tailing ponds" means those areas where liquified accumulations of waste from the processing of mining are placed on the land surface.

191. "Travel trailer" means a vehicular portable structure built on a chassis, with or without complete kitchen, toilet, such facilities designed to be used for temporary habitation for travel or recreation.

192. "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.

193. "Tourist Rooming House" means all lodging places and tourist cabins and cottages as regulated by the department of health and human services pursuant to Wis. Admin. Code ch. DHS 195, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under Wis. Admin. Code ch. DHS 197.

194. "Unnecessary hardship" means where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

195. "Utilities" means any public or private facilities such as water wells, water and sewage distribution systems, power and communications transmission lines, pipelines, microwave radio relays, telephone and telegraph exchanges, and other related systems, including their attendant facilities.

196. "Violation" means the failure of a use, structure or other development to be fully compliant with Title 18. For floodplain regulations, structures or other developments that have not been issued permits, do not have the lowest floor elevation documented, a floodproofing certificate, or the required floodway encroachment calculations are presumed to be in violation.

197. "Waste dump" means all accumulations of unprocessed waste mine rock and overburden placed on the land surface.

198. "Water surface profile" means a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

199. "Watershed" means the entire region or area contributing runoff or surface water to a particular watercourse or body of water.

200. "Well" means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, for the purpose of obtaining groundwater regardless of its intended use.

201. "Wetlands" means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and having soils indicative of wet conditions.

202. "Wine Pub" means a tavern, cocktail lounge, restaurant, grocery store, liquor store, or other similar retail establishment that includes a facility for the production 20,000 gallons or less per year of wine as defined by state statute, that are sold for consumption on premises, or that are sold directly to the consumer as carry out items.

203. "Winery" means a facility for the production of fermented malt beverages that may be bottled, packaged, possessed, stored, sold, sampled, shipped, transported, delivered and/or consumed on premise in accordance with the provisions of Wis. Stat. § 125.53.

204. "Yard" means open space on a lot not occupied by structures.

a. "Yard, front" means a yard extending the full width of the lot between the front lot line and the nearest part of the minimum front yard setback.

b. "Yard, rear" means a yard extending the full width of the lot between the rear lot line to the nearest part of the structure.

c. "Yard, side" means a yard on each side of the structure extending from the structure to the lot line and from the front yard line to the rear yard line.(Ord. 161-18, Sec. 14, 2017; Ord. 159-25, Secs. 1-3; 2015; Ord. 158-17, Sec. 1 & 2, 2014; Ord. 157-45, Sec. 1, 2014; Ord. 157-4, Sec. 1, 2013; Ord. 156-8, Sec. 1-6, 2012; Ord. 155-19, Secs. 1-5, 2011; Ord. 152-44, Sec. 1-3, 2009; Ord. 152-4, Sec. 1-11, 2008; Ord. 151-35, Sec. 6, 2007; Ord. 151-004, Sec. 1 & 2, 2007; Ord 150-34, Secs. 1-3, 2006; Ord. 149-07, Sec. 2, 2005; Ord. 146-23, Secs. 1&2, 2002; Ord. 145-96, Sec. 8, 2002; Ord. 145-21, 2001; Ord. 144-53, Sec. 2, 2000; Ord. 143-97, Secs. 1-2, 2000; Ord.143-94, Secs.1, 2, 3, 2000; Ord.141-22, Sec.1; Ord.141-03, Sec.1; Ord.140-92, Sec.1-5, 1997; Ord.140-39, Sec.1-2; Ord.139-83, Sec.1-2; Ord.139-113, Sec.1, 1996; Ord.138-114, Sec. 1-2, 1995; Ord.138-68, Sec. 1-2; Ord.137-116, Sec.4-5, 1994; Ord.137-01, Secs.1-5; Ord.134-36, 1990; Ord.136-108, Secs.1-6, 1993; Ord.131-65 Secs.1 & 2, Ord.131-03 Sec.1, 1987; Ord.130-48 Secs.37-59, 1986; Ord.129-74 Secs.1-5,18, 1986; Ord.129-25 Sec.1, 1985; Ord.128-74 Secs.1,2, 1985; Ord.128-58 Secs. 1,2, 1984; Ord.128-24 Sec.1, 1984; Ord. 128-24 Sec.2, 1984; Ord.128-24 Sec.3, 1984; Ord.126-16 Sec.3(part), 1982).

## Chapter 18.03

### GENERAL PROVISIONS

#### Sections:

<a href="#">18.03.010</a>	Scope of regulations.
<a href="#">18.03.020</a>	Interpretation.
<a href="#">18.03.030</a>	Relation to other ordinances and regulations.
<a href="#">18.03.040</a>	Severability.
<a href="#">18.03.050</a>	Rules for determining district boundaries.
<a href="#">18.03.060</a>	Lot provisions.
<a href="#">18.03.070</a>	Determination of uses not listed.
<a href="#">18.03.080</a>	Compliance

18.03.010 Scope of regulations. No structure, or land shall hereafter be used or occupied, and no structure or part thereof shall hereafter be erected, converted, enlarged, constructed, moved or structurally altered, unless in conformity with all the regulations specified in subtitle for the district in which it is located. (Ord.126-16 Sec.3(part), 1982).

18.03.020 Interpretation. In interpreting and applying the provisions of subtitle, the provisions shall be held to be the minimum requirements for the public health, safety, comfort, convenience and general welfare of the citizens of the county, and shall be liberally construed in favor of the county. (Ord. 126-16 Sec.3(part), 1982).

18.03.030 Relations to other ordinances and regulations. Where the provisions of this subtitle impose greater restrictions than those of any statute, regulation, or other ordinance, the provisions of this subtitle shall be controlling, except that the shoreland provisions under Title 20 supersede all the provisions of any county zoning ordinance adopted under Wis. Stat. § 59.69, which relate to shorelands. Where the provisions of any statute, regulation or other ordinance impose greater restrictions, those provisions shall be controlling. (Ord. 160-23, Sec. 10, 2017; Ord.141-03, Sec.1, 1997; Ord.129-35 Sec.3, 1985; Ord.128-58 Sec.3, 1984; Ord.128-24 Sec.4, 1984; Ord.126-16 Sec.3(part), 1982).

18.03.040 Severability. If any section, clause, provision, or portion of this subtitle is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this subtitle, if severable therefrom, shall not be affected thereby. (Ord.126-16 Sec.3(part), 1982).

18.03.050 Rules for determining district boundaries. Where uncertainty exists as to the boundaries of districts as shown on the official zoning maps, the following shall apply:

A. Boundaries indicated as approximately following the centerlines of streets, highways, railroads, or lakes, streams and other water bodies, shall be construed to follow such centerlines.

B. Boundaries indicated as approximately following platted lot lines, quarter-quarter section lines, or municipal boundaries, shall be construed to follow such lines.

C. Boundaries indicated as being parallel to or an extension of the features listed in A. or B. shall be so construed. Distances not specified on the map shall be determined by the map scale.

D. In situations not covered by 18.03.050 A. through C., or when there is a dispute over a determination of district boundaries made by the department, the committee shall determine district boundaries when the physical or cultural features existing on the ground differ with those shown on the map. (Ord. 126-16 Sec.3(part), 1982).

18.03.060 Lot provisions.

A. Except where permitted by the zoning code, not more than one principal building or use and its accessory buildings or uses may be located on a lot.

B. Any lot in existence at the time of adoption of this subtitle, and legally created, other than by platting or certified survey map procedures as set forth in 18.03.060 D. shall be considered a lot of record and shall be considered legally buildable even though the lot may not meet the minimum lot area and lot width requirements, provided that the lot is in separate ownership from abutting land, and further provided that the lot is developed with a use that is permitted and at the setback requirements by the district in which it is located under this subtitle.



C. No yard or other open space existing on the effective date of the ordinance codified in this subtitle shall be reduced below the minimum required by this subtitle.

D. Lots which were created through platting or certified survey map procedures and which are under single contiguous ownership are to be considered as separate lots of record. All restrictions or setbacks placed on the lots by the county or towns through the subdivision review process shall be enforceable under this subtitle.

E. All lots shall have a minimum frontage on a public road equivalent to the minimum width of the district in which it lies, except for lots created through the subdivision review procedures.

F. When a structure or use 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 replatted by certified survey map procedures prior to issuance of any permits.

G. The minimum lot area shall exclude road right-of-ways, navigable bodies of water, and ingress and egress easements except for lots in the A-1, A-3, F-1, and F-2 Districts, which may include road rights-of-ways.

H. All land disturbing activity that meets the requirements of 17.05.070 A. requires a construction site erosion control plan approval from the land conservation division.

I. All land development activity that meets the requirements of 17.05.070 B. requires a storm water management permit from the land conservation division.(Ord. 150-42, Sec. 1, 2007; Ord. 149-09, Sec. 1, 2005; Ord. 146-59, Sec. 1, 2002; Ord. 146-23, Sec. 3, 2002; Ord.142-82 Sec.1, 1999; Ord.139-113, Sec.2, 1996; Ord. 137-116, Sec.1, 1994; Ord. 129-25 Sec.2, 1985; Ord. 126-69 Sec.1, 1983; Ord. 126-16 Sec.3(part), 1982).

18.03.070 Determination of uses not listed. In any zoning district, whenever a use is neither specifically permitted or denied, the use shall be considered to be prohibited. In such a case, the committee, on its own initiative or upon the request of a specific property owner, may conduct a study to determine which zoning district, if any, is most appropriate for the use contemplated and which, if any, performance standards are appropriate to govern said use. (Ord. 126-16 Sec.3(part), 1982).

18.03.080 Compliance. No permit or approval pursuant to this chapter shall be issued where the applicant is in violation of this or any code administered by the department nor for any parcel(s) of land which have an outstanding violation until the violation has been corrected. A request for waiver of these provisions may be made, to grant a permit or approval on the merits of the application, to the department director. (Ord. 149-009, Sec. 2, 2005)

Chapter 18.04

A-1 EXCLUSIVE AGRICULTURAL DISTRICT

Sections:

<a href="#"><u>18.04.001</u></a>	Purpose.
<a href="#"><u>18.04.010</u></a>	Permitted principal uses.
<a href="#"><u>18.04.015</u></a>	Permitted principal structures.
<a href="#"><u>18.04.020</u></a>	Permitted accessory uses.
<a href="#"><u>18.04.025</u></a>	Permitted accessory structures.
<a href="#"><u>18.04.030</u></a>	Conditional uses.
<a href="#"><u>18.04.035</u></a>	Structures allowed under conditional use permits.
<a href="#"><u>18.04.040</u></a>	Standards for approval of conditional uses.
<a href="#"><u>18.04.045</u></a>	Notification of conditional uses.
<a href="#"><u>18.04.050</u></a>	Lot, height and yard requirements.
<a href="#"><u>18.04.055</u></a>	Standards for rezoning.
<a href="#"><u>18.04.060</u></a>	Notification of rezoning.

18.04.001 Purpose. The A-1 exclusive agricultural district is established to:

- A. Preserve those areas best suited for farming or agricultural use;
- B. Protect the agricultural economic base of the county;
- C. Entitle farms to tax credits under the Wisconsin Farmland Preservation Program;
- D. Minimize urban sprawl and its associated public expense; and
- E. Minimize land use conflicts between farms and nonfarms. The standards set out in this chapter shall apply in this district. (Ord. 126-16 Sec.3(part), 1982).

18.04.010 Permitted principal uses. The following principal uses are permitted in the A-1 district:

- A. Agriculture, including commercial beekeeping, dairying, floriculture, forestry, general farming, grazing, horticulture, nurseries, orchards, paddocks, pasturage, stabling, truck farming and viticulture;
- B. Housing to be occupied by a person who, or a family at least one member of which earns a substantial part of his or her livelihood from farm operations on the farm parcel.
- C. Owner occupied single family dwelling where the use is consistent with agriculture use.
- D. Livestock Facility.
  - 1. Not closer than 1,000 feet from a residential district;
  - 2. The facility has an approved nutrient management plan;
  - 3. Fencing or screening;
  - 4. No structure shall be placed within 100 feet of any lot line, except when adjacent to A-1; then the structure may be 50 feet from a lot line. (Ord. 150-34, Sec. 4, 2006; Ord.147-90 Sec.1, 2004; Ord.137-07, Sec.2, 1993; Ord.126-69 Sec.2, 1983; Ord.126-16 Sec.3(part), 1982).

18.04.015 Permitted principal structures. The following principal structures are permitted in the A-1 district:

- A. Single family dwellings and other buildings;
- B. Farm structures utilized in the business of agriculture, including but not limited to barns, plant greenhouses and stables;
- C. Farm structures, including houses existing prior to the adoption of this subtitle and separated from a farm through acquisition or consolidation of farm land.
- D. Structures for the housing of the owner where the use is consistent with agricultural use. (Ord.138-68, Sec.3, 1994; Ord. 137-07, Sec.3, 1993; Ord. 135-92, Sec.1, 1992; Ord. 133-02 Sec.1, 1989; Ord. 129-74 Sec.18, 1986; Ord. 126-16, Sec.3(part), 1982).

18.04.020 Permitted accessory uses. The following accessory uses are permitted in the A-1 district:

- A. Private storage or motor vehicles and agriculture equipment;
- B. Home occupations, as defined in Chapter 18.23;
- C. Temporary seasonal roadside sales of agricultural products primarily produced upon the premises;
- D. Sales of agricultural-related products such as feed, seed, fertilizer, herbicides and pesticides by a farmer to supplement farm income and customarily carried on as a part of the farm operation;
- E. A second housing unit for a parent or child of the farmer, or persons earning a substantial part of their livelihood on the farm. (Ord. 128-74 Secs. 3,4, 1985; Ord. 126-69 Secs.3, 4, 1983; Ord. 126-16 Sec.3(part), 1982).

18.04.025 Permitted accessory structures. The following accessory structures are permitted in the A-1 district:

- A. Private garages;
- B. Private recreational structures, as allowed in Chapter 18.30;
- C. Single family dwellings.
- D. Private greenhouses and storage sheds;
- E. Temporary seasonal roadside stands. (Ord. 138-68, 1994; Ord. 129-74 Sec.18, 1986; Ord. 128-74 Sec.5, 1985; Ord. 126-16 Sec.3(part), 1982).

18.04.030 Conditional uses. The following uses are conditional uses in the A-1 district, and subject to the provisions of Chapter 18.21:

- A. Temporary housing for seasonal farm help;
- B. Sawmill operations;
- C. Game farms, fisheries, hatcheries and the commercial raising of fur-bearing animals, provided the following criteria are met:
  - 1. Not closer than 1,000 feet from a residential district;
  - 2. Animal waste handling plan;
  - 3. Fencing or screening;
  - 4. No structure shall be placed within 100 feet of any lot line;
- D. Religious and government uses;
- E. Utility buildings and structures not covered by Chapter 18.30;
- F. Agriculture-related businesses which are secondary to the use of the premises, provided they meet the following criteria:

1. The use shall be conducted entirely within the residence or an accessory structure customarily located on a farm or rural homestead;
  2. Crafts and other related products are allowed if they are incidental to the ag-related business;
  3. There shall be no outside storage of materials or equipment. Outside display or storage of products shall be allowed on a seasonal basis with approval of the committee;
  4. There shall be no excessive noise, odor, dust, glare, vibrations or electrical disturbances noticeable beyond a lot line;
  5. One on premise sign shall be allowed stating the name of the business, the owner/operator and the product being sold or service offered. The sign shall not exceed 24 sq. feet in area, shall be non-illuminated, and shall not be placed within a vision triangle.
- G. Housing for more than two units when the person or family to be housed earns a substantial part of their livelihood on the farm operation.
- H. Seasonal structures provided that they meet the following criteria:
1. The dwelling is consistent with agricultural use.
  2. The structure meets the criteria of 18.17.035 C.
  3. There shall be no outside storage on the property.
- I. Temporary asphalt and concrete batching or ready mix operations or concrete crushing provided they meet the following criteria:
1. The operation is used solely for a specific Wisconsin Department of Transportation project.
  2. A restoration plan for the site is provided which describes or illustrates measures taken to restore the site to its original land use. The restoration plan will describe methods for establishing vegetative cover on all exposed soil.
  3. The temporary concrete or asphalt batch plants shall be removed from the premises within 60 days of completion of project.
  4. A storm water and erosion control plan in compliance with Chapter 17.05 shall be submitted to and approved by the land conservation division.
  5. The maximum area devoted for facility operations shall not be larger than 5 acres, including, but not limited to, the stockpiling of materials, equipment and vehicle storage, associated buildings, access roads, batch plants, storm water facilities and crushers.
- (Ord. 155-32, Sec. 1, 2012; Ord. 150-34, Sec. 5, 2006; Ord.140-92, Sec.6, 1997; Ord.139-83, Sec.3, 1995; Ord. 13-68, Sec. 5, 1994; Ord.137-07, Sec.4, 1993; Ord. 135-92, Sec. 2, 1992; Ord. 133-25, 1989; Ord. 131-03 Sec.2, 1987; Ord. 126-69 Sec.5, 1983; Ord. 126-16 Sec.3(part), 1982).

18.04.035 Structures allowed under conditional use permits. In the A-1 district, the following structures may be allowed under conditional use permits, issued pursuant to the provisions of Chapter 18.21:

- A. Temporary structures for the purpose of seasonal housing;
- B. Sawmills;
- C. Governmental structures, for police, fire and highway purposes; landfill site improvements; schools; parks and playgrounds;
- D. Structures used for religious purposes;
- E. Utility structures not covered by Chapter 18.30;
- F. Single family dwellings, seasonal structures, and duplexes.

G. Temporary structures associated with temporary asphalt and concrete batching or ready mix operations or concrete crushing operations. (Ord. 155-32, Sec. 2, 2012; Ord.140-92, Sec.7, 1997; Ord. 138-68, Sec. 6, 1994; Ord. 129-74 Sec.18, 1986; Ord. 126-69 Sec.5, 1983; Ord. 126-16 Sec.3(part), 1982).

18.04.040 Standards for approval of conditional uses. When reviewing conditional use permit requests for the A-1 district, the committee shall consider the following factors:

- A. The statements of purpose of the zoning code and this chapter;
- B. The compatibility with adjacent land uses and potential for conflict with agricultural use;
- C. The need for the proposed use in the A-1 district, and the availability of alternate locations;
- D. The productivity of the land involved and efforts to minimize the amount of productive land converted to non-farm use;
- E. The need for public services created by the proposed use;
- F. The availability of local units of government to provide services without unreasonable burden;
- G. The effect of the proposed use on water and air pollution, soil erosion, sedimentation and other possible environmental damage. (Ord. 126-16 Sec.3(part), 1982).

18.04.045 Notification of conditional uses. The State Department of Agriculture, Trade and Consumer Protection shall be notified by the department of all conditional uses. (Ord. 126-16 Sec.3(part), 1982).

18.04.050 Lot, height and yard requirements. The following lot, height and yard requirements are established for the A-1 district:

- A. Lot Size.
  - 1. The minimum lot size is 35 acres.
  - 2. The minimum lot size for a farm residence or structure, which existed prior to the adoption of the ordinance codified in this subtitle, or which is situated upon a parcel or lot separated and distinct from a principal parcel acquired through farm consolidation or acquisition, shall be one acre, with a minimum frontage of 150 feet.
  - 3. Where a farm consolidation or acquisition creates a lot greater than 5 acres, a conditional use permit shall be required. The minimum amount of usable agricultural land shall be incorporated into the lot.
  - 4. The minimum lot width shall be 150 feet.
- B. Height.
  - 1. The maximum height of a residential structure shall be 35 feet.
  - 2. The maximum height of accessory structures shall be 25 feet.
  - 3. Agricultural structures are exempt from the height requirements per 18.30.020 E.
- C. Setbacks.
  - 1. The minimum highway setback shall be regulated under Chapter 18.22.
  - 2. The minimum side-yard setback for residential structures and private garages shall be 20 feet, and for all other structures shall be 50 feet.
  - 3. The minimum rear-yard setbacks for all structures shall be 50 feet.
  - 4. No accessory structures shall be located within the required front yard.

D. Lot, Height and Yard Requirements for Conditional Uses. Lot, height and yard requirements shall be established at the time of conditional use permit approval, but in no case shall the minimum lot size be less than one acre. (Ord. 152-4, Secs.12& 13, 2008; Ord.142-83 Sec.2, 1999; Ord 131-65 Secs.3 & 4, 1987, Ord. 128-24 Sec.5, 1984; Ord. 126-16 Sec.3(part), 1982).

18.04.055 Standards for rezoning. Rezoning from the A-1 district shall be based on findings which consider the following factors:

- A. The land is suitable for the proposed use by review of soil types including productivity, location and adjacent land uses;
- B. The potential for conflict with remaining agricultural uses;
- C. Adequate public facilities to serve the development are present or will be provided, without placing an unreasonable burden on local government;
- D. The development will not cause undue environmental degradation. (Ord.142-82 Sec.3, 1999)

18.04.060 Notification of rezoning. The State Department of Agriculture, Trade and Consumer Protection will be notified of all rezoning from the A-1 district by the department. (Ord. 126-16 Sec.3(part), 1982).

## Chapter 18.05

### A-2 AGRICULTURE-RESIDENTIAL DISTRICT

#### Sections:

- [18.05.001](#) Purpose.
- [18.05.010](#) Permitted principal uses.
- [18.05.015](#) Permitted principal structures.
- [18.05.020](#) Permitted accessory uses.
- [18.05.025](#) Permitted accessory structures.
- [18.05.030](#) Conditional uses.
- [18.05.035](#) Structures subject to conditional use permits.
- [18.05.040](#) Lot, height and yard requirements.

18.05.001 Purpose. The A-2 agriculture-residential district is established to:

A. Provide an area for limited residential and hobby farm development in a rural atmosphere;

B. Preserve the county's natural resources and open space;  
The standards set out in this chapter shall apply in this district. (Ord.142-82 Sec.4, 1999).

18.05.010 Permitted principal uses. The following principal uses are permitted in the A-2 district:

- A. Agriculture, including those agricultural uses under 18.04.010 A;
- B. Housing for the family;
- C. Parks and playgrounds.
- D. Livestock facility not exceeding 150 animal units provided the following:
  - 1. Not closer than 1,000 feet from a residential district;
  - 2. The facility has an approved nutrient management plan;
  - 3. Fencing or screening;
  - 4. No structure shall be placed within 100 feet of any lot line, except when adjacent to A-1; then the structure may be 50 feet from a lot line. (Ord. 150-34, Sec. 6, 2006; Ord. 126-69 Sec.7(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.05.015 Permitted principal structures. The following principal structures are permitted in the A-2 district:

- A. Single-family dwellings;
- B. Agricultural structures including but not limited to barns, plant greenhouses, and stables;
- C. Structures associated with parks and playgrounds. (Ord. 135-92, Sec. 3 & 4, 1992; Ord. 133-02 Sec.2, 1989; Ord. 126-69 Secs.8, 9, 1983; Ord. 126-16 Sec.3(part), 1982).

18.05.020 Permitted accessory uses. The following accessory uses are permitted in the A-2 district:

- A. Home occupations, as defined in Chapter 18.23;
- B. Horticulture;
- C. The sale of agricultural products primarily produced on the premises;
- D. Sale of agriculture-related products such as feed, seed, fertilizer, herbicides and pesticides by a farmer to supplement farm income and customarily carried out as part of the farm operation;
- E. The private storage of motor vehicles and farm-related equipment;
- F. Private recreational activities, including but not limited to swimming, tennis and playground activities.
- G. A second housing unit for a person who is employed on the farm and who earns a substantial part of their livelihood from the farm.
- H. The private outside storage of one commercial tractor-trailer for a maximum time limit of one week. The trailer can not be used for personal storage but may be loaded for transit. (Ord. 150-34, Sec. 9, 2006; Ord 147-90 Sec 2, 2004; Ord. 133-02 Sec.3, 1989; Ord. 126-69 Sec.7(part), 1983; Ord. 126-16 Sec.3(part), 1982)

18.05.025 Permitted accessory structures. The following accessory structures are permitted in the A-2 district:

- A. Private garages;
- B. Private recreational structures, as allowed in Chapter 18.30;
- C. Noncommercial greenhouses, playhouses and storage sheds;
- D. Temporary seasonal roadside stands.
- E. Single family dwellings. (Ord. 138-68, Sec. 7, 1994; Ord. 133-02 Sec.4, 1989; Ord. 126-69 Sec.7(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.05.030 Conditional uses. In the A-2 district, the following uses are conditional, and are subject to the provisions of Chapter 18.21:

- A. Religious and government uses;
- B. Commercial outdoor recreation areas inclusive of but not limited to golf courses, stable ring, rifle ranges, gun clubs, and campgrounds;
- C. Airport operations;
- D. Non-farm bulk storage, processing and distribution of local agricultural products;
- E. Non-farm storage and sale of seed, feed, fertilizer, herbicides, and pesticides;
- F. Sawmill and woodchipping operations;
- G. Animal kennel operations and cemeteries;
- H. Livestock sales;
- I. Public and quasi-public utility uses not covered under Chapter 18.30;
- J. Agricultural-related businesses which meet the requirements of 18.04.030 F.1.

through 5.

K. Game farms, fisheries, hatcheries and the commercial raising of fur-bearing animals, provided the following criteria are met:

- 1. Not closer than 1,000 feet from a residential district;
- 2. Animal waste handling plan;
- 3. Fencing or screening;
- 4. No structure shall be placed within 100 feet of any lot line.

L. Two-family housing (duplexes);

M. Nursery schools and day care centers.

N. Commercial radio, television and microwave transmission towers.

O. Planned unit developments.

P. Seasonal structures provided that they meet the following criteria:

- 1. The minimum lot size is 35 acres.
- 2. The structure meets the criteria of 18.17.035 C.
- 3. There shall be no outside storage on the property.

Q. Commercial auctions, flea markets, and farmers markets provided the following criteria are met:

- 1. The use involves the sale of products that are not produced on the property or owned by the applicant prior to the sale or auction.
- 2. The auctions and flea markets are limited to 5 times per year, for a 48 hour period, and no more than once a month. Farmers markets are limited to twice a week from July to October.
- 3. The sales area shall be a minimum of 250 feet from adjoining residences.
- 4. Parking for the event shall meet the requirements of Chapter 18.25 except

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surfacing is not required. No parking shall be allowed on a public right-of-way.

- 5. Hours of operation shall be limited to sunrise to sunset.

6. All storage of products or materials prior to or after an event shall be within a building. (Ord. 150.34, Sec. 7, 2006; Ord. 144-97, Sec. 1, 2001; Ord.142-82 Sec.5, 1999; Ord.140-92, Sec.8, 1997; Ord.138-114, 1995; Ord. 138-68, Sec.8, 1994; Ord. 135-103, Sec.3, 1992; Ord. 135-92, Sec. 6, 1992; Ord. 132-53 Secs.3&4, 1988, Ord. 128-74 Sec.6, 1985; Ord. 126-16 Sec.3(part), 1982).



18.05.035 Structures subject to conditional use permits. In the A-2 district, the following structures are conditional and are subject to the provisions of Chapter 18.21:

- A. Structures used to house churches, public and private elementary and high schools, park facilities, and cemetery uses;
- B. Accessory structures utilized in connection with commercial outdoor recreational areas, as cited at 18.05.030 B;
- C. Structures utilized for government purposes, as cited at 18.05.030 A.;
- D. Airport structures;
- E. Structures for the bulk storage, processing and distribution of local agricultural products;
- F. Structures for the non-farm storage and sale of seed, feed, fertilizer, herbicides and pesticides;
- G. Sawmills;
- H. Kennels;
- I. Livestock sales barns;
- J. Structures associated with mines and quarries;
- K. Public and quasi-public utility structures not covered under Chapter 18.30;
- L. Structures associated with agriculturally related businesses, secondary to use of premises as a farm or a residence and meeting the requirements of 18.04.030 G.;
- M. Game farms, fisheries, hatcheries and the commercial raising of fur-bearing animals, provided criteria listed in 18.04.030 D. are met;
- N. Duplexes and seasonal structures;
- O. Nursery schools and day care centers.
- P. Commercial radio, television and microwave transmission towers. (Ord. 150-34, Sec. 8, 2006; Ord.140-92, Sec.9, 1997; Ord. 128-74 Sec.7, 1985; Ord. 126-16 Sec.3(part), 1982).

18.05.040 Lot, height and yard requirements. The following lot, height and yard requirements are established for the A-2 district:

- A. Lot Size and Area.
  - 1. The minimum lot size is 5 acres, excepting duplexes which minimum lot size shall be 10 acres.
  - 2. Minimum width for all lots shall be 250 feet.
- B. Height.
  - 1. The maximum height of a residential structure shall be 35 feet.
  - 2. The maximum height of accessory structures shall be 25 feet.
  - 3. Agricultural structures are exempt from the height requirements per 18.30.020 E.
- C. Setbacks.
  - 1. The minimum highway setback shall be regulated under Chapter 18.22.
  - 2. The minimum side-yard setback for residential structures and private garages shall be 20 feet, and for all other structures 50 feet.
  - 3. The minimum rear-yard setbacks for all residential structures and private garages shall be 20 feet, and for all other structures 50 feet.
  - 4. No accessory structure shall be located within the required front yard.
- D. Lot, Height and Yard Regulations for Conditional Uses. Lot, height and yard requirements shall be established at the time of conditional use permit approval. (Ord. 152-4, Secs. 14 & 15, 2008; Ord. 134 Sec 2, 1990; Ord. 126-16 Sec.3(part), 1982).

Chapter 18.06

A-R FLOATING AGRICULTURAL-RESIDENTIAL DISTRICT

Sections:

<a href="#">18.06.001</a>	Purpose.
<a href="#">18.06.010</a>	Permitted principal uses.
<a href="#">18.06.015</a>	Permitted principal structures.
<a href="#">18.06.020</a>	Permitted accessory uses.
<a href="#">18.06.025</a>	Permitted accessory structures.
<a href="#">18.06.030</a>	Conditional uses.
<a href="#">18.06.035</a>	Structures subject to conditional use permits.
<a href="#">18.06.040</a>	Density regulations.
<a href="#">18.06.045</a>	Height and yard requirements.
<a href="#">18.06.050</a>	Standards for rezoning.

18.06.001 Purpose. The A-R agricultural-residential district is established to allow for limited residential development within the exclusive agricultural district and is not intended to be part of a farming operation. (Ord. 126-69 Sec.11(part), 1983).

18.06.010 Permitted principal uses. The following principal uses are permitted in the district:

- A. Housing for the family. (Ord. 126-69 Sec.11(part), 1983).

18.06.015 Permitted principal structures. The following structures are permitted in the district:

- A. Single-family dwellings; (Ord. 135-92, Sec.7, 1992; Ord. 129-74 Sec.18, 1986; Ord. 126-69 Sec.11(part), 1983).

18.06.020 Permitted accessory uses. The following accessory uses are permitted in the district:

- A. Home occupations as defined in Chapter 18.23;
- B. Horticulture;
- C. The sale of agricultural products produced on the premises;
- D. The private storage of motor vehicles;
- E. Private recreational activities including but not limited to swimming, tennis and playground activities. (Ord. 126-69 Sec.11(part), 1983).

18.06.025 Permitted accessory structures. The following accessory structures are permitted in the district:

- A. Private garages;
- B. Private recreational structures as allowed in Chapter 18.30;

- C. Noncommercial greenhouses, playhouses and storage sheds;
- D. Temporary seasonal roadside stands. (Ord. 126-69 Sec.11(part), 1983).

18.06.030 Conditional uses. The following uses are conditional and are subject to the provisions of Chapter 18.21:

- A. Religious and government uses;
- B. Animal kennel operations;
- C. Planned developments;
- D. Noncommercial raising of livestock and poultry.

(Ord. 138-68, Sec. 9, 1994; Ord. 135-92, Sec. 8 & 9, 1992; Ord. 127-73 Sec.1, 1983; Ord. 126-69 Sec.11(part), 1983).

18.06.035 Structures subject to conditional use permits. The following structures are conditional and are subject to the provisions of Chapter 18.21:

- A. Structures used to house churches, public and private schools, cemeteries, town halls, shops and fire stations;
- B. Kennels;
- C. Public and quasi-public utility structures not covered under Chapter 18.30;
- D. Housing and accessory structures associated with planned developments;
- E. Livestock and poultry structures and noncommercial purposes. (Ord. 127-73 Sec.2, 1983; Ord. 126-69 Sec.11(part), 1983).

18.06.040 Density regulations.

A. It is the intent of this chapter to set a density limitation for building sites at one per government protracted quarter-quarter section for limited residential development in the A-1 district. All newly created lots must meet the eligibility criteria outlined in 18.06.050 B., C. and D.

B. Each government protracted quarter-quarter section under one ownership is eligible for one building site. Building site eligibility is used either by existing buildings or through the creation of a lot by a certified survey map. If a building lot is created from a quarter-quarter section, the remainder of the parcel shall not be eligible for building purposes.

C. Building site creations authorized under this section shall be accomplished by certified survey and shall meet the following criteria:

1. Lots shall contain a minimum of one acre with 150 feet of frontage on a public road.
2. Lots shall have a maximum width to depth ratio of two to one (2:1).
3. Lots shall contain soils adequate for a private sanitary system. (Ord.142-82 Sec.6, 1999; Ord. 126-69 Sec.1(part), 1983).

18.06.045 Height and yard requirements. The following height and yard requirements are established:

- A. Height.
  1. The maximum height of a residential structure shall be 35 feet.
  2. The maximum height of accessory structures shall be 25 ft.
- B. Setbacks.
  1. The minimum highway setback shall be regulated under Chapter 18.22.
  2. The minimum side yard setback for residential structures and private garages shall be 20 feet and for all other structures, 50 feet.

3. The minimum rear yard setbacks for all residential structures shall be 20 feet and for accessory structures, 50 feet.

4. No accessory structures shall be located within the required front yard.

C. Lot, Height and Yard Regulations for Conditional Uses. Lot, height and yard requirements shall be established at the time of conditional use permit approval. (Ord. 152-4, Sec. 16, 2008; Ord. 126-69 Sec.11(part), 1983).

18.06.050 Standards for rezoning. Rezoning from the A-l district to the A-R district shall be based on findings under 18.04.055. The following requirements shall also be met:

A. A substantial part of the site shall not be located on class I, II or III soils.

B. Location shall be on a public road with electric and telephone service immediately available.

C. Site cannot reduce a lot to less than 35 acres so as to make it potentially ineligible for the farmland preservation credit. The maximum lot area shall be 5 acres.

D. Natural or manmade conditions which will act as a buffer between adjacent farming units and the A-R district shall be utilized. (Ord.141-27, Sec.1, 1997; Ord. 133-02 Sec.5, 1989; Ord. 126-69 Sec.11(part), 1983).

## Chapter 18.07

### RH RURAL HOMES DISTRICT

#### Sections:

<a href="#">18.07.001</a>	Purpose.
<a href="#">18.07.010</a>	Permitted principal uses.
<a href="#">18.07.015</a>	Permitted principal structures.
<a href="#">18.07.020</a>	Permitted accessory uses.
<a href="#">18.07.025</a>	Permitted accessory structures.
<a href="#">18.07.030</a>	Conditional uses.
<a href="#">18.07.035</a>	Structures allowed under conditional use permits.
<a href="#">18.07.040</a>	Lot, height and yard requirements.
<a href="#">18.07.045</a>	Additional requirements.

18.07.001 Purpose. The RH rural homes district is established to provide for suburban large-lot development with individual on-site water and sewage disposal facilities. The standards set out in this chapter shall apply in the district. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.07.010 Permitted principal uses. The following principal uses are permitted in the RH district:

- A. Single-family housing;
- B. Plant crop farming, excluding commercial greenhouses and nurseries;
- C. Public parks and playgrounds. (Ord. 134-36 Sec 3, 1990; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.07.015 Permitted principal structures. The following principal structures are permitted in the RH district:

- A. Single-family dwellings;
- B. Farm structures utilized for the business of crop farming;
- C. Playground and park-related structures. (Ord. 138-68, Sec. 10, 1994; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.07.020 Permitted accessory uses. The following accessory uses are permitted in the RH district:

- A. Private storage of motor vehicles;
- B. Home occupations, as defined in Chapter 18.23;
- C. Private recreational uses including but not limited to swimming, tennis, horticulture and playground activities.
- D. Beekeeping subject to Chapter 8.25. (Ord. 160-005, Sec. 2, 2016; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.07.025 Permitted accessory structures. The following accessory structures are permitted in the RH district:

- A. Private garages;
- B. Private recreational structures as allowed in Chapter 18.30;
- C. Noncommercial greenhouses, storage sheds and play-houses. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.07.030 Conditional uses. In the RH district, the following uses are conditional and are subject to the provisions of Chapter 18.21:

- A. Planned unit developments, as per Chapter 18.27;
  - B. Two-family housing;
  - C. Noncommercial raising of animals and birds as defined in 18.30.240;
  - D. Governmental and religious uses;
  - E. Public recreational uses, including golfing, tennis, swimming and archery;
  - F. Cemeteries;
  - G. Public and private schools;
  - H. Nursery schools and day care centers;
  - I. Plant greenhouses.
- (Ord.142-77 Sec.1, 1999; Ord.142-66, Sec.1, 1998; Ord. 138-68, Sec. 22-12, 1994; Ord. 135-92, Sec.10, 1992; Ord. 133-02 Sec.6, 1989; Ord. 129-74 Sec.18, 1986; Ord. 126-69 Sec. 10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.07.035 Structures allowed under conditional use permits. The following structures may be allowed in the RH district under conditional use permits issued pursuant to the provisions of Chapter 18.21:

- A. Structures for planned unit development;
- B. Duplexes;
- C. Structures utilized in connection with public or recreational uses;
- D. Cemetery structures;
- E. Governmental structures, such as police and fire stations, libraries, and town halls;
- F. Public and quasi-public utility structures not covered by Chapter 18.30;
- G. Livestock and poultry structures for noncommercial purposes;
- H. Structures utilized for religious purposes, including convents, parish houses and other buildings integral to the functioning of religious organizations;
- I. Schools and their accessory structures;
- J. Nursery schools and day care centers.
- K. Greenhouses (Ord. 138-68, Sec. 13, 1994; Ord. 133-02 Sec.7, 1989; Ord. 129-74 Sec.18, 1986; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.07.040 Lot, height and yard requirements. The following lot, height and yard requirements are established for the RH district:

- A. Yard Requirements.
  - 1. Lot area shall be a minimum of 1 acre, except where required by other code minimum standards, and for duplexes, which shall be a minimum of 2 acres.
  - 2. The minimum width for all lots shall be 100 feet.
  - 3. Approved mobile homes may be developed on 1-acre sites.
- B. Maximum Height.
  - 1. The maximum height of a residential structure shall be 35 feet.
  - 2. The maximum height of accessory structures shall be 20 feet with a maximum of 14 feet to the eaves. (Ord. 144-97, Sec. 2, 2001; Ord.140-92, Sec.10, 1997).
- C. Setbacks.
  - 1. The minimum highway setbacks shall be regulated under Chapter 18.22.
  - 2. The minimum side-yard setbacks shall be 10 feet for all principal structures and 5 feet for all accessory structures.
  - 3. The minimum rear yard setback shall be 25 feet for all principal structures, and 10 feet for all accessory structures.
  - 4. No accessory structure may be placed in a required front yard.
  - 5. Side-yard setback on corner lots shall be 25 feet for all principal structures, and 10 feet for all accessory structures.
- D. Lot, Height and Yard Regulations for Conditional Uses. Lot, height and yard requirements shall be established and incorporated within the conditional use permit approval. (Ord. 150-34, Sec. 10, 2006; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.07.045 Additional requirements. The following regulations shall apply within the RH district:

- A. Chapter 18.25 pertaining to parking;
- B. Chapter 18.26 pertaining to the placement and use of signs.

- C. All accessory structures shall meet the following criteria:
1. The cumulative area of all accessory structures shall not exceed 1,200 square feet without the approval of a conditional use permit. Private swimming pools and structures 150 square feet or less in size shall not count towards the cumulative area of all accessory structures.
  2. They shall not contain any living area within the structure which shall include but not be limited to bedrooms, living rooms, bathrooms, or kitchens.
  3. The appearance of the structure shall be compatible with the design, style and appearance of the principal structure on the property. (Ord 153-28, Sec. 1, 2010; Ord. 152-4, Sec. 17, 2008; Ord. 147-31, 2003; Ord. 146-41, Sec. 8, 2002; Ord. 144-97, Sec. 3, 2001; Ord.143-94, Sec.4, 2000; Ord.140-92, Sec.11, 1997; Ord. 126-69 Sec.10(part), 1983; Ord.126-16 Sec.3(part), 1982).

## Chapter 18.08

### R-1-L SINGLE FAMILY RESIDENTIAL DISTRICT, LARGE LOT

#### Sections:

<a href="#"><u>18.08.001</u></a>	Purpose.
<a href="#"><u>18.08.010</u></a>	Permitted principal uses.
<a href="#"><u>18.08.015</u></a>	Permitted principal structures.
<a href="#"><u>18.08.020</u></a>	Permitted accessory use.
<a href="#"><u>18.08.025</u></a>	Permitted accessory structures.
<a href="#"><u>18.08.030</u></a>	Conditional use.
<a href="#"><u>18.08.035</u></a>	Structures permitted under conditional uses permits.
<a href="#"><u>18.08.040</u></a>	Lot, height and yard requirements.
<a href="#"><u>18.08.045</u></a>	Additional requirements.

18.08.001 Purpose. The R-1-L single-family residential district is established to provide an area for large-lot development on public sewer and water systems or where public facilities may be feasibly extended. The standards set out in this chapter shall apply in the district. (Ord.126-69 Sec.10(part), 1983; Ord.126-16 Sec.3(part), 1982).

18.08.010 Permitted principal uses. The following principal uses are permitted in the R-1-L district:

- A. Single-family housing;
- B. Parks and playgrounds. (Ord.126-69 Sec. 10(part), 1983; Ord.126-16 Sec.3(part), 1982).

18.08.015 Permitted principal structures. The following principal structures are permitted in the R-l-L district:

- A. Single-family dwellings;
- B. Park and playground related structures. (Ord. 138-68, Sec. 14, 1994; Ord.129-74 Sec.18, 1986; Ord.126-69 Sec.10(part), 1983; Ord.126-16 Sec.3(part), 1982).

18.08.020 Permitted accessory uses. The following accessory uses are permitted in the R-l-L district:

- A. Private storage of motor vehicles;
- B. Home occupations, as defined in Chapter 18.23;
- C. Private recreational uses, including but not limited to swimming, tennis, horticulture and playground activities.
- D. Beekeeping subject to Chapter 8.25. (Ord. 160-005, Sec. 3, 2016; Ord. 126-69 Sec.10(part), 1983; Ord.126-16 Sec.3(part), 1982).

18.08.025 Permitted accessory structures. The following accessory structures are permitted in the R-l-L district:

- A. Private garages;
- B. Private recreational structures, as allowed in Chapter 18.30;
- C. Noncommercial greenhouses, storage sheds and play-houses. (Ord.126-69 Sec.10(part), 1983; Ord.126-16 Sec.3(part), 1982.)

18.08.030 Conditional uses. The following conditional uses may be allowed in the R-l-L district, provided that the requirements of Chapter 18.21 are met:

- A. Planned unit development;
  - B. Two-family housing;
  - C. Governmental and religious uses;
  - D. Public recreational activities, including golfing, tennis, swimming and archery;
  - E. Public and private school uses;
  - F. Cemeteries;
  - G. Nursery schools and day care centers.
- (Ord. 138-68, Sec. 15, 1994; Ord. 135-92, Sec.12, 1992; Ord. 129-74 Secs.6,18, 1986; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.08.035 Structures permitted under conditional use permits. The following structures may be allowed in the R-l-L district under conditional use permits, issued pursuant to the provisions of Chapter 18.21:

- A. Structures for planned unit development;
- B. Duplexes;
- C. Governmental structures, such as police and fire stations, libraries and town halls;
- D. Public recreational structures, including swimming pools, tennis courts, golf courses and archery ranges;
- E. Schools and their accessory structures;
- F. Structures utilized for religious purposes, including convents, parish houses and other buildings integral to the functioning of religious organizations;
- G. Public and quasi-public utility structures not covered by Chapter 18.30;



- H. Cemetery structures;
  - I. Nursery schools and day care centers.
- (Ord. 138-68, Sec. 16, 1994; Ord. 135-92, Sec.13, 1992; Ord. 134-36 sec 4, 1990 Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.08.040 Lot, height and yard requirements. The following lot, height and yard requirements are established for the R-I-L district:

- A. Yard Requirements.
  - 1. Lot area shall be a minimum of 20,000 sq. feet when served by a private well and private sanitary system, or 12,000 sq. feet when served by a public water system and either public sewer or private sanitary system.
  - 2. Lot area shall be a minimum of twice the area requirements of 18.08.040 A.1.a. for conditional use permits excluding mobile home/manufactured houses which shall be allowed with the standard area requirement.
  - 3. The minimum lot width shall be 100 feet.
- B. Maximum Height.
  - 1. The maximum height for a principal structure shall be 35 feet.
  - 2. The maximum height for an accessory structure shall not exceed 20 feet with a maximum height to the eaves of 14 feet.
- C. Setbacks.
  - 1. The minimum highway setbacks shall be regulated under Chapter 18.22.
  - 2. The minimum side-yard setback for all residential structures shall be 10 feet, and for an accessory structure 5 feet.
  - 3. The minimum rear-yard setback shall be 25 feet for a principal structure and 5 feet for an accessory structure.
  - 4. No accessory structure may be located in a required front yard.
  - 5. Side yard setback on corner lots shall be 25 feet for all principal structures, and 10 feet for all accessory structures.
- D. Lot, Height and Yard Requirements for Conditional Uses. Lot, height and yard requirements for structures and uses under conditional use permits shall be incorporated into said permits. (Ord. 150-34, Sec. 11, 2006; Ord. 140-92, Sec.12, 1997; Ord. 134-36 Sec.6, 1990; Ord. 128-24 Sec.6, 1984; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.08.045 Additional requirements. The following regulations shall apply within the R-I-L district:

- A. Chapter 18.25 pertaining to parking;
- B. Chapter 18.26 pertaining to the placement and use of signs.
- C. All accessory structures shall meet the requirements of 18.07.045 C. (Ord.140-92, Sec.13, 1997; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

Chapter 18.09

R-1-M SINGLE-FAMILY RESIDENTIAL DISTRICT

Sections:

<a href="#">18.09.001</a>	Purpose.
<a href="#">18.09.010</a>	Permitted principal uses.
<a href="#">18.09.015</a>	Permitted principal structures.
<a href="#">18.09.020</a>	Permitted accessory uses.
<a href="#">18.09.025</a>	Permitted accessory structures.
<a href="#">18.09.030</a>	Conditional uses.
<a href="#">18.09.035</a>	Structures allowed under conditional use permits.
<a href="#">18.09.040</a>	Lot, height and yard requirements.
<a href="#">18.09.045</a>	Additional requirements.

18.09.001 Purpose. The R-1-M single-family residential district is established to provide an area for single-family residences at relatively high densities, and is served by public water and sewage disposal facilities. The standards set out in this chapter shall apply in the district. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.09.010 Permitted principal uses. The following principal uses are permitted in the R-1-M district:

- A. Single-family housing;
- B. Parks and playgrounds. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.09.015 Permitted principal structures. The following principal structures are permitted in the R-1-M district:

- A. Single-family dwellings;
- B. Park and playground related structures. (Ord. 138-68, Sec. 17, 1994; Ord. 129-74 Sec.18, 1986; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.09.020 Permitted accessory uses. The following accessory uses are permitted in the R-1-M district:

- A. Private storage of motor vehicles;
- B. Home occupations, as defined in Chapter 18.23;
- C. Private recreational uses, including but not limited to swimming, tennis, horticulture and playground activities.
- D. Beekeeping subject to Chapter 8.25. (Ord. 160-005, Sec. 4, 2016; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.09.025 Permitted accessory structures. The following accessory structures are permitted in the R-1-M district:

- A. Private garages;
- B. Private recreational structures as allowed in Chapter 18.30;
- C. Noncommercial greenhouses, storage sheds and play-houses. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.09.030 Conditional uses. The following conditional uses may be allowed in the R-1-M district, and are subject to the provisions of Chapter 18.21:

- A. Planned unit developments;
  - B. Two-family housing;
  - C. Governmental and religious uses;
  - D. Public recreational uses, including golfing, swimming and archery;
  - E. Public and private schools;
  - F. Cemeteries;
  - G. Hospitals and nursing home related uses;
  - H. Nursery schools and day care centers.
- (Ord. 138-68, Sec. 18, 1994; Ord. 135-92, Sec.14, 1992; Ord. 134-36 sec 6, 1990; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.09.035 Structures allowed under conditional use permits. The following structures may be allowed in the R-1-M district under conditional use permits issued pursuant to the provisions of Chapter 18.21:

- A. Structures for planned unit developments;
- B. Duplexes;
- C. Governmental structures, such as police and fire stations, libraries and town halls;
- D. Public recreational activities, such as swimming pools, tennis courts, golf courses and archery ranges;
- E. Schools and their accessory structures;
- F. Structures utilized for religious purposes, including convents, parish houses, and other buildings integral to the functioning of religious organizations;
- G. Cemetery structures;
- H. Public and quasi-public utility structures not covered by Chapter 18.30;
- I. Hospital and nursing home structures
- J. Nursery schools and day care centers. (Ord. 138-68, Sec. 19, 1994; Ord. 135-92, Sec.15, 1992; Ord. 129-74 Sec.7, 1986; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.09.040 Lot, height and yard requirements. The following lot, height and yard requirements are established for the R-1-M district:

- A. Yard Requirements.
  - 1. a. Lot area shall be a minimum of 8,000 sq. feet.
  - b. Lot area for Conditional Use Permits shall be twice the requirements of 18.09.040 A. 1. a.
  - 2. The minimum lot width shall be 80 feet.

- B. Maximum Height.
  - 1. The maximum height for a principal structure shall be 35 feet.
  - 2. The maximum height for an accessory structure shall be 20 feet with a maximum height of 14 feet to the eaves.
- C. Setbacks.
  - 1. Minimum highway setbacks shall be regulated by Chapter 18.22.
  - 2. The minimum side-yard setback shall be 10 feet for all principal structures and 5 feet for all accessory structures.
  - 3. The minimum rear-yard setback shall be 25 feet for all principal structures and 5 feet for all accessory structures.
  - 4. No accessory structure may be placed in the front yard.
  - 5. Side yard setback on a corner lot shall be 25 feet for all principal structures, and 10 feet for all accessory structures.
- D. Lot, Height and Yard Requirements for Conditional Uses. Lot, height and yard requirements shall be established and incorporated within the conditional use permit. (Ord. 150-34, Sec. 12, 2006; Ord.140-92, Sec.14, 1997; Ord. 128-24 Sec. 7, 1984; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.09.045 Additional requirements. The following regulations shall apply within the R-1-M district:

- A. Chapter 18.25 pertaining to parking;
- B. Chapter 18.26 pertaining to the placement and use of signs.
- C. All accessory structures shall meet the requirements of 18.07.045 C. (Ord.140-92, Sec.15, 1997; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

Chapter 18.10

R-2 TWO-FAMILY RESIDENTIAL DISTRICT

Sections:

<a href="#">18.10.001</a>	Purpose.
<a href="#">18.10.010</a>	Permitted principal uses.
<a href="#">18.10.015</a>	Permitted principal structures.
<a href="#">18.10.020</a>	Permitted accessory uses.
<a href="#">18.10.025</a>	Permitted accessory structures.
<a href="#">18.10.030</a>	Conditional uses.
<a href="#">18.10.035</a>	Structures allowed under conditional use permits.
<a href="#">18.10.040</a>	Lot, height and yard requirements.
<a href="#">18.10.045</a>	Additional requirements.

18.10.001 Purpose. The R-2 two-family residential district is established to provide an area for duplex development served by public water and sewage disposal facilities. The standards set out in this chapter shall apply in the district. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.10.010 Permitted principal uses. The following principal uses are permitted in the R-2 district:

- A. Two-family housing;
- B. Single-family housing;
- C. Parks and playgrounds. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.10.015 Permitted principal structures. The following principal structures are permitted in the R-2 district:

- A. Duplexes;
- B. Single-family dwellings;
- C. Park and playground related structures. (Ord. 138-68, Sec. 20, 1994; Ord. 129-74 Sec.18, 1986; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.10.020 Permitted accessory uses. The following accessory uses are permitted in the R-2 district:

- A. Private storage of motor vehicles;
- B. Home occupations as defined in Chapter 18.23;
- C. Private recreational uses, including but not limited to swimming, tennis, horticulture and playground activities. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.10.025 Permitted accessory structures. The following accessory structures are permitted in the R-2 district:

- A. Private garages;
- B. Private recreational structures as allowed in Chapter 18.30;
- C. Noncommercial greenhouses, storage sheds and play-houses. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.10.030 Conditional uses. In the R-2 district, the following uses are conditional, and are subject to the provisions of Chapter 18.21:

- A. Planned unit development;
- B. Governmental uses and religious uses;
- C. Public recreational uses including golfing, swimming and archery;
- D. Cemeteries;
- E. Hospitals and nursing homes;
- G. Nursery schools and day care centers. (Ord. 128-24 Sec.8, 1984; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.10.035 Structures allowed under conditional use permits. The following structures may be allowed in the R-2 district under conditional use permits issued pursuant to the provisions of Chapter 18.21:

- A. Structures for planned unit developments;
- B. Governmental structures, such as police and fire stations, libraries and town halls;
- C. Structures utilized in connection with public recreational uses;
- D. Cemetery structures;
- E. Public and quasi-public utility structures not covered by Chapter 18.30;
- F. Hospital and nursing home structures;
- G. Structures utilized for religious purposes, including convents, parish houses and other buildings integral to the functioning of religious organizations. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.10.040 Lot, height and yard requirements. The following lot, height and yard requirements are established for the R-2 district:

- A. Yard Requirements.
  - 1. Lot area shall be a minimum of 10,000 sq. feet.
  - 2. Lot area shall be a minimum of 20,000 sq. feet for all conditional uses.
  - 3. The minimum lot width shall be 80 feet.
- B. Maximum Height.
  - 1. The maximum height for the principal structure shall be 35 feet.
  - 2. The maximum height for an accessory structure shall be 20 feet with a maximum height of 14 feet to the eaves. (Ord.140-92, Sec.16, 1997).
- C. Setbacks.
  - 1. The minimum highway setbacks shall be regulated by Chapter 18.22.
  - 2. The minimum side-yard setback shall be 10 feet for all principal structures and 5 feet for all accessory structures.
  - 3. The minimum rear yard setback shall be 25 feet for all principal structures and 5 feet for all accessory structures.

- 4. No accessory structure may be placed in a required front yard.
- 5. Side yard setback on a corner lot shall be 25 feet for all principal structures, and 10 feet for all accessory structures.

D. Lot, Height and Yard Requirements for Conditional Uses. Lot, height and yard requirements shall be established and incorporated within the conditional use permit. (Ord. 150-34, Sec. 13, 2006; Ord. 128-24 Sec.9, 1984; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.10.045 Additional requirements. The following regulations shall apply within the R-2 district:

- A. Chapter 18.25 pertaining to parking;
- B. Chapter 18.26 pertaining to the placement and use of signs.
- C. All accessory structures shall meet the requirements of 18.07.045 C. (Ord.140-92, Sec.17, 1997; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

## Chapter 18.11

### R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

#### Sections:

<a href="#"><u>18.11.001</u></a>	Purpose.
<a href="#"><u>18.11.010</u></a>	Permitted principal uses.
<a href="#"><u>18.11.015</u></a>	Permitted principal structures.
<a href="#"><u>18.11.020</u></a>	Permitted accessory uses.
<a href="#"><u>18.11.025</u></a>	Permitted accessory structures.
<a href="#"><u>18.11.030</u></a>	Conditional uses.
<a href="#"><u>18.11.035</u></a>	Structures allowed under conditional use permits.
<a href="#"><u>18.11.040</u></a>	Lot, height and yard requirements.
<a href="#"><u>18.11.045</u></a>	Additional requirements.

18.11.001 Purpose. The R-3 multiple-family residential district is established to provide an area for high-density residential development served by public sewer and water service. The standards set out in this chapter shall apply in the district. (Ord.142-82 Sec.7, 1999; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.11.010 Permitted principal uses. The following principal uses are permitted in the R-3 district:

- A. Multifamily housing;
- B. Boarding and lodging uses;
- C. Child care uses. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.11.015 Permitted principal structures. The following principal structures are permitted in the R-3 district:

- A. Multifamily residences;
- B. Boardinghouses;
- C. Nursery schools and day care centers. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.11.020 Permitted accessory uses. The following accessory uses are permitted in the R-3 district:

- A. Private storage of motor vehicles;
- B. Private recreational activities, including but not limited to swimming, tennis, horticulture and playground activities;
- C. Sales or rental functions or offices in conjunction with apartment complexes or condominium developments. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.11.025 Permitted accessory structures. The following accessory structures are permitted in the R-3 district:

- A. Private garages;
- B. Private recreational structures as allowed in Chapter 18.30;
- C. Noncommercial greenhouses, storage sheds and playhouses. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.11.030 Conditional uses. In the R-3 district, the following uses are conditional and are subject to the provisions of Chapter 18.21:

- A. Planned unit developments;
- B. Single-family and two-family housing;
- C. Clubs and fraternal organizations;
- D. Building heights in excess of 35 feet;
- E. Mobile home parks;
- F. Single-family, two-family and multifamily housing without public water and sewer service. (Ord. 126-69 Sec.10 (part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.11.035 Structures allowed under conditional use permits. The following structures and limitations upon structures may be allowed in the R-3 district under conditional use permits, issued pursuant to the provisions of Chapter 18.21:

- A. Structures for planned unit developments;
- B. Single-family and two-family dwellings;
- C. Structures for the housing of clubs and fraternal organizations;
- D. Public and quasi-public utility structures not covered by Chapter 18.30;
- E. Mobile home park structures;
- F. Structures whose height shall exceed 35 feet;
- G. Multifamily residences without sewer and water. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.11.040 Lot, height and yard requirements. The following lot, height and yard requirements are established for the R-3 district:

- A. Yard Requirements.



1. Lot area shall be a minimum of 10,000 sq. feet plus an additional 1,500 sq. feet per dwelling unit in excess of 4 units.
  2. Lot area for mobile home park shall be as required in Chapter 18.29.
  3. The minimum width shall be 80 feet.
- B. Maximum Height. The maximum height for all principal structures shall be 35 feet and for an accessory structure, 20 feet.
- C. Setbacks.
1. The minimum highway setbacks shall be regulated by Chapter 18.22.
  2. The minimum side yard setback shall be 20 feet for all principal structures and 10 feet for all accessory structures.
  3. The minimum rear yard setback shall be 30 feet for all principal structures and 10 feet for all accessory structures.
  4. No accessory structure may be placed in a required front yard.
  5. Side yard setback on a corner lot shall be 30 feet.
- D. Lot Coverage and Open Space.
1. Maximum lot coverage by principal and accessory buildings is 35%.
  2. Minimum open space shall be 30%. No area with dimensions less than 20 feet in width or depth shall be counted as open space.
- E. Lot, Height and Yard Requirements for Conditional Uses. Lot, height and yard requirements shall be established and incorporated within the conditional use permit. (Ord. 128-24 Sec.11, 1984; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.11.045 Additional requirements. The following regulations shall apply within the R-3 district:

- A. Chapter 18.25 pertaining to parking;
- B. Chapter 18.26 pertaining to the placement and use of signs;
- C. 18.31.030 with respect to the requirement of a site plan review. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

Chapter 18.12

C-1 NEIGHBORHOOD BUSINESS DISTRICT

Sections:

<a href="#">18.12.001</a>	Purpose.
<a href="#">18.12.010</a>	Permitted principal uses.
<a href="#">18.12.015</a>	Permitted principal structures.
<a href="#">18.12.020</a>	Permitted accessory uses.
<a href="#">18.12.025</a>	Permitted accessory structures.
<a href="#">18.12.030</a>	Conditional uses.
<a href="#">18.12.035</a>	Structures allowed under conditional use permits.
<a href="#">18.12.040</a>	Lot, height and yard requirements.
<a href="#">18.12.045</a>	Additional requirements.

18.12.001 Purpose. The C-1 neighborhood business district is established to provide an area for the daily or frequent convenience shopping for nearby residential areas. The standards set out in this chapter shall apply in the district. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.12.010 Permitted principal uses. The following principal uses are permitted in the C-1 district:

- A. Bakeries, retail;
- B. Barber and beauty shops;
- C. Candy, ice cream and confectionery stores;
- D. Dairy stores;
- E. Restaurants, but not including drive-in restaurants;
- F. Drugstores;
- G. Veterinarian clinics, without outside runs;
- H. Grocery stores, under 3,000 square feet;
- I. Laundromats;
- J. Dry cleaners;
- K. Nursery schools and day care centers;
- L. Government uses, such as police and fire stations and libraries;
- M. Banking services;
- N. Public and private parking lots;
- O. Single family housing.
- P. Brew Pubs and Wine Pubs. (Ord. 152-4, Sec. 18, 2008; Ord. 131-65 Secs.5&7, 1987, Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.12.015 Permitted principal structures. The following principal structures are permitted in the C-1 district:

- A. Structures to provide for retail activity such as bakeries, candy, ice cream, confectionery, dairy, grocery, and like stores;
- B. Structures for the housing of nursery schools and day care centers;
- C. Government structures such as police and fire stations and libraries;
- D. Structures to provide services, such as beauty and barber shops, banks, veterinarian clinics, laundromats, restaurants, dry cleaners and like services;
- E. Single family dwellings. (Ord.138-68, Sec. 21, 1994; Ord. 131-65 Sec.6, 1987, Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.12.020 Permitted accessory uses. The following accessory uses are permitted in the C-1 district:

- A. Apartments;
- B. Parking of trucks or delivery vehicles used in conjunction with principal or conditional use;
- C. Activities and uses which are customarily associated with principal or allowed conditional uses;
- D. Parking of motor vehicles within the front yard. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.12.025 Permitted accessory structures. The following structures are permitted in the C-1 district:

- A. Structures which are used in conjunction with principal or conditional uses;
- B. Apartments if located on or above the second floor of an approved structure. (Ord. 147-103 Sec. 6, 2004; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.12.030 Conditional uses. In the C-1 district, the following uses are conditional, and are subject to the provisions of Chapter 18.21:

- A. Planned unit development;
- B. Clubs and fraternal organizations;
- C. Community centers;
- D. Veterinarian clinics;
- E. Multifamily residences;
- F. Automobile service stations;
- G. Taverns and cocktail lounges;
- H. Offices of any type. (Ord.138-109, 1995; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.12.035 Structures allowed under conditional use permits. The following structures may be allowed in the C-1 district under conditional use permits issued pursuant to the provisions of Chapter 18.21:

- A. Structures for planned unit development;
- B. Multifamily homes;
- C. Public and quasi-public utility structures not covered under Chapter 18.30;
- D. Structures utilized in connection with any of the defined conditional uses under 18.12.030. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.12.040 Lot, height and yard requirements. The following lot, height and yard requirements are established for the C-1 district:

- A. Yard Requirements.
  - 1. Lot area shall be a minimum of 10,000 sq. feet.
  - 2. The minimum width for all lots shall be 100 feet.
- B. Maximum Height.
  - 1. The maximum height of a principal structure shall be 35 feet.
  - 2. The maximum height of an accessory structure shall be 20 feet with a maximum height of 14 feet to the eaves.
- C. Setbacks.
  - 1. The minimum highway setbacks shall be regulated under Chapter 18.22.
  - 2. The minimum side-yard setback shall be 15 feet for all structures, and the minimum side-yard setback, if abutting a residential district, shall be 30 feet for all structures.
  - 3. The minimum rear-yard setback shall be 15 feet for all structures, and the minimum rear-yard setback, if abutting a residential district, shall be 30 feet for all structures.
  - 4. No accessory structure may be placed in a required front yard.
  - 5. Side yard setback on a corner lot shall be 15 feet for all structures, and the minimum side yard setback, if abutting a residential district, shall be 30 feet for all structures.
- D. Lot, Height and Yard Requirements Under Conditional Uses. Lot, height and yard requirements shall be established and incorporated within the conditional use permit. (Ord. 157-12, Sec. 1, 2013; Ord. 140-92, Sec. 18, 1997, Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.12.045 Additional requirements. The following regulations shall apply within the C-1 district:

- A. Chapter 18.25 pertaining to off-street parking and loading;
- B. Chapter 18.26 pertaining to the placement and use of signs;
- C. 18.31.030 with respect to the requirement of a site plan review. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1983).

## Chapter 18.13

### C-2 GENERAL BUSINESS DISTRICT

#### Sections:

<a href="#">18.13.001</a>	Purpose.
<a href="#">18.13.010</a>	Permitted principal uses.
<a href="#">18.13.015</a>	Permitted principal structures.
<a href="#">18.13.020</a>	Accessory uses.
<a href="#">18.13.025</a>	Permitted accessory structures.
<a href="#">18.13.030</a>	Conditional uses.
<a href="#">18.13.035</a>	Structures allowed under conditional use permits.
<a href="#">18.13.040</a>	Lot, height and yard requirements.
<a href="#">18.13.045</a>	Additional requirements.

18.13.001 Purpose. The C-2 general business district is established to provide an area for retail businesses of a community-wide range. The standards set out in this chapter shall apply in the district. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

#### 18.13.010 Permitted principal uses.

- A. The following principal uses are permitted in the C-2 district:
1. Adult book store or adult motion picture theater (provided provisions of Chapter 18.30 are met);
  2. Advertising signs as regulated in Chapter 18.26;
  3. Antique stores;
  4. Apparel and accessory stores;
  5. Appliance stores, sales and service;
  6. Art supply stores, art galleries, artist studios or schools;
  7. Baker, retail;
  8. Banks;
  9. Barber and beauty shops;
  10. Bookstores;
  11. Business machines and supply stores;
  12. Camera and photographic supply stores;
  13. Candy, ice cream and confectionery stores;
  14. Clinics, dental and medical;
  15. Dairy stores;
  16. Delicatessen stores;
  17. Department stores;
  18. Dressmaking, seamstress;
  19. Drugstores;
  20. Floral sales;

21. Frozen food lockers;
22. Furnace and woodburning stove stores;
23. Furniture stores and home furnishings;
24. Garden supplies stores;
25. Gift, novelty or souvenir stores;
26. Government uses, such as police and fire stations and libraries;
27. Grocery stores;
28. Hardware stores;
29. Health equipment stores;
30. Hobby shops;
31. Indoor health clubs;
32. Interior decorators;
33. Jewelry stores;
34. Laboratories, dental or medical;
35. Laundromats;
36. Liquor stores (off-sale);
37. Locksmiths;
38. Luggage stores;
39. Meatmarkets;
40. Mortuaries;
41. Motels, hotels or boardinghouses;
42. Music stores, accessories and studios;
43. Nursery and day care centers;
44. Offices of any type;
45. Opticians;
46. Optical goods;
47. Paint and wallpaper stores;
48. Pet stores;
49. Photographic studio or picture processing;
50. Public and private parking lots;
51. Repair, rental and servicing of any article, the sale of which is permitted in this district;
52. Restaurants;
53. Sporting goods stores;
54. Stationery stores;
55. Tailors;
56. Taxidermy shops;
57. Telephone exchanges;
58. Theaters, not including drive-in theaters;
59. Toy stores;
60. Travel bureaus or agencies;
61. Upholstery shops;
62. Variety stores;
63. Veterinarian clinics, without outside runs.
64. Brew Pubs and Wine Pubs. (Ord. 152-4, Sec.19 & 20; 2008; Ord. 150-34, Sec. 14, 2006; Ord. 147-103 Sec. 7, 2004; Ord. 136-108, Secs.7-11, 1993; Ord. 131-65, Sec.8, 1987, Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.13.015 Permitted principal structures. The following principal structures are permitted in the C-2 district:

A. Structures as may be appropriate for permitted principal uses of this district. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.13.020 Accessory uses. The following accessory uses are permitted in the C-2 district:

- A. Owner-occupied living quarters;
- B. Parking of trucks or delivery vehicles used in conjunction with principal or allowed conditional uses;
- C. Activities and uses which are customarily associated with principal or allowed conditional uses. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.13.025 Permitted accessory structures. The following structures are permitted:

- A. Structures which are used in conjunction with principal or conditional uses;
- B. Owner-occupied living quarters when attached to or incorporated within a structure utilized for a principal or an allowed conditional use;
- C. Parking lot structures. (Ord.126-69 Sec.10(part), 1983; Ord.126-16 Sec.3(part), 1982).

18.13.030 Conditional uses. In the C-2 district, the following uses are conditional, and are subject to the provisions of Chapter 18.21:

- A. Planned unit and commercial developments, including shopping centers;
- B. Clubs and fraternal organizations;
- C. Community centers;
- D. Motor vehicle sales, services, and wholesaling;
- E. Recreation facilities such as, but not limited to, bowling alleys, roller rinks, health spas, marinas, and racquetball clubs;
- F. Taverns and cocktail lounges;
- G. Duplexes and multifamily dwellings;
- H. Drive-in business;
- I. Apartments;
- J. Miniwarehousing for storage of personal goods such as furniture, boats and recreational vehicles.
- K. Resource recovery facility.
- L. Public and private schools subject to the following:
  - 1. The property of the school shall be located at least 300 feet from:
    - a. Any premises licensed for the sale of fermented malt beverages of alcohol for on or off premises consumption (including but not limited to taverns, cocktail lounges, liquor stores, restaurants, and grocery stores);
    - b. An adult book store or adult motion picture theater.
  - 2. No school shall be placed in a location which shall create an undue health or safety concern on behalf of the students due to its proximity to pre-existing land uses of types other than those specified in 1.

M. Museums.

N. Micro-breweries and Micro-wineries. On premise sales is also allowed in a tavern, cocktail lounge, restaurant, or liquor store that is also located on the premises.

O. Convenience stores with fuel sales, including car washes. (Ord. 157-010, Sec. 1, 2013; Ord. 152-4, Sec. 21, 2008; Ord. 150-34, Secs. 15 &16, 2006; Ord. 143-94 Secs. 5, 6, 2000; Ord.142-82 Sec.8-9, 1999; Ord.141-24, 1997; Ord.136-16, Sec.1, 1992; Ord.131-03 Sec.3, 1987; Ord.129-35 Sec.4, 1985; Ord.128-24 Sec.12, 1984; Ord.127-68 Secs.1, 2, 1983; Ord.126-69 Sec.10(part), 1983; Ord.126-16 Sec.3(part), 1982).

18.13.035 Structures allowed under conditional use permits. The following structures may be allowed in the C-2 district under conditional use permits issued pursuant to the provisions of Chapter 18.21:

- A. Structures for planned unit developments;
- B. Public and quasi-public utility structures not covered by Chapter 18.30;
- C. Multifamily residences;
- D. Structures whose heights will exceed 35 feet;
- E. Structures used in connection with conditional uses allowed under 18.13.030;
- F. Apartments, if located on or above the second floor of an approved structure utilized for a principal or allowed conditional use.
- G. Miniwarehouses or minigarages. (Ord.129-35 Sec.5, 1985; Ord.126-69 Sec.10(part), 1983; Ord.126-16 Sec.3(part), 1982).

18.13.040 Lot, height and yard requirements. The following lot, height and yard requirements are established for the C-2 district:

- A. Yard Requirements.
  - 1. Lot area shall be a minimum of 8,000 sq. feet.
  - 2. The minimum width for all lots shall be 80 feet.
- B. Maximum Height.
  - 1. The maximum height of a principal structure shall be 35 feet.
  - 2. The maximum height of an accessory structure shall be 20 feet
- C. Setbacks.
  - 1. The minimum highway setbacks shall be regulated under Chapter 18.22.
  - 2. The minimum side yard setback for all structures shall be one of the

following:

- a. Zero feet
- b. 10 feet if a setback is provided
- c. 20 feet if abutting a residential district
- 3. The minimum rear yard setback for all structures shall be one of the

following:

- a. Zero feet
- b. 10 feet if a setback is provided
- c. 20 feet if abutting a residential district
- 4. No accessory structure may be placed in a required front yard.
- 5. Side yard setback on a corner lot shall be one of the following:
  - a. Zero feet
  - b. 10 feet if a setback is provided
  - c. 20 feet if abutting a residential district



D. Lot, Height and Yard Requirements Under Conditional Uses. Lot, height and yard requirements shall be established and incorporated within the conditional use permit. (Ord. 157-12, Sec. 2, 2013; Ord.140-92, Sec.19, 1997; Ord.134-36 Secs. 7-8, 1990; Ord.126-69 Sec.10(part), 1983; Ord.126-16 Sec.3(part), 1982).

18.13.045 Additional requirements. The following regulations shall apply within the C-2 district:

- A. Chapter 18.25 pertaining to off-street parking and loading;
- B. Chapter 18.26 pertaining to the placement and use of signs;
- C. 18.31.030 with respect to the requirement of a site plan review. (Ord.126-69 Sec.10(part), 1983; Ord.126-16 Sec.3(part), 1982).

## Chapter 18.14

### C-3 HIGHWAY BUSINESS DISTRICT

#### Sections:

<a href="#">18.14.001</a>	Purpose.
<a href="#">18.14.010</a>	Permitted principal uses.
<a href="#">18.14.015</a>	Permitted principal structures.
<a href="#">18.14.020</a>	Permitted accessory uses.
<a href="#">18.14.025</a>	Permitted accessory structures.
<a href="#">18.14.030</a>	Conditional uses.
<a href="#">18.14.035</a>	Structures allowed under conditional use permits.
<a href="#">18.14.040</a>	Lot, height and yard requirements.
<a href="#">18.14.045</a>	Additional requirements.

18.14.001 Purpose. The C-3 highway business district is established to provide an area for the development of those commercial activities that require large lots or attract concentrations of automobile traffic which make the uses incompatible with the predominantly retail uses in other commercial districts. The standards set out in this chapter shall apply in the district. (Ord.126-69 Sec.10(part), 1983; Ord.126-16 Sec.3(part), 1982).

18.14.010 Permitted principal uses. The following principal uses are permitted in the C-3 district:

- A. Advertising signs as regulated in Chapter 18.26;
- B. Automotive repair service;
- C. Automobile sales and service;
- D. Building materials, lumberyards;

- E. Farm implement sales and service;
- F. Grain storage;
- G. Machinery sales and service;
- H. Marine sales and service;
- I. Mobile home or travel trailer sales;
- J. Motor vehicle sales and service of all types;
- K. Nurseries, commercial greenhouses, and garden centers;
- L. Open sales lots;
- M. Restaurants;
- N. Warehousing;
- O. Wholesaling;
- P. Hotels and motels.
- Q. Micro-breweries and Micro-wineries. On premise sales is also allowed in a tavern, cocktail lounge, restaurant, or liquor store that is also located on the premises. (Ord. 152-4, Sec. 22, 2008; Ord.142-82 Sec.10, 1999; Ord.134-36, Sec.9, 1990; Ord.131-76 Sec.1, 1988; Ord.131-38 Sec.1, Ord.126-69 Sec.10(part), 1983; Ord.126-16 Sec.3(part), 1982).

18.14.015 Permitted principal structures. The following principal structures are permitted:

- A. Structures as may be appropriate for permitted principal uses of the C-3 district. (Ord.126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.14.020 Permitted accessory uses. The following accessory uses are permitted in the C-3 district:

- A. Apartments;
- B. Parking for trucks and delivery vehicles;
- C. Activities and uses which are customarily associated with and incidental to principal or allowed conditional uses.
- D. Outside storage of equipment and vehicles except open sales lots shall be enclosed by a sight-obscuring fence or screening approved by the department. (Ord.131-38, Sec.2, Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.14.025 Permitted accessory structures. The following accessory structures are permitted in the C-3 district:

- A. Apartments, if located on or above the second floor of an approved structure utilized for a principal or on allowed conditional use;
- B. Parking structures for trucks and delivery vehicles used in conjunction with a principal or allowed conditional use;
- C. Structures which are used in conjunction with principal or conditional uses. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.14.030 Conditional uses. In the C-3 district, the following uses are conditional, and are subject to the provisions of Chapter 18.21:

- A. Planned unit developments, Planned commercial developments;
- B. Taverns and cocktail lounges;
- C. Museums;

- D. Drive-in restaurants;
- E. Drive-in theaters;
- F. Indoor recreational activities such as, but not limited to, bowling alleys, roller rinks, health spas and racquetball clubs;
- G. Outdoor commercial recreational uses including go-carting, archery, miniature golfing and golf driving ranges;
- H. Contractor's offices and storage yards;
- I. Single Family Housing;
- J. Government uses.
- K. Flea markets.
- L. Fuel sales and storage.
- M. Resource recovery facility.
- N. Uses that are listed as permitted principal uses in 18.13.010.
- O. Kennels.
- P. Medical waste facility (See Section 18.30.250). (Ord. 144-53, Sec. 3, 2000; Ord.143-54, 1999; Ord.142-82 Secs.11-12, 1999; Ord.137-116, Sec.2-3, 1994; See Section 18.30.220; Ord.137-01, Sec.6, 1993; Ord.130-47 Sec.1, 1986; Ord.129-74 Sec.8, 1986; Ord.128-24 Secs.13, 14, 16, 1984; Ord.126-69 Sec.10(part), 1983; Ord.126-16 Sec.3(part), 1982)

18.14.035 Structures allowed under conditional use permits. The following structures and limitations upon the dimensions of structures may be allowed in the C-3 district under conditional use permits issued pursuant to the provisions of Chapter 18.21:

- A. Structures for planned unit developments;
- B. Public and quasi-public utility structures not covered by Chapter 18.30;
- C. Structures whose uses are defined and allowed under 18.14.030.
- D. Single family dwellings which house the manager or owner of a permitted or conditional use. (Ord. 138-68, Sec. 22, 1994; Ord. 131-03 Sec.5, 1987; Ord. 128-24 Sec.15, 1984; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.14.040 Lot, height and yard requirements. The following lot, height and yard requirements are established for the C-3 district:

- A. Yard Requirements.
  - 1. Lot area shall be a minimum of 43,560 sq. feet.
  - 2. The minimum width for all lots shall be 200 feet.
- B. Maximum Height. The maximum height of all structures shall be 30 feet or 1/2 times the distance to the nearest property line for structures exceeding 30 feet.
- C. Setbacks.
  - 1. The minimum highway setbacks shall be regulated under Chapter 18.22.
  - 2. The minimum side-yard setback shall be 20 feet for principal and accessory structures, and the minimum side yard setback for a principal structure abutting a residential district shall be 50 feet.
  - 3. The minimum rear-yard setback shall be 20 feet for principal and accessory structures, and the minimum rear yard setback for a principal structure abutting a residential district shall be 50 feet.
  - 4. No accessory structure may be placed in a required front yard.

5. Side yard setbacks on a corner lot shall be 20 feet for principal and accessory structures, and the minimum side yard setback for a principal structure abutting a residential district shall be 50 feet.

D. Lot, Height and Yard Requirements Under Conditional Uses. Lot, height and yard requirements shall be established and incorporated within the conditional use permit. (Ord. 157-12, Sec. 3, 2013; Ord. Ord.142-82 Sec.13, 1999; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.14.045 Additional requirements. The following regulations shall apply within the C-3 district:

- A. Chapter 18.25 pertaining to off-street parking and loading;
- B. Chapter 18.26 pertaining to the placement and use of signs;
- C. 18.31.030 with respect to the requirement of a site plan review. (Ord.140-92, Sec.20, 1997; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

## Chapter 18.15

### I-1 NONSEWERED INDUSTRIAL DISTRICT

#### Sections:

<a href="#">18.15.001</a>	Purpose.
<a href="#">18.15.010</a>	Permitted principal uses.
<a href="#">18.15.015</a>	Permitted principal structures.
<a href="#">18.15.020</a>	Permitted accessory uses.
<a href="#">18.15.025</a>	Permitted accessory structures.
<a href="#">18.15.030</a>	Conditional uses.
<a href="#">18.15.035</a>	Structures allowed under conditional use permits.
<a href="#">18.15.040</a>	Lot, height and yard requirements.
<a href="#">18.15.050</a>	Other requirements.

18.15.001 Purpose. The I-1 nonsewered industrial district is established to provide for industrial development which does not require municipal sewer and water services, is relatively compatible with nearby nonindustrial uses, and is located in close proximity to transportation networks suitable to serve industrial activity, or requires location in a rural setting. The standards set out in this chapter shall apply in the district. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.15.010 Permitted principal uses. The following principal uses are permitted in the I-I district:

- A. Animal sales;
- B. Radio, television and broadcast transmission functions;
- C. Automotive repair, including engine repairs, body work, painting, and upholstery;
- D. Building materials, lumberyards, sales and storage;
- E. Cabinetmaking and woodworking establishments;
- F. Cartage and express functions;
- G. Building contractors, offices and supply yards;
- H. Farm implement, sales, service and storage;
- I. Freight terminals;
- J. Highway maintenance, shops and yards;
- K. Sales and service of motor vehicles, boats, mobile homes, and machinery;
- L. Plumbing fixtures and equipment, wholesale;
- M. Warehousing and distribution centers;
- N. Welding supply, wholesale;
- O. Wholesale business functions.
- P. Resource recovery facility (See 18.30.220)  
(Ord. 156-38, Sec. 15, 2013; Ord. 137-01, Sec.7, 1993; Ord. 132-04 Sec.1, 1988, Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.15.015 Permitted principal structures. The following principal structures are permitted in the I-I district:

- A. Structures as may be appropriate for permitted principal uses of this district.  
(Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.15.020 Permitted accessory uses. The following accessory uses are permitted in the I-I district:

- A. Those uses customarily associated with and incidental to principal and allowed conditional uses;
- B. Residences of caretakers or watchmen;
- C. Temporary construction structures;
- D. Outdoor storage of materials or equipment, provided that no storage is permitted on a required front yard;
- E. The outdoor parking of motor vehicles used in the operation of a business maintained as a principal or allowed conditional use. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.15.025 Permitted accessory structures. The following accessory structures are permitted in the I-I district:

- A. Single family dwellings of caretakers or watchmen whose services are utilized in connection with principal or allowed conditional uses;
- B. Temporary construction structures for a term not to exceed one year;
- C. Parking lot structures;
- D. Those structures customarily associated with and incidental to permitted and allowed conditional uses. (Ord. 38-68, Sec. 23, 1994; Ord. 131-03 Sec.6, 1987; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.15.030 Conditional uses. In the I-1 district, the following uses are conditional and are subject to the provisions of Chapter 18.21:

A. Planned industrial parks;  
B. Automotive salvage yards, resource recovery processing facilities, and junkyards, provided that:

1. No portion of any salvage yard or junkyard shall be located within 500 feet of any residential district;

2. All outside storage in such yards shall be enclosed by a sight-obscuring fence of at least 8 feet in height, which fence and the materials used to construct it shall be approved of by the county;

3. All requirements of the DNR and other regulatory agencies shall be met;

4. Resource recovery processing facilities must meet the requirements of

18.30.220.

C. Asphalt and concrete batching or ready-mix operations;

D. Cement, lime, gypsum, or plaster-of-paris manufacture;

E. Concrete product casting;

F. Charcoal manufacturing;

G. Pea vineries;

H. Fuel sales and storage;

I. Grain storage;

J. Monument works;

K. Railroad freight terminals, railroad switching and classification yards, railroad repair functions, and storage of locomotives and cars;

L. Steam power generation;

M. Utility uses, such as for electrical substations, gas regulator and mixing stations and gate stations;

N. Uses listed as permitted principal uses in 18.16.010.

O. Government uses and private landfills.

P. Medical waste facility (See Section 18.30.250)

Q. Commercial composting facilities.

(Ord. 158-17, Sec. 3, 2014; Ord. 144-53, Sec. 4, 2000; Ord. 137-1, Secs.8-9, 1993; Ord. 131-03 Sec.7, 1987; Ord. 128-24 Sec.17, 1984; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.15.035 Structures allowed under conditional use permits. The following structures may be allowed in the I-1 district under conditional use permits issued pursuant to the provisions of Chapter 18.21:

A. Structures whose uses are defined and allowed under 18.15.030;

B. Public and quasi-public utility structures not covered by Chapter 18.30. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.15.040 Lot, height and yard requirements. The following lot, height and yard requirements are established:

A. Yard Requirements.

1. Lot area shall be a minimum of 87,120 sq. feet.

2. The minimum width for all lots shall be 200 feet.

B. Maximum Height. The maximum height of all structures shall be 30 feet or 1/2 the distance to the nearest property line for structures exceeding 30 feet.

- C. Setbacks.
1. The minimum highway setback is 50 feet, or as shall be regulated under Chapter 18.22.
  2. The minimum side-yard setback for a principal structure shall be 25 feet or, when abutting a residential district, the minimum side yard setback shall be 50 feet.
  3. The minimum side-yard setback shall be 20 feet for an accessory structure.
  4. The minimum rear-yard setback shall be 25 feet or, when abutting a residential district, the minimum rear-yard setback shall be 50 feet from a principal structure.
  5. The minimum rear-yard setback shall be 20 feet for an accessory structure.
  6. No accessory structure shall be placed in a required front yard.
  7. Street sideyard setbacks for corner lots shall be as per setback requirements of chapter 18.22.

D. Lot, Height and Yard Requirements for Conditional Uses. Lot size, structure height, and yard requirements shall be established and incorporated within the conditional use permit. (Ord.140-92, Sec.21, 1997; Ord. 129-74 Sec.9, 1986; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.15.050 Other requirements. The following regulations shall apply with the I-1 district:

- A. Off-street parking and loading as required by Chapter 18.25;
- B. Signs as regulated by Chapter 18.26;
- C. Site plan review as required by 18.31.030. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

## Chapter 18.16

### I-2 SEWERED INDUSTRIAL DISTRICT

Sections:

<a href="#"><u>18.16.001</u></a>	Purpose.
<a href="#"><u>18.16.010</u></a>	Permitted principal uses.
<a href="#"><u>18.16.015</u></a>	Permitted principal structures.
<a href="#"><u>18.16.020</u></a>	Permitted accessory uses.
<a href="#"><u>18.16.025</u></a>	Permitted accessory structures.
<a href="#"><u>18.16.030</u></a>	Conditional uses.
<a href="#"><u>18.16.035</u></a>	Structures allowed under conditional use permits.
<a href="#"><u>18.16.040</u></a>	Lot, height and yard requirements.
<a href="#"><u>18.16.045</u></a>	Other requirements.

18.16.001 Purpose. The I-2 sewer industrial district is established to provide areas for industrial development which are:

- A. Located on transportation routes suitable for industrial traffic;
- B. Compatible with nearby land uses; and
- C. By the nature of this activity require municipal sewer and water services. The standards set out in this chapter shall apply in the district. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.16.010 Permitted principal uses.

- A. The following principal uses are permitted in the I-2 district:
  - 1. Radio, television and broadcasting transmission, subject to Federal Communications Commission and Federal Aviation Administration approval;
  - 2. Art equipment and supplies, manufacture;
  - 3. Boat building;
  - 4. Boxes, bags and paper, manufacture;
  - 5. Bakery products, manufacture;
  - 6. Bottling establishments;
  - 7. Books and bookbinding;
  - 8. Building materials sales and storage; lumberyards;
  - 9. Cabinetmaking and woodworking establishments;
  - 10. Cartage and express functions;
  - 11. Camera and photographic manufacturing and processing;
  - 12. Cold storage plants;
  - 13. Confectionery and related products manufacture, processing and packaging;
  - 14. Cosmetics, toiletries, perfumes, and soaps, manufacture and processing;
  - 15. Dairy products, processing and manufacture;
  - 16. Drugs and pharmaceutical products, manufacture and packaging;
  - 17. Dry cleaning and dyeing establishments;
  - 18. Electrical lighting and wiring equipment, manufacture;
  - 19. Electrical products and appliances, manufacture;
  - 20. Footwear, manufacture and fabrication;
  - 21. Food products, processing and packaging;
  - 22. Hardware warehousing and distribution establishments;
  - 23. Highway maintenance functions;
  - 24. Jewelry manufacture;
  - 25. Laboratory scientific instruments;
  - 26. Laundry operations, large-scale;
  - 27. Luggage and handbags, manufacture and assembly;
  - 28. Mail order houses;
  - 29. Meat products processing;
  - 30. Metal finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing and heat treatment;
  - 31. Metal plating and etching;
  - 32. Medical and surgical instruments and supplies, manufacturing;



- 33. Newspaper plants and offices;
- 34. Precision instruments;
- 35. Plastic extrusion, molding and fixture-manufacture;
- 36. Plumbing fixture and equipment, fabrication, and assembly;
- 37. Publishing, printing and reproduction;
- 38. Radio and television, assembly and parts fabrication;
- 39. Outdoor advertising devices as regulated in Chapter 18.26;
- 40. Sports equipment, manufacture and assembly;
- 41. Scientific and research instruments and equipment, manufacture and assembly;
- 42. Temperature controls, manufacture and assembly;
- 43. Tools and hardware, manufacture and assembly;
- 44. Upholstery, fabrication, including mattress manufacture;
- 45. Warehousing and distribution functions;
- 46. Welding supplies, wholesale;
- 47. Wholesale business functions.
- 48. Resource recovery facilities (See 18.30.220).
- 49. Breweries and Wineries (Ord. 156-38, Sec. 16, 2013; Ord. 152-4, Sec. 23 & 24, 2008; Ord. 152-4, Sec. 23, 2008; Ord. 137-01, Sec.10, 1993; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.16.015 Permitted principal structures. The following principal structures are permitted in the I-2 district:

- A. Structures as may be appropriate with permitted principal uses of this district. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.16.020 Permitted accessory uses. The following accessory uses are permitted in the I-2 district:

- A. Those uses customarily associated with and incidental to principal and allowed conditional uses;
- B. Residences of caretakers or watchmen;
- C. Temporary construction structures;
- D. Outdoor storage of materials or equipment, provided that no storage is permitted in a required front yard;
- E. The outdoor parking of motor vehicles used in the operation of a business maintained as a principal or allowed conditional use;
- F. Advertising signs as regulated by Chapter 18.26;
- G. Off-street parking and loading as regulated by Chapter 18.25. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.16.025 Permitted accessory structures. The following accessory structures are permitted in the I-2 district:

- A. Single family dwellings of caretakers or watchmen whose services are utilized in connection with principal or allowed conditional uses;
- B. Temporary construction structures for a term not to exceed one year;

- C. Parking lot structures;
- D. Those structures customarily associated with and incidental to permitted and allowed conditional uses. (Ord. 138-68, Sec. 24, 1994; Ord. 131-03 Sec.8, 1987; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.16.030 Conditional uses.

A. In the I-2 district, the following uses are conditional and are subject to the provisions of Chapter 18.21:

- 1. Planned industrial parks;
- 2. Automotive salvage yards, resource recovery processing facilities, and junkyards, provided that:
  - a. No portion of any salvage yard or junkyard shall be located within 500 feet of a residential district;
  - b. All outside storage in such yards shall be enclosed by a sight-obscuring fence of at least 8 feet in height, which fence and the materials used to construct it shall be approved of by the county;
  - c. All requirements of the DNR and other regulatory agencies shall be met;
  - d. Resource recovery processing facilities must meet the requirements of 18.30.220.
- 3. Asphalt and concrete batching or ready-mix operations;
- 4. Retail and service businesses customarily incidental to the operation of an allowed or conditional use;
- 5. Acid manufacture;
- 6. Cement, lime, gypsum, or plaster of paris manufacture;
- 7. Concrete products casting;
- 8. Distillation operations;
- 9. Fat rendering, offal and dead-animal processing;
- 10. Fuel sales and storage;
- 11. Fertilizer manufacture;
- 12. Foundries;
- 13. Gas illumination or heating, manufacture;
- 14. Glue manufacture;
- 15. Resource-recovery facilities;
- 16. Petroleum manufacture;
- 17. Steam power plants;
- 18. Smelting of ores;
- 19. Tanneries;
- 20. Monument works;
- 21. Utility uses such as electrical substations, gas regulator stations, mixing stations, and gate stations;
- 22. Railroad freight terminals, switching and classification yards, railroad repair functions, and storage of locomotives and cars;
- 23. Government uses and private landfills;
- 24. Medical waste facility. (See 18.30.250);
- 25. Commercial composting facilities.(Ord. 158-17, Sec. 4; Ord. 156-38, Sec. 17 & 18, 2013; Ord. 144-53, Sec. 5; 2000; Ord. 137-01, Sec.11, 1993; Ord. 128-24 Sec.18, 1984; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.16.035 Structures allowed under conditional use permits. The following structures may be allowed in the I-2 district under conditional use permits issued pursuant to the provisions of Chapter 18.21:

- A. Structures whose uses are defined and allowed under 18.16.030;
- B. Public and quasi-public utility structures not covered by Chapter 18.30. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.16.040 Lot, height and yard requirements. The following lot, height and yard requirements are established for the I-2 district:

- A. Yard Requirements.
  - 1. Lot area shall be 43,560 sq. feet.
  - 2. The minimum lot width for all lots shall be 150 feet.
- B. Maximum Height. The maximum height of all structures shall be 30 feet or 1/2 the distance to the nearest property line for structures exceeding 30 feet.
- C. Setbacks.
  - 1. The minimum highway setbacks shall be 50 feet or as regulated under Chapter 18.22.
  - 2. The minimum side-yard setback shall be 25 feet for a principal structure and 20 feet for an accessory structure.
  - 3. The minimum rear-yard setback shall be 25 feet for a principal structure and 20 feet for an accessory structure.
  - 4. No accessory structure shall be located in a required front yard.
  - 5. Street sideyard setbacks for corner lots shall be as per setback requirements of chapter 18.22.
- D. Lot, Height and Yard Requirements for Conditional Uses. Lot size, structure, height and yard requirements shall be established and incorporated within the conditional use permit. (Ord.140-92, Sec.22, 1997; Ord. 129-74 Sec.10, 1986; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.16.045 Other requirements. The following regulations shall apply within the I-2 district:

- A. Off-street parking and loading, as required by Chapter 18.25;
- B. Signs, as regulated by Chapter 18.26;
- C. Site plan review as required by 18.31.030. (Ord.143-94, Sec.7, 2000; Ord. 126-69 Sec.10(part), 1983; Ord.126-16 Sec.3(part), 1982).

Chapter 18.17

F-1 EXCLUSIVE FORESTRY DISTRICT

Sections:

<a href="#">18.17.001</a>	Purpose.
<a href="#">18.17.010</a>	Permitted principal uses.
<a href="#">18.17.015</a>	Permitted principal structures.
<a href="#">18.17.020</a>	Permitted accessory uses.
<a href="#">18.17.025</a>	Permitted accessory structures.
<a href="#">18.17.030</a>	Conditional uses.
<a href="#">18.17.035</a>	Structures allowed under conditional use permits.
<a href="#">18.17.040</a>	Lot, height and yard requirements.
<a href="#">18.17.045</a>	Additional requirements.

18.17.001 Purpose. The F-1 exclusive forestry district is established to preserve and protect the forestry resource of the county and to limit those uses that are incompatible with or have a detrimental effect upon good forestry practices. The standards set out in this chapter should apply in the district. (Ord.126-69 Sec.10(part), 1983; Ord.126-16 Sec.3(part), 1982).

18.17.010 Permitted principal uses. The following principal uses are permitted in the F-1 district:

- A. Forestry;
- B. Growing and harvesting of wild crops such as marsh hay, ferns, moss, berries, or tree fruits and seeds;
- C. Fire-control functions;
- D. Production of agricultural crops;
- E. Game management. (Ord.126-69 Sec.10(part), 1983; Ord.126-16 Sec.3(part), 1982).

18.17.015 Permitted principal structures. The following principal structures are permitted in the F-1 district:

- A. Structures as may be appropriate with permitted principal uses of this district. (Ord. 126-69 Sec.10(part), 1983; Ord.126-16 Sec.3(part), 1982).

18.17.020 Permitted accessory uses. Uses, customarily associated with and secondary to permitted principal uses shall constitute permitted accessory uses in the F-1 district. (Ord. 126-69 Sec.10(part), 1983; Ord.126-16 Sec.3(part), 1982).

18.17.025 Permitted accessory structures. Structures customarily associated with and secondary to permitted principal structures shall constitute permitted accessory structures in the F-1 district. (Ord. 126-69 Sec.10(part), 1983; Ord.126-16 Sec.3(part), 1982).

18.17.030 Conditional uses. In the F-1 district, the following uses are conditional, and are subject to provisions of Chapter 18.22:

- A. Privately or publicly owned parks, campgrounds and recreational areas;
- B. Sawmills;
- C. Flowages;
- D. Gas and oil pipelines;
- E. Seasonal structures.
- F. Governmental uses.

(Ord.140-69, Sec.2, 1996; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.17.035 Structures allowed under conditional use permits. The following structures may be allowed in the F-1 district under conditional use permits issued pursuant to Chapter 18.22:

- A. Structures whose uses are defined and allowed under 18.17.030;
- B. Public and quasi-public utility structures not covered by Chapter 18.30;
- C. Seasonal structures, provided that:
  - 1. The size of a seasonal structure shall be limited to a maximum of 400 square feet and a loft area not exceeding half of the first floor area excluding open decks and porches;
  - 2. The parcel be adjacent to a public road;
  - 3. No interior plumbing is allowed in the seasonal structure or in an accessory structure;
  - 4. Site shall not be in a floodplain or wetland;
  - 5. The cumulative area of accessory structures shall be limited to 400 square feet, in addition to the seasonal structure.
- D. No other structures shall be permitted in the district. (Ord. 153-28, Sec. 2, 2010; Ord. 149-09, Sec. 3, 2005, Ord. 313-65, Sec.9, 1987, Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.17.040 Lot, height and yard requirements. The following requirements are established for the F-1 district:

- A. Yard Requirements.
  - 1. Lot area shall be a government quarter-quarter section or 40 acres.
  - 2. Minimum lot width shall be 660 feet.
- B. Maximum Height. The maximum height of all structures shall be 16 feet.
- C. Setbacks.
  - 1. The minimum highway setbacks shall be regulated under Chapter 18.22.
  - 2. The minimum side-yard setback shall be 20 feet for all structures.
  - 3. The minimum rear-yard setback shall be 20 feet for all structures.
  - 4. No accessory structure shall be located in a required front yard.
  - 5. The side yard setback on a corner lot shall be 20 feet.
- D. Lot, Height and Yard Regulations for Conditional Uses. Lot, height and yard requirements shall be established and incorporated within the conditional use permit. (Ord.140-92, Sec.23, 1997; Ord. 131-65, Sec.10, 1987, Ord. 128-24 Sec.19, 1984; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.17.045 Additional requirements. The following regulations shall apply within the F-1 district:

- A. Chapter 18.25, pertaining to parking;
- B. Chapter 18.26, pertaining to the placement and use of signs. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

## Chapter 18.18

### F-2 FORESTRY DISTRICT

Sections:

<a href="#"><u>18.18.001</u></a>	Purpose.
<a href="#"><u>18.18.010</u></a>	Permitted principal uses.
<a href="#"><u>18.18.015</u></a>	Permitted principal structures.
<a href="#"><u>18.18.020</u></a>	Permitted accessory uses.
<a href="#"><u>18.18.025</u></a>	Permitted accessory structures.
<a href="#"><u>18.18.030</u></a>	Conditional uses.
<a href="#"><u>18.18.035</u></a>	Structures allowed under conditional use permits.
<a href="#"><u>18.18.040</u></a>	Lot, height and yard requirements.
<a href="#"><u>18.18.045</u></a>	Additional requirements.

18.18.001 Purpose. The F-2 forestry district is established to protect the integrity of the County Forest by preserving land adjacent to its borders in a relatively natural state, and to preserve the natural character of the land along the Eau Claire and Chippewa Rivers. The standards set out in this chapter should apply in the district. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.18.010 Permitted principal uses. The following principal uses are permitted in the F-2 district:

- A. Single-family housing;
- B. Crop farming;
- C. Forest and game management;
- D. Growing and harvesting of any wild crop such as marsh hay, ferns, moss, berries, or tree fruits and seeds;
- E. Fire-control functions. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.18.015 Permitted principal structures. The following principal structures are permitted in the F-2 district:

A. Single family dwellings and structures as may be appropriate with permitted principal uses of this district. (Ord. 138-68, Sec. 24, 1994; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.18.020 Permitted accessory uses. Uses customarily associated with and secondary to permitted principal uses shall constitute permitted accessory uses in the F-2 district. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.18.025 Permitted accessory structures. Structures customarily associated with and secondary to permitted principal structures shall constitute permitted accessory structures in the F-2 district. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.18.030 Conditional uses. In the F-2 district, the following uses are conditional, and are subject to the provisions of Chapter 18.21:

A. Private or publicly owned parks, campgrounds and recreational areas;  
B. Sawmills;  
C. Game and fur farms;  
D. Kennels;  
E. Flowages;  
F. Day care centers and nursery schools;  
G. Noncommercial raising of livestock and poultry.  
H. Governmental uses. (Ord.140-69, Sec.2, 1996; Ord. 38-68, Sec. 25, 1994; Ord. 135-92, Sec.16, 1992; Ord. 127-73 Sec.3, 1983; Ord. 126-69 Secs.10(part), 11, 1983; Ord. 126-16 Sec.3(part), 1982).

18.18.035 Structures allowed under conditional use permits. The following structures may be allowed in the F-2 district under conditional use permits issued pursuant to Chapter 18.21:

A. Structures whose uses are defined and allowed under 18.18.030;  
B. Public and quasi-public utility structures not covered by Chapter 18.30;  
C. Structures for day care centers and nursery schools;  
D. Livestock and poultry structures for noncommercial purposes. (Ord. 127-73 Sec.4, 1983; Ord. 126-69 Secs.10(part), 12, 1983; Ord. 126-16 Sec.3(part), 1982).

18.18.040 Lot, height and yard requirements. The following lot, height and yard requirements are established for the F-2 district:

A. Yard Requirements.  
1. Lot area shall be twenty acres.  
2. The minimum lot width shall be 330 feet.  
B. Maximum Height. The maximum height shall be 35 feet for a principal structure and 20 feet for an accessory structure.  
C. Setbacks.  
1. The minimum highway setbacks shall be regulated under Chapter 18.22.  
2. The minimum side-yard setback shall be 20 feet for all structures.

3. The minimum rear-yard setback shall be 50 feet for a principal structure and 20 feet for an accessory structure.

4. No accessory structure shall be located in a required front yard.

5. Side yard setback on a corner lot shall be 25 feet.

D. Lot, height and Yard Regulations for Conditional Uses. Lot, height and yard requirements shall be established and incorporated within the conditional use permit. (Ord. 137-07, Sec.6, 1993; Ord. 131-65 Sec.11, 1987, Ord. 128-24 Sec.20, 1984; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

18.18.045 Additional requirements. The following regulations shall apply within the F-2 district:

A. Chapter 18.25 pertaining to parking;

B. Chapter 18.26 pertaining to the placement and use of signs. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

(Ord. 160-23, Sec. 11, 2017, Repealed 18.19 now Title 20)



CHAPTER 18.20

FLOODPLAIN OVERLAY DISTRICT

Sections:

<a href="#"><u>18.20.001</u></a>	Purpose and finding of fact.
<a href="#"><u>18.20.010</u></a>	General provisions.
<a href="#"><u>18.20.015</u></a>	General development standards.
<a href="#"><u>18.20.020</u></a>	General standards applicable to all floodplain districts.
<a href="#"><u>18.20.030</u></a>	Floodway District (FW).
<a href="#"><u>18.20.040</u></a>	Floodfringe District (FF).
<a href="#"><u>18.20.050</u></a>	General Floodplain District (GFP).
<a href="#"><u>18.20.055</u></a>	Flood Storage District
<a href="#"><u>18.20.060</u></a>	Floodproofing.
<a href="#"><u>18.20.065</u></a>	Nonconforming uses.
<a href="#"><u>18.20.070</u></a>	Hydraulic and hydrologic studies to analyze development
<a href="#"><u>18.20.080</u></a>	Amendment Procedures.
<a href="#"><u>18.20.090</u></a>	Notification of the WI DNR.
<a href="#"><u>18.20.100</u></a>	Approval of other agencies.
<a href="#"><u>18.20.110</u></a>	Public Information
Appendix A	Floodplain study.
Appendix B	Amendments to the Floodplain Zoning Ordinance.

18.20.001 Purpose and finding of fact

- A. Statement of purpose. This ordinance is intended to regulate floodplain development to:
1. Protect life, health and property;
  2. Minimize expenditures of public funds for flood control projects;
  3. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
  4. Minimize business interruptions and other economic disruptions;
  5. Minimize damage to public facilities in the floodplain;
  6. Minimize the occurrence of future flood blight areas in the floodplain;
  7. Discourage the victimization of unwary land and homebuyers;
  8. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
  9. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.
- B. Finding of fact. Uncontrolled development and use of the floodplains and rivers of Eau Claire County would impair the public health, safety, convenience, general welfare and tax base.

C. Title. This ordinance shall be known as the floodplain zoning ordinance for Eau Claire County, Wisconsin.

D. Statutory Authorization. This ordinance is adopted pursuant to the authorization in Wis. Stats. § 59.69, 59.692, and 59.694 for counties; and the requirements in Wis. Stats. § 87.30. (Ord. 157-45, Sec. 9, 2014; Ord. 152-44, Sec. 4, 2008; Ord. 149-7, Sec. 3, 2005)

18.20.010 General Provisions.

A. Areas to be regulated. This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Based flood elevations are derived from the flood profiles in the flood insurance study and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional flood elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

B. Official maps and revisions. The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the Eau Claire County Floodplain Appendix. Any change to the base flood elevations (BFE) in the flood insurance study (FIS) or on the flood insurance rate map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the department. If more than one map or revision is referenced, the most current approved information shall apply.

1. Flood insurance rate map (FIRM), panel numbers 55035C0007E, 55035C0009E, 55035C0032E, 55035C0033E, 55035C0034E, 55035C0037E, 55035C0039E, 55035C0041E, 55035C0042E, 55035C0051E, 55035C0053E, 55035C0054E, 55035C0058E, 55035C0059E, 55035C0061E, 55035C0066E, 55035C0067E, 55035C0070E, 55035C0100E, 55035C0120E, 55035C0125E, 55035C0140E, 55035C0150E, 55035C0175E, 55035C0182E, 55035C0195E, 55035C0300E, 55035C0325E, 55035C0350E, 55035C0357E, 55035C0400E, 55035C0425E, 55035C0450E, 55035C0475E, 55035C0500E and 55035C0525E, dated February 18, 2009; with corresponding profiles that are based on the Flood Insurance Study (FIS) for Eau Claire County and Incorporated Areas (Volume 55035CV000B) dated April 16, 2014.

2. Flood insurance rate map (FIRM), panels numbers 55035C0019F, 55035C0027F, 55035C0029F, 55035C0031F, 55035C0038F, 55035C0043F, 55035C0044F, 55035C0062F, 55035C0063F, 55035C0064F, 55035C0184F, 55035C0205F, 55035C0210F, 55035C0215F, 55035C0220F, 55035C0227F, 55035C0228F, 55035C0229F, 55035C0235F, 55035C0236F, 55035C0237F, 55035C0240F, 55035C0245F, 55035C0255F, 55035C0265F, and 55035C0275F, dated April 16, 2014; with corresponding profiles that based on the Flood Insurance Study (FIS) for Eau Claire County dated April 16, 2014, Volume 55035CV000B.

3. Areas that have received a LOMA (letter of map amendment) from FEMA and approved by the DNR are removed from the FIRM and exempted from the floodplain regulations.

C. Establishment of districts. The regional floodplain areas are divided into three districts as follows:

1. The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.

2. The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.

3. The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.

4. The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

D. Locating floodplain boundaries. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs 1 or 2 below. If a significant difference exists, the map shall be amended according to 18.20.080. The department can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The department shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section between the department and an applicant over a district boundary line shall be settled according to 18.31.020 and the criteria in 1 and 2 below.

1. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or BFE shall govern if there are any discrepancies.

2. Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspections and any information provided by the DNR. (Note. Where the flood profiles are based on established BFE from a FIRM, FEMA must also approve any map amendment pursuant to 18.20.080.)

E. Removal of lands from floodplain. Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least 2 feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to 18.20.080.

(Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a letter of map change (LOMC).)

F. Compliance. Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance and all applicable local, state and federal regulations.

G. Municipalities and state agencies regulated. Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Wis. Stat. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Wis. Stat. § 30.2022 applies.

H. Abrogation and greater restrictions.

1. This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under Wis. Stat. § 59.69, 59.692 or 59.694 for counties; or Wis. Stat. § 87.30 which relate to floodplains. If another ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

2. This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

I Interpretation. In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of Title 18, required by Wis. Admin. Code ch. NR 116, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to Title 18 which relate to floodplain regulations.

J. Warning and disclaimer of liability. The flood protection standards in Title 18 are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increase by manmade or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, Eau Claire County or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

K. Annexed areas for cities and villages. The Eau Claire County Floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by Eau Claire County for all annexed areas until Eau Claire County adopts and enforces an ordinance which meets the requirements of Wis. Admin. Code ch. NR 116, and 44 CFR 59-72, the National Flood Insurance Program (NFIP). These annexed lands are described on Eau Claire County's official zoning map. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator.

L. Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected. (Ord. 157-45, Sec. 9, 2014; Ord. 158-001, Sec. 1, 2014; Ord. 157-4, Sec. 3, 2013; Ord 152-44, Secs. 5 & 6, 2008; Ord. 149-7, Sec. 3, 2005)

18.20.015 General development standards. The department shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with material resistant to flood damage; be constructed by methods and practices that minimize flood damages; and constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. All subdivision proposals (including manufactured home parks) and buildable lots shown on a certified survey map shall include regional flood elevation and floodway data for any development that meets the subdivision and certified survey map definition of this chapter. Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

18.20.020 General standards applicable to all floodplain districts.

A. Hydraulic and hydrologic analyses.

1. No floodplain development shall:
  - a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
  - b. Cause any increase in the regional flood height due to floodplain storage area lost.
2. The department shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of section 18.20.080 are met.

B. Watercourse alterations.

1. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the department has notified in writing all adjacent municipalities, the DNR and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The standards of 18.20.020 A. must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.
2. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to section 18.20.080, the department shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

C. Chapter 30, 31, Wis. Stats. Development. Development which requires a permit from the DNR, under Wis. Stats. chs. 30 and 31, such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to 18.20.080.

D. Public or private campgrounds. Public or private campgrounds are strictly prohibited below the regional or base flood elevation. (Ord. 157-45, Sec. 9, 2014; Ord. 149-7, Sec. 3, 2005)

18.20.030 Floodway District (FW).

A. Applicability. This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to 18.20.050 D.

B. The following open space uses are allowed in the FW and the floodway areas of the GFP, if they are not prohibited by any other ordinance; they meet the standards in 18.20.030 C. & D.; and all permits or certificates have been issued according to 18.20.060 and Chapter 18.31:

1. Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
2. Nonstructural industrial and commercial uses, such as loading areas, parking areas, and airport landing strips.

3. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to fill limitations of 18.20.030 C.4.

4. Uses or structures accessory to open space uses, or classified as historic structures that comply with 18.20.030 C. & D.

5. Extraction of sand, gravel, or other materials that comply with 18.20.030 C.4.

6. Functionally water-dependent uses such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Wis. Stat. §§ 30 and 31.

7. Public utilities, streets and bridges that comply with 18.20.030 C.3.

C. Standards for development in floodway areas.

1. General:

a. Any development in floodway areas shall comply with 18.20.020 and have a low flood damage potential.

b. Applicants shall provide the following data to determine the effects of the proposal according to 18.20.020 A:

i. A cross section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or

ii. An analysis calculating the effects of this proposal on the regional flood elevation (height).

c. The department shall deny the permit application if the project will cause any increase flood elevations upstream or downstream, based on the data submitted for b. above.

2. Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with following criteria:

a. Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;

b. Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

c. Must be anchored to resist flotation, collapse, and lateral movement;

d. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and

e. It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

3. Public utilities, streets and bridges may be allowed by permit, if:

a. Adequate floodproofing measures are provided to the flood protection elevation; and

b. Construction meets the development standards of 18.20.020 A.

4. Fills or deposition of materials may be allowed by permit, if:
  - a. The requirements of 18.20.020 A. are met;
  - b. No material is deposited in the navigable channel unless a permit is issued by the DNR pursuant to Wis. Stat. ch. 30. Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met;
  - c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
  - d. The fill is not classified as a solid or hazardous waste material.
  - e. A storm water management and erosion control plan in compliance with Chapter 17.05 be submitted to and approved by the land conservation division.

D. Prohibited uses. All uses not listed as permitted uses in 18.20.030 B. are prohibited, including the following uses:

1. Habitable structures with high flood damage potential or those not associated with permanent open-space uses;
2. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
3. Uses not in harmony with, or detrimental to, uses permitted in the adjoining districts;
4. Any private or public sewage systems except portable latrines that are removed prior to flooding and systems associated with recreational areas and DNR approved campgrounds that meet the applicable provisions of local ordinances and Wis. Admin. Code chs. SPS 383;
5. Any public or private wells, which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Wis. Admin Code chs. NR 811 and NR 812;
6. Any solid or hazardous waste disposal sites;
7. Any wastewater treatment ponds or facilities, except those permitted under Wis. Admin. Code chs. NR 110.15(3)(b);
8. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway, which complies with the regulations for the floodplain area occupied. (Ord. 157-45, Sec. 9, 2014; Ord. 150-42, Sec. 3, 2007; Ord. 149-7, Sec. 3, 2005)

#### 18.20.040 Floodfringe District (FF).

- A. Applicability. This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to 18.20.050 D.
- B. Permitted uses. Any structure, land use, or development is allowed in the FF if the standards in 18.20.040 C. are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in Chapter 18.31 have been issued.
- C. Standards for development in flood fringe areas.
  1. All of the provisions of 18.20.020 A. shall apply. In addition, the following requirements shall apply according to the use requested.

2. Residential uses. Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards;

a. The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of b. can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.

b. The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;

c. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in d.

d. In developments where existing street or sewer line elevations make compliance with c. impractical, the department may permit new development and substantial improvements where access roads are at or below the regional flood elevation if:

i. The county has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

ii. The county has a DNR-approved emergency evacuation plan.

3. Accessory structures or uses. Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

4. Commercial uses. Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of 18.20.040 C.2. Subject to the requirements of 18.20.040 C.6, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

a. Floodplain Land Use Permits. All permits issued under the authority of chapter 18.20 Floodplain Overlay District shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

5. Manufacturing and industrial uses. Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall have the lowest floor elevated to or above the flood protection elevation or meet the flood proofing measures in 18.20.060. Subject to the requirements of 18.20.040 C.6, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

6. Storage of materials. Materials that are buoyant, flammable, explosive or injurious to property, water quality, human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with 18.20.060. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

7. Public utilities, streets and bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

a. When failure of public utilities, streets and bridges would endanger public health or safety or where such facilities are deemed essential, construction of, and substantial improvements to, such facilities may only be permitted if they are floodproofed in compliance with 18.20.060;



b. Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

8. Sewage systems. All on-site sewage disposal systems shall be floodproofed, pursuant to 18.20.060 to the flood protection elevation and shall meet the provisions of all local ordinances and Wis. Admin. Code chs. SPS 383.

9. Wells. All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to 18.20.060, to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

10. Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in the floodfringe areas.

11. Deposition of materials. Any deposited material must meet all the provisions of this floodplain ordinance.

12. Manufactured homes.

a. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes with the local emergency management authorities.

b. In existing manufactured home parks, all new homes, replacement homes on existing pads and substantially improved homes shall have the lowest floor elevated to the flood protection elevation and be anchored so they do not float, collapse or move laterally during a flood.

c. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new replacement and substantially improved manufactured homes shall meet the residential development standards for the FF in 18.20.040 C.2.

13. Mobile recreational vehicles. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in 18.20.040 C. 12. b and c. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions. (Ord. 157-45, Sec. 18, 2014; Ord. 154-45, Sec. 9, 2014; Ord. 152-44, Secs. 7-9, 2008; Ord. 149-7, Sec. 3, 2005)

#### 18.20.050 General floodplain District (GFP).

A. Applicability. The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and FFs shall be delineated when adequate data is available.

B. Permitted Uses. Pursuant to 18.20.050 D, it shall be determined whether the proposed use is located within a floodway or floodfringe area.

1. Those uses permitted in the FW and the FF are allowed within the GFP according to the standards of 18.20.050 C, provided that all permits or certificates required under Chapter 18.31 have been issued.

C. Standards for development in the GFP. 18.20.030 applies to floodway areas and 18.20.040 applies to the floodfringe areas. The rest of this section applies to either district.

D. Determining floodway and floodfringe limits. Upon receiving an application for development within the GFP, the department shall:

1. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the GFP limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures, and the flood zone as shown on the FIRM.

2. Require the applicant to furnish any of the following information deemed necessary by the DNR to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

a. A Hydrologic and Hydraulic Study as specified in 18.20.070.  
b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply and sanitary facilities; soil types and other pertinent information;

c. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

3. Transmit one copy of the information described in 18.20.050 D. 1 & 2 to the DNR Regional Office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of Chapter 18.31 apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations. (Ord. 157-45, Sec. 9, 2014; Ord. 149-7, Sec. 3, 2005)

18.20.055 Flood Storage District. The flood storage district delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

A. Applicability. The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the official floodplain zoning maps.

B. Permitted Uses. Any use or development which occurs in a flood storage district must meet the applicable requirements in 18.20.040 C.

C. Standards for development in flood storage districts.

1. Development in a flood storage district shall not cause an increase equal or greater than 0.00 of a foot in the height of the regional flood.

2. No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost, (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.

3. If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district – on this waterway – is rezoned to the floodfringe district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per 18.20.080 of this chapter.

4. No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

18.20.060 Floodproofing.

A. No permit or variance shall be issued for a nonresidential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.

B. For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

1. Certified by a registered professional engineer or architect; or
2. Meets or exceeds the following standards:
  - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - b. The bottom of all openings shall be no higher than one foot above grade; and
  - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. Floodproofing measures shall be designed, as appropriate, to:

1. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
2. Protect structures to the flood protection elevation;
3. Anchor structures to foundations to resist flotation and lateral movement;
4. Minimize or eliminate infiltration of flood waters; and
5. Minimize or eliminate discharges into flood waters. (Ord. 157-45, Sec. 9, 2014; Ord. 149-7, Sec. 3, 2005)

18.20.065 Nonconforming Uses.

A. General.

1. Applicability. If these standards conform with Wis. Stats. § 59.69(10), they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

2. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

a. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

b. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

c. The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

d. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with section 18.20.040 C. 2. The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

e. No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with 18.20.040 C. 2.

f. If, on a per event basis, the total value of the work being done under subd. (d) and (e) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with 18.20.040 C. 2.

g. Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

h. For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

i. Residential Structures

(A) Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of 18.20.060 B.

(B) Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.

(C) Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

(D) In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

ii. Nonresidential Structures

(A) Shall meet the requirements of 18.20.065 A. 2. h. i. (A) and (B).

(B) Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in 18.20.060 A. and B.

iii. A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with 18.20.030 C. 1., flood resistant materials are used, and construction practices and floodproofing methods that comply with 18.20.060 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of 18.20.065 A. 2 h., if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

B. Floodway District.

1. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:

- a. Has been granted a permit or variance which meets all ordinance requirements;
- b. Meets the requirements of 18.20.065 A.;
- c. Shall not increase the obstruction to flood flows or regional flood height;
- d. Any addition to the existing structure shall be floodproofed, pursuant to 18.20.060, by means other than the use of fill, to the flood protection elevation; and

e. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

i. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

ii. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

iii. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

iv. The use must be limited to parking, building access or limited storage.

2. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, 18.20.060 C. and ch. SPS 383, Wis. Adm. Code.

3. No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, 18.20.060 C. and chs. NR 811 and NR 812, Wis. Adm. Code.

C. Floodfringe District.

1. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of 18.20.040 C. except where 18.20.065 C. 2. is applicable.

2. Where compliance with the provisions of subd. 1. would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Land Use Appeals, using the procedures established in 18.31.040 B., may grant a variance from those provisions of subd. 1. for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

a. No floor is allowed below the regional flood elevation for residential or commercial structures;

b. Human lives are not endangered;

c. Public facilities, such as water or sewer, shall not be installed;

d. Flood depths shall not exceed two feet;

e. Flood velocities shall not exceed two feet per second; and

f. The structure shall not be used for storage of materials as described in 18.20.040 C. 5.

3. An addition to an existing room in a nonconforming building or building with a nonconforming use may be allowed in a floodfringe area on a one time basis only if :

a. Meets all the provisions of this chapter and the addition is granted by a land use permit.

b. The addition does not exceed 60 square feet in area.  
c. The addition, in combination with other previous modifications or additions to the building, does not equal or exceed 50% of the present equalized assessed value of the building.

4. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, 18.20.060 C. and ch. SPS 383, Wis. Adm. Code.

5. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, 18.20.060 C. and ch. NR 811 and NR 812, Wis. Adm. Code.

D. Flood Storage District. No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in section 18.20.055 C. are met.

18.20.070 Hydraulic and Hydrologic Studies to Analyze Development. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the state. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Wisconsin Department of Natural Resources.

A. Zone A floodplains:

1. Hydrology. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

2. Hydraulic modeling. The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

a. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.

b. Channel sections must be surveyed.

c. Minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.

d. A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.

e. The most current version of HEC-RAS shall be used.

f. A survey of bridge and culvert openings and the top of road is required at each structure.

g. Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.

h. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

i. The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

3. Mapping. A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

a. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

b. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

B. Zone AE Floodplains

1. Hydrology. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

2. Hydraulic model. The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

a. Duplicate Effective Model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

b. Corrected Effective Model. The Corrected Effective Model shall not include any manmade physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

c. Existing (Pre-Project Conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

d. Revised (Post-Project Conditions) Model. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

e. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

f. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

3. Mapping. Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:



- a. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
- b. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
- c. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
- d. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
- e. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- f. All cross sections from the effective model shall be labeled in accordance with the effective map, and a cross section lookup table shall be included to relate to the model input numbering scheme.
- g. Both the current and proposed floodways shall be shown on the map.
- h. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map. (Ord. 154-45, Sec. 9, 2014; Ord. 149-7, Sec. 3, 2005)

18.20.080 Amendment Procedures. Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with section C. below.

A. In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with section C below. Any such alterations must be reviewed and approved by FEMA and the DNR.

B. In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with section C. below.

C. General. The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in section D below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- 1. Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- 2. Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;

3. Any changes to any other officially adopted floodplain maps listed in 18.20.010 B.;

4. Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;

5. Correction of discrepancies between the water surface profiles and floodplain maps;

6. Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and

7. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

D. Procedures. Ordinance amendments may be made upon petition of any party according to the provisions of Wis. Stats. § 59.69. The petitions shall include all data required by 18.20.050 D. and 18.31.040 A. The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

1. The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the department regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of Wis. Stats. § 59.69.

2. No amendments shall become effective until reviewed and approved by the department of natural resources.

3. All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body. (Ord. 157-45, Sec. 9, 2014; Ord. 149-7, Sec. 3, 2005)

18.20.090 Notification of the Wisconsin Department of Natural Resources (DNR).

A. Written notice shall be given to the regional office of the DNR at least 10 days prior to hearings on variances, conditional uses, appeals and map and text amendments.

B. Copies of decisions on variances, appeals, conditional uses and map and text amendments shall be submitted to the regional office of the DNR.

C. No amendment to the maps or text of this ordinance shall become effective until reviewed and approved by the DNR.) (Ord. 157-45, Sec. 9, 2014; Ord. 149-7, Sec. 3, 2005)

18.20.100 Approval of other agencies. It is the responsibility of the landowner or his or her agent to secure all other necessary permits or approvals from all appropriate federal, state, and local agencies, including those required under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344. (Ord. 157-45, Sec. 9, 2014; Ord. 152-44, Sec. 10, 2008; Ord. 149-7, Sec. 3, 2005)

18.20.110 Public Information.

A. Place marks on structures to show the depth of inundation during the regional flood.

B. All maps, engineering data and regulations shall be available and widely distributed.

C. Real estate transfers should show what floodplain zoning district any real property is in. (Ord. 157-45, Sec. 9, 2014; Ord. 154-2, Sec. 42, 2010; Ord. 152-44, Sec. 11, 2009; Ord. 152-44, Sec. 11, 2008)

## Appendix A Floodplain Study

All future additions to Appendix A for Floodplain Studies and Appendix B for Amendments to the Floodplain Zoning Ordinance approved by the WI DNR will be automatically added to the Appendices without need for public hearing or committee approval.

**Hazard Rating Assessment, Eau Claire River Dam**, Field File #: 18.08, Eau Claire River, Eau Claire County Wisconsin by Ayres Associates, specifically Appendix B and Table 4 page 4 of the (“Hydraulic Shadow Floodway Data”), dated December 1997. Approved by the WI-DNR on June 12, 1998.

**Hazard Rating Assessment, Vogler Flour Mill Dam**, Field File No. 18.06, Eau Claire County, Wisconsin by Ayres Associates, specifically Appendix E, Sheet 2 of 2 and Table 3, page 7 of the text (“Hydraulic Shadow Floodway Data”), dated February 2012. Approved by WI-DNR on September 24, 2012.

**Eau Claire County Flood Storage District**, Panel 1 of 1. Dated April 16, 2014. Prepared by the WDNR. Approved by the WDNR.

**Hazard Rating Assessment, Johnson Dam**, Field File #: 18.16, Diamond Valley Creek, Eau Claire County, Wisconsin by CWE, Inc., specifically the Floodway Data Table, titled “Table 5: Summary Floodway Data Table”; Cross-section Location, dated 2/7/2014 and titled “Cross-Section Location Map, Johnson Dam (WDNR #907), Eau Claire County, WI” and Hydraulic Shadow Map dated 5/6/2014 and titled “Hydraulic Shadow, Johnson Dam (WDNR # 907), Eau Claire County, WI.” Approved by the WI DNR on March 12, 2014.

**Hazard Rating Assessment, Dells Lake Dam (WDNR Key Sequence #39)**, Field File #: 18.01, Town of Bridge Creek, Eau Claire County, Wisconsin by Ayres Associates, specifically the Floodway Data Table, titled “Table 5: Hydraulic Shadow Floodway Data”; Cross-section Location, dated 10/28/2016 and titled “Hydraulic Shadow Profile”, Dells Mill Pond Dam Failure Analysis, and Hydraulic Shadow Map dated 10/28/2016 and titled “Hydraulic Shadow, Dells Mill Pond Dam Failure Analysis, Eau Claire County, WI.” Approved by the WI DNR on December 6, 2016.

## Appendix B Amendments to the Floodplain Zoning Ordinance

All future additions to Appendix A for Floodplain Studies and Appendix B for Amendments to the Floodplain Zoning Ordinance approved by the WI DNR will be automatically added to the Appendices without need for public hearing or committee approval.

- a. Letter of Map Revision, Case No. 16-05-4739X, Revision to Map Panel 55035C0300E, Effective October 26, 2016. The effective map amends the floodplain boundary within parts of the Town of Otter Creek.

## Chapter 18.21

### CONDITIONAL USES

#### Sections:

<a href="#">18.21.001</a>	Purpose.
<a href="#">18.21.010</a>	Permit required.
<a href="#">18.21.020</a>	Preliminary conference.
<a href="#">18.21.030</a>	Application.
<a href="#">18.21.040</a>	Referral to the committee on planning and development.
<a href="#">18.21.050</a>	Action by the committee.
<a href="#">18.21.060</a>	Standards for conditional use permit approval.
<a href="#">18.21.070</a>	Authority to impose conditions.
<a href="#">18.21.080</a>	Lapse of conditional use permit.
<a href="#">18.21.090</a>	Revocation of conditional use permit.
<a href="#">18.21.100</a>	Term of a conditional use permit.

18.21.001 Purpose. Within each district certain uses which are deemed mutually compatible are permitted. In addition to such permitted uses, it is recognized that there are other uses which may be desirable within a given district, but because of their potential influence upon neighboring uses, public facilities or the environment, these uses need to be carefully regulated with respect to their location and operation. Such uses are classified as conditional uses, and are governed by this chapter. (Ord. 126-16 Sec.3(part), 1982).

18.21.010 Permit required. Prior to the establishment and maintenance of a conditional use of the types cited in Chapters 18.04 through 18.20, the committee must grant a conditional use permit allowing the same, in accord with the substantive and procedural rules set forth in this chapter. (Ord. 126-16 Sec.3(part), 1982).

18.21.020 Preliminary Conference. The department may discuss with the applicant the suitability of a conditional use application. (Ord. 126-16 Sec.3(part), 1982).

18.21.030 Application. Applications for conditional use permits shall be made on forms furnished by the department, and shall include the following information:

- A. Name and address of the applicant, owner of the site, architect, professional engineer and contractor;
- B. Legal description of the property;
- C. Site plan drawn to scale, showing parcel and building dimensions, driveways, access roads, parking spaces, offstreet loading areas and sidewalks;
- D. Landscape and screening plans;
- E. Drainage plans, including engineering plans for hookup to storm sewers, if available;
- F. Sanitary sewer and water plans with estimated use per day;
- G. Detailed description of the nature of the use, including products to be manufactured or sold, number of employees, estimated traffic generation, or other information as required.
- H. Erosion control and storm water management plans in compliance with Chapter 17.05.
- I. Building elevation and floor plans, including attics, are required for all non-agricultural accessory structures and be drawn to scale. (Ord. 153-28, Sec. 3, 2010; Ord. 152-28, Sec. 3, 2010; Ord. 150-42, Sec. 4, 2007; Ord. 137-07, Sec.9, 1993; Ord. 126-16 Sec.3(part), 1982).

18.21.040 Referral to the committee on planning and development.

A. The department shall refer the application to the committee. The committee shall hold at least one public hearing on the proposed conditional use permit. Notice of the hearing shall be published as a class 1 notice as regulated by Wis. Stat. ch. 985. In addition, the following interested parties shall be notified in writing at least 10 days prior to the meeting:

1. All property owners within 660 feet of the property;
2. The clerk of any municipality with extraterritorial jurisdiction;
3. The clerk and chair of the town in which the proposed conditional use is located;
4. Incorporated lake districts in which the proposed conditional use is located;
5. The appropriate district officer of the DNR as to areas subject to the shoreland or floodplain districts.

B. Failure of A.1.- 4. to receive the notice or attend the hearing shall not invalidate the proceedings.

C. The public hearing notice for a conditional use permit for a nonmetallic mining operation under Chapter 18.28, shall include the proposed transportation haul route(s). (Ord. 156-8, Sec. 7, 2012; Ord. 134-36 Sec.11, 1990; Ord. 126-16 Sec.3(part), 1982).

18.21.050 Action by the committee. Within 30 days of the public hearing, the committee shall act on the application for a conditional use permit. The committee shall act on the application by:

- A. Approval of the issuance of a conditional use permit as presented by the applicant, provided the standards of 18.21.060 are met;
- B. Approval of the issuance of a conditional use permit with conditions as deemed necessary by the committee;
- C. Denial of the conditional use permit. In the case of denial, the reasons therefore shall be stated in the minutes of the meeting and the applicant shall be notified in writing; (Ord. 128-24 Sec.32, 1984; Ord. 126-16 Sec.3(part), 1982).

18.21.060 Standards for conditional use permit approval. Standards for conditional use permit approval are:

- A. The proposed use is in conformance with the purpose of the zoning district in which it is located;
- B. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted;
- C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
- D. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use;
- E. Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result;
- F. Soil conditions are adequate to accommodate the proposed use;
- G. Proper facilities and access points are provided which would eliminate any traffic congestion or hazard which may result from the proposed use. (Ord. 126-16 Sec.3(part), 1982).

18.21.070 Authority to impose conditions. The committee, in order to achieve the standards of 18.21.060, may attach certain conditions to the permit. These conditions include, but are not limited to, changes in building design, lot or building setback lines in excess of district regulations, landscaping, screening, hours of operation, number of employees, sign and lighting limitations, increased parking, and sedimentation and erosion control measures. (Ord.126-16 Sec.3(part), 1982).

18.21.080 Lapse of conditional use permit. A conditional use permit will lapse and become void one year after approval of the committee unless a certificate of occupancy has been issued or a land use permit issued. (Ord. 152-4, Sec. 25, 2008; Ord. 126-16 Sec.3(part), 1982).

18.21.090 Revocation of conditional use permit. If, in the opinion of the department or a member of the committee, the terms of a conditional use permit have been violated, or that the use is substantially detrimental to persons or property in the neighborhood, the committee shall hold a public hearing on the revocation of the permit. Such a public hearing shall be held in accordance with 18.21.040 through 18.21.060. If, upon written findings of fact that the terms of the permit have been violated, the committee may revoke, modify or leave the permit unchanged. (Ord. 126-16 Sec.3(part), 1982).

18.21.100 Terms of a Conditional Use Permit.

A. Unless otherwise specified in the permit, a conditional use permit issued under this section shall remain in effect as long as the authorized use continues. Any use which is discontinued for 12 consecutive months shall be deemed to be abandoned. Prior to the reestablishment of an abandoned use, a new conditional use permit shall be obtained under the terms of this chapter.

B. Any alteration of a site plan or established conditions of an approved conditional use permit shall require the approval of the committee after a public hearing has been held. Minor alterations can be approved by the department with notification sent to the committee at their next meeting. (Ord. 131-65 Sec.14, 1987, Ord.126-16 Sec.3(part), 1982).

Chapter 18.22

HIGHWAY ACCESS AND SETBACKS

Sections:

<a href="#">18.22.001</a>	Purpose.
<a href="#">18.22.010</a>	Compliance.
<a href="#">18.22.015</a>	Structures permitted within setback lines.
<a href="#">18.22.020</a>	Highway setbacks and access requirements.
<a href="#">18.22.025</a>	Traffic visibility.
<a href="#">18.22.030</a>	Driveway standards
<a href="#">18.22.040</a>	Additional requirements.

18.22.001 Purpose. The purpose of this chapter is to promote the public safety, welfare and convenience by easing congestion on the public highways through a system of standards and regulations for limiting access to public highways and establishing setbacks from highway right-of-way. (Ord. 126-16 Sec.3(part), 1982).

18.22.010 Compliance. No structure shall be erected, constructed or moved within the setback lines established in this code, nor shall more frequent access points be permitted than allowed in this chapter along any class of highway described in 18.22.030. (Ord. 126-16 Sec.3(part), 1982).

18.22.015 Structures permitted within setback lines.  
The following structures and signs may be placed between the setback lines and the adjacent highway:

- A. Open fences;
- B. Telephone, telegraph and power transmission lines, together with all attachments;
- C. Wells, septic tanks and similar structures;



- D. Frontage and service roads constructed according to plans approved by the jurisdiction having authority over the highway;
- E. Signs, as regulated by Chapter 18.26;
- F. Unless otherwise prohibited in 18.22.025, trees, shrubbery and field crops;
- G. Where buildings are proposed to be erected between existing buildings less than 150 feet apart, the proposed building may be constructed at a setback no less than the average setback of the adjacent buildings on either side of the proposed building. (Ord. 126-16 Sec.3(part), 1982).

18.22.020 Highway setbacks and access requirements.

A. Class A Highways. The following highways in Eau Claire County are designated at Class A highways: Interstate Highway 94; USH 53 from I-94 northwesterly to USH 12; USH 53 from Main Street in Eau Claire northerly to the north county line; and STH 37-85 from I-94 northeasterly to USH 12.

1. Setbacks. The setback for all structures from a Class A highway shall be 150 feet from the centerline or 100 feet from the right-of-ways line, whichever is greater.

2. Access Driveways. There shall be no direct access to Class A highways.

B. Class B Highways. All federal or state highways not designated as Class A highways are designated as Class B highways.

1. Setbacks. The setback for Class B highways shall be 150 feet from the centerline or 100 feet from the right-of-way line, whichever is greater.

2. Access Driveways. A minimum distance of 500 feet shall be required between access driveways along the same side of a Class B highway.

C. Class C Highways. All lettered county highways and town roads are designated as Class C highways.

1. Setbacks. The minimum setback from a Class C highway shall be 83 feet from the centerline or 50 feet from the right-of-way line, whichever is greater, in the A-1, A-2, A-3, A-R, RH, C-3, F-1, F-2, I-1 and I-2 districts and shall be 63 feet from the centerline or 30 feet from the right-of-way line, whichever is greater in the R-1-L, R-1-M, R-2, R-3, C-1 and C-2 districts.

2. Access Driveways. A minimum distance of 100 feet shall be required between access driveways along the same side of a Class C highway.

D. Class D Highways. All roads located within subdivisions are hereby designated as Class D highways.

1. Minimum setbacks from Class D highways shall be 50 feet from the right-of-way line for districts A-1, A-2, A-3, A-R, R-H, C-3, F-1, F-2, I-1 and I-2 and shall be 30 feet from the right-of-way line for districts R-1-L, R-1-M, R-2, R-3, C-1 and C-2.

2. Driveway Access. There shall be no minimum distance for driveway access along Class D highways.

E. Driveway separations are calculated by measuring between the center lines of existing driveways and the proper driveways.

F. All highways: The minimum setback from all highways shall be 20 feet from the right-of-way in the C-2 District that is located within the Urban Mixed Use planning area as shown on Future Land Use Map (map 9) of the Eau Claire County Comprehensive Plan. (Ord. 157-12, Sec. 4, 2013; Ord. Ord.142-82 Sec.16, 1999; Ord.139-113, Secs.4-5, 1996; Ord. 129-74 Secs.11,12, 1986; Ord. 128-24 Sec.33, 1984; Ord. 126-69 Secs.19, 22, 1983; Ord. 126-16 Sec.3(part), 1982).

18.22.025 Traffic visibility.

A. At every intersection of two public roads or a public road and a railroad right-of-way, there shall be a traffic-visibility triangle. Within the triangle, no obstructions such as structures, parking or vegetation shall be allowed between 2 ½ feet and 10 feet above the elevation of the roadway.

B. Such traffic-visibility triangles shall be formed by the intersecting centerlines and a line connecting points on the centerlines of the intersecting highways or railroad right-of-way at the following distances:

1. On Class A and B highways, 300 feet from the intersecting centerlines;
2. On Class C and D highways, 100 feet from the intersecting centerlines;
3. On railroad rights-of-way, 200 feet from the center of the highway along the center of the railroad right-of-way.

C. Use of public highway right-of-way by plowing, cultivating and growing of field crops shall be governed by Wis. Stat. § 86.021.

D. Planting of trees and shrubs on highway right-of-way shall be governed by Wis. Stat. § 86.06. (Ord.139-113, Sec.6-7, 1996; Ord. 126-16 Sec.3(part), 1982).

18.22.030 Driveway standards. The following standards shall apply to the portions of all driveways within the jurisdiction of Title 18 located within the right-of-way of all Class B, C, and D highways.

A. Access/Driveway Permits. A permit shall be obtained from the jurisdiction having control over the highway prior to issuance of a land use permit. The Wisconsin Department of Transportation and the Eau Claire County Highway Department require a permit, pursuant to Wis. Stat. ch. 86.07, for construction or modifications on or across any highway right-of-way under their jurisdiction. Individual municipalities may also require a permit for roads under their jurisdiction. Applications for these permits are available at the Wisconsin Department of Transportation, 718 W. Clairemont Avenue, Eau Claire, WI 54701 for state highways and at the Eau Claire County Highway Department, 1000 Spooner Avenue, Altoona, Wisconsin 54720 for county highways. Township permits can be acquired from the town business office or the town chair where applicable.

B. All new driveways proposed to be installed or any existing driveway or alleged existing driveway on which the landowner proposes improvements or changes in use shall be subject to these requirements.

C. The driveway requirements set forth by the issuing agency shall govern. As a minimum these will include:

1. Driveway surface width shall be as required on the access permit.
2. The driveway shall slope down and away from the road at a minimum 2% grade and a maximum 5% grade for the first 10 feet from the edge of the shoulder to minimize water flowing onto the public road.
3. All portions of the driveway between the edge of the highway shoulder and the right of way line shall be constructed and maintained by and at the expense of the driveway owner except that modifications made during highway improvement projects or normally at the expense of the highway owner.

4. Any drainage culverts required on the public right-of-way to pass water beneath driveways shall be installed and maintained, including replacement, by and at the expense of the driveway owner except modifications made during highway improvement projects are normally at the expense of the highway owner. (Ord.139-113, Sec.9, 1996)

18.22.040 Additional requirements. The following regulations shall apply:

A. Controlled Access Highways. USH 53 from USH 12 northerly to its junction with Mountain View Place extended, and USH 12 westerly and northerly from USH 53 to its junction, Business 12, and STH 93 from its intersection with USH 53 to the county line have been designated as controlled access highways pursuant to Wis. Stat. § 84.25, and are subject to the provisions contained therein.

B. Planned Improvement Projects. USH 12 easterly from USH 53 to Elco Road, and STH 93 from its south junction with Friedeck Road northerly from STH 37 to I-94 are candidate projects for future improvements. The Wisconsin Department of Transportation in Eau Claire should be consulted prior to the development of site plans fronting on or where access to those segments of highway is being considered. (Ord. 139-113, Sec.8,10-12, 1996; Ord. 131-03 Sec.9, 1987; Ord. 126-16 Sec.3(part), 1982).

## Chapter 18.23

### HOME OCCUPATIONS, HOME BUSINESSES AND COTTAGE INDUSTRIES

#### Sections:

- 18.23.001 Purpose.
- 18.23.010 Home occupations.
- 18.23.020 Home business.
- 18.23.025 Types of home businesses.
- 18.23.030 Cottage Industries.
- 18.23.035 Types of cottage industries.

(Ord. 155-19, Sec. 6, 2011)

18.23.001 Purpose. The purpose of this chapter is to set standards under which home occupations, home businesses and cottage industries may be conducted so that such occupations, businesses and industries do not undermine the purpose and intent of this subtitle and the purposes of all agricultural and residential districts. (Ord. 155-19, Sec. 6, 2011; Ord. 126-16 Sec.3(part), 1982).

18.23.010 Home occupations. Home occupations shall be allowed without permit in all agricultural and residential districts, provided they conform to the following performance standards:

- A. The occupation shall be conducted entirely within the principal dwelling unit;

- B. The floor area devoted to the occupation shall not exceed 25% of the floor area of the principal dwelling unit;
- C. No person other than a resident of the dwelling shall be employed therein;
- D. No inventory of a commodity shall be sold on a regular basis from the dwelling;
- E. The occupation shall not be objectionable to neighboring uses due to noise, dust, odors, hours of operation, traffic generation or electrical interference;
- F. Signage is allowed in accordance with the requirements in 18.26.015 E., Permitted signs;
- G. Lighting. All lights related to the home occupation shall be directed on site and shielded to reduce glare to adjacent areas;
- H. There shall be no outside storage or display of products, materials, or equipment related to the home occupation;
- I. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses;
- J. In compliance with Wis. Stat. § 91.01 (1) (d), a home occupation in the exclusive agricultural district is also limited to be operated by the owner or operator of the farm; shall not impair or limit the current or future agricultural use of the farm or of other protected farmland; and requires no buildings, structures, or improvements other than those which are an integral part of, or are incidental to, an agricultural use or the farm residence. (Ord. 155-19, Sec. 6, 2011; Ord.137-07, Sec.11, 1993; Ord.136-16, Sec.2, 1992; Ord. 135-80, 1992)

18.23.020 Home businesses. Home business shall require a regular land use permit in all agricultural and residential districts, provided they conform to the following performance standards:

- A. Number. A maximum of two home businesses shall be permitted per lot or building site. In no instance shall there be more than 2 home businesses on a lot or building site, whether those enterprises are a home occupation and/or a home business;
- B. Size. If located within a dwelling unit, the total area of the home businesses shall occupy no more than 50% of the floor area of the dwelling unit. If located in an accessory building, the total area of the home businesses shall not occupy an area greater than 75% of the floor area of the dwelling unit or more than 1,000 square feet, whichever is greater applies.
- C. Operator. The home business shall be conducted by a resident of the dwelling unit. No more than 1 full time equivalent employee that is not a resident of the premises shall be employed by each home business on the lot.
- D. Parking. Off street parking shall be provided in accordance with the requirements in 18.25, on-site parking and loading.
- E. Sanitation. Sanitary facilities shall be provided per county and state sanitary code requirements.
- F. Signage. Is allowed in accordance with the requirements in 18.26.015 E., Permitted signs.
- G. Lighting. All lights related to the home business shall be directed on site and shielded to reduce glare to adjacent areas.
- H. Access. The business site shall have direct access to only state, county or town roads. Direct access to private roads or easements shall not be allowed.
- I. Sales. Sales in connection with the business activity are limited to merchandise manufactured, items accessory to a service (such as hair care products for a beauty salon), catalog or e-commerce sales or other products related to or incidental to the business.

J. Products. Traffic and delivery or pickup of goods /products shall not exceed that normally created by residential uses.

K. Vehicles. Any vehicles used in conjunction with the business, which advertise the business, shall be stored inside a building between the hours 7 p.m. and 6 a.m.

L. Exclusive Agricultural District. In compliance with Wis. Stat. § 91.01 (1) (d), a home business in the exclusive agricultural district is also limited to be operated by the owner or operator of the farm; shall not impair or limit the current or future agricultural use of the farm or of other protected farmland; and requires no buildings, structures, or improvements other than those which are an integral part of, or are incidental to, an agricultural use, or, the farm residence. (Ord. 155-19, Sec. 6, 2011)

18.23.025 Types of home businesses. The following types of businesses may be allowed as a home business but, are not necessarily limited to:

- A. Barber or beauty shops;
- B. Massage therapy;
- C. Art or photography studios;
- D. Professional offices, including but not limited to physicians, chiropractors, dentists, lawyers, real estate brokers, insurance agents and contractors, nurse-practitioners, clergyman, architects and engineers, registered land surveyors;
- E. Teachers;
- F. Authors;
- G. Musicians;
- H. Pet groomers;
- I. E-commerce businesses;
- J. Taxidermists;
- K. Seasonal related businesses;
- L. Studios;
- M. Or other recognized professions.
- N. Patrons or participants are limited to 5 or fewer on-site at any one time. (Ord 155-19, Sec. 6, 2011)

18.23.030 Cottage industries. Cottage industries are a conditional use in the following zoning districts: A-1 Exclusive Agricultural District, A-2 Agricultural-Residential District, A-3 Agricultural District, A-R Floating Agricultural-Residential District, F-1 Exclusive Forestry District and F-2 Forestry District. Cottage industries shall require the review and approval of a conditional use permit by the committee on planning and development, provided the committee finds that the requirements of Chapter 18.21 Conditional Uses, are met and the use conforms to the following performance standards:

A. The cottage industry shall conform to the development standards in the applicable zoning district, except as provided below.

B. Operator. The owner and operator of the cottage industry shall reside on the lot.

C. Lot area. The total land area occupied by the cottage industry and the principal residential use including portions of the lot occupied by buildings, storage areas and work places devoted to the cottage industry shall be a minimum of 3 acres.

D. Employees. Up to 5 employees who are not residents, may be employed with the cottage industry.

E. Building size. The appurtenant and accessory structure used as a cottage industry shall not occupy a total area greater than 2,400 square feet. If located within a dwelling unit, the total area of the cottage industry shall not occupy more than 50% of the floor area of the dwelling unit.

F. Storage. Any outdoor storage of materials, including building or construction materials, unregistered or registered vehicles, junk vehicle parts, trailers, boats, small engine equipment or heavy equipment, firewood or lumber, storage of earthen materials not to exceed 100 cubic yards or others items related to the industry, except for activities related to the growing and storing of plants, must be completely screened year-round from the road and from neighboring properties. Customer vehicles that require service or are being repaired must be repaired immediately and in no event shall be on the premises for longer than 2 weeks. The storage of vehicles and equipment must be related to the cottage industry business.

G. Screening. The cottage industry business and associated use areas shall be visually compatible with neighboring lots and uses. Landscaping and screening may be required by the committee if it is determined that the use needs to be sufficiently screened from view of adjacent residences, using site location, topography, landscaping buffer, earth berm, fencing (tight-board wood or plastic fence), the retention of native vegetation, or a combination thereof.

H. Operation. All activity related to the conduct of the business or industry, except for activities related to the growing and storing of plants, shall be conducted or stored within an enclosed structure. No business operations, activities, or transactions shall be conducted on any portion of the lot not approved for cottage industry use by the county.

I. Setbacks. No activities associated with a cottage industry, including materials or equipment storage, shall be located or conducted within 50 feet of an adjoining property line and should not be visible from the street or road.

J. Hours of operation. The committee shall establish business hours during the conditional use permit review and approval process. The use shall not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which it is located.

K. Traffic. Traffic generated by the cottage industry shall not exceed the level of service adopted for the public roadway which accesses the use, nor generate significant traffic in excess of that normally generated by typical uses found within the particular district. No business may provide drive-through service.

L. Parking. Off street parking shall be provided in accordance with the requirements in 18.25, on-site parking and loading. The committee may establish conditions related to the maximum number of vehicles, equipment, trailers that may be parked at any given time during business operations during the conditional use permit review and approval process.

M. Nuisance. No nuisances shall be produced including but not limited to smoke, glare, vibrations, noises, or odors that may be discernible by neighbors proximate to the dwelling unit.

N. Sales. Sales in connection with the activity are limited to merchandise manufactured or repaired on the premises, items accessory to a service, catalog or e-commerce sales or other products related to or incidental to the primary business.

O. Display. The committee may allow the outdoor display of merchandise or seasonal products on the premises on a case-by-case basis.

P. Noise. All noise generating operations shall be buffered so that they do not exceed the exterior ambient noise level at the property line by more than 5 dB (a), or an equivalent standard, which achieves comparable results.

Q. Sanitation. Sanitary facilities shall be provided per county and state sanitary code requirements.

R. Lighting. All lights related to the cottage industry shall be directed on site and shielded to reduce glare to adjacent areas.

S. Interference. No visual or audible interference of radio or television reception by operations shall be permitted.

T. Signage. Is allowed in accordance with the requirements in 18.26.015 E., permitted signs.

U. Exclusive Agricultural District. In compliance with Wis. Stat. § 91.01 (1) (d) a cottage industry in the exclusive agricultural district is also limited to be operated by the owner or operator of the farm; shall not impair or limit the current or future agricultural use of the farm or of other protected farmland; and requires no buildings, structures, or improvements other than those which are an integral part of, or are incidental to, an agricultural use, or, the farm residence.

V. Committee. The committee on planning and development may establish additional conditions during the conditional use permit review and approval process as deemed necessary

18.23.035 Types of cottage industries. The following types of industries may be allowed as a cottage industry with a conditional use permit, but, are not necessarily limited to:

A. Repair of motor vehicles and small engine and boat repair including the construction and operation of racing machines such as stock cars, snowmobiles, and tractors;

B. Storage of motor vehicles and recreational vehicles in accessory structures that were existing at the time of adoption of the zoning code;

C. Contractor businesses, including but not limited to landscapers, excavating contractors, building trade contractors, lawn maintenance businesses, snow plowing, well drillers, and septic tank haulers;

D. Wood related businesses (i.e. woodworking shops, firewood sales);

E. Pet care business;

F. Home bakery;

G. Furniture and repair and refinishing;

H. Pottery shop;

I. Electric repair businesses;

J. Sales of antiques and collectibles;

K. Ironworking, welding or blacksmith shop;

L. Seasonal related businesses;

M. Home businesses that exceed 5 patrons or participants on-site at any one time;

N. Other uses determined by the land use supervisor that meet the standards for a cottage industry. (Ord. 155-19, Sec. 6, 2011; Ord. 138-114, Sec.4, 1995; Ord. 131-65 Sec.15, 1987, Ord. 126-69 Sec. 19, 1983; Ord. 126-16 Sec.3(part), 1982).

Chapter 18.24

NONCONFORMING USES, STRUCTURES AND LOTS

Sections:

<a href="#">18.24.001</a>	Purpose.
<a href="#">18.24.010</a>	Nonconforming uses.
<a href="#">18.24.015</a>	Nonconforming structures.
<a href="#">18.24.020</a>	Nonconforming lots.
<a href="#">18.24.030</a>	Existing conditional uses.
<a href="#">18.24.040</a>	Record of nonconforming uses.

18.24.001 Purpose.

A. Within the districts established by this subtitle or amendments hereto, there exist uses, structures or lots which were lawful prior to the adoption of this subtitle but would be prohibited or more greatly restricted under the terms of this subtitle. These uses, structures and lots are declared legal nonconformities as provided for in 18.30.060.

B. It is the intent of this chapter to permit legal nonconformities until they are removed, but not to encourage their continuation. Such uses, structures and lots are declared by this subtitle to be incompatible with permitted uses in the district in which they are located.

C. These standards conform with Wis. Stat. § 59.69(10). They shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or amendments thereto (Ord. 149-07, Sec. 4, 2005; Ord. 126-16 Sec.3(part), 1982).

18.24.010 Nonconforming uses. A nonconforming use of land or structure which existed at the time of adoption of this subtitle, or amendments hereto, may be continued, but shall comply with the following provisions:

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

B. Once a nonconforming use has been changed to a conforming use, it shall not revert to nonconforming status.

C. If the nonconforming use has been discontinued for a period of 12 consecutive months, it shall be considered abandoned. Any future use shall conform with the provisions of this subtitle.

D. Uses which are nuisances shall not be permitted to continue as nonconforming uses. (Ord. 157-45, Sec. 10, 2014; Ord. 152-44, Sec. 12, 2008; Ord. 149-07, Sec. 5, 2005; Ord. 126-16 Sec.3(part), 1982)



18.24.015 Nonconforming structures. A structure which does not conform to the yard, height, parking, loading and access requirements of this subtitle may be continued to be used but shall comply with the following provisions:

A. Normal maintenance is not considered a modification or addition; normal maintenance includes painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities.

B. Structural repairs, alterations and expansions to non-conforming structures are not allowed, except as provided in 18.24.015 C. and E. through F.

C. Nonconforming structures damaged or destroyed by violent wind, fire, flood, or vandalism and destroyed after October 4, 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. A plan for mitigating the adverse effects of nonconformity shall be developed and submitted to the department for review and approval. The plan shall include an implementation schedule and shall comply with the following requirements:

a. The private onsite sanitary system shall be brought up to current standards for new construction.

b. The 35 foot natural vegetation buffer strip shall be restored to meet code requirements.

c. Stormwater and runoff shall be controlled.

d. Exterior building materials shall be colored as to make the structure visually neutral or inconspicuous during the summer months.

e. Grading, filling, or dredging shall comply with Chapters 18.19 and 18.20.

f. Erosion control measures must be identified, approved and installed.

3. 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;

4. Repairs are authorized under this provision only to the extent that they are necessary to repair the specific damage caused by violent wind, vandalism, fire, or flood and only that portion of the nonconforming structure that has been destroyed may be reconstructed.

D. Once a nonconforming structure has been moved or altered to comply with the provisions of this subtitle, it shall not revert to nonconforming status;

E. The maintenance and repair of nonconforming boathouses which are located below the ordinary high water mark of any navigable waters shall comply with the requirements of Wis. Stat. § 30.121;

F. Additions to existing nonconforming principal structures are allowed subject to the following conditions:

1. The addition or alteration shall not exceed 500 square feet.
2. One addition is allowed during the lifetime of the nonconforming

structure.

3. If located in the floodplain district, the addition or alteration must meet the requirements of 18.24.015 F. (Ord. 160-23, Sec. 12, 13 & 14, 2017; Ord. 157-45, Secs. 11-16, 2014; Ord. 152-44, Secs. 13-19, 2008; Ord. 149-07, Secs. 6-8, 2005; Ord 147-90 Sec.3, 2004; Ord. 146-23, Sec. 4, 2002; Ord. 144-53, Sec. 10, 2000; Ord.142-82 Sec.17-18, 1999; Ord. 134-36 Sec 13, 1990; Ord. 135-103, Sec.4, 1992; Ord. 134-36 Sec.14, 1990; Ord. 131-65 Sec.16, 1987, Ord. 130-48 Secs. 29-36, 1986; Ord. 128-24 Sec.34, 1984; Ord. 126-69 Sec.23, 1983; Ord.126-16 Sec.3(part), 1982).

18.24.020 Nonconforming lots. A lot of record may be used for any use or structure allowed in the district in which it lies, provided it complies with the following:

A. All structures shall meet the setback, yard, height, parking, loading and access requirements of this subtitle. (Ord. 126-16 Sec.3(part), 1982).

B. No structure shall be constructed on a lot which has less than 50% of the required width or area until a conditional use permit has been granted. (Ord. 126-16 Sec.3(part), 1982)

18.24.030 Existing conditional uses. Existing conditional uses shall be treated in the following manner:

A. An existing conditional use which, under the terms of this subtitle is a permitted use in the district in which it is located, shall be deemed a permitted use, provided the use and structures meet the regulations of the district in which it is located.

B. An existing conditional use which, under the terms of this subtitle, is a conditional use in the district in which it is located, may be continued, provided the terms of the conditional use permit are being followed.

C. An existing conditional use which, under the terms of this subtitle, is neither a conditional use nor a permitted use shall be deemed to be a nonconforming use and shall be subject to the provisions of this chapter. (Ord. 126-16 Sec.3(part), 1982).

18.24.040 Record of nonconforming uses.

A current file of all nonconforming uses shall be kept by the department, listing the owner's name and address, property description, nature and extent of the use, and the date the use was established or became nonconforming. The file shall be used by the department to document changes or expansions of such uses and for issuance of violation notices. (Ord. 157-45, Sec. 17, 2014; Ord. 152-44, Sec. 20, 2008; Ord. 126-16 Sec.3(part), 1982).

Chapter 18.25

ON-SITE PARKING AND LOADING

Sections:

- [18.25.001](#) Purpose.
- [18.25.010](#) General provisions.
- [18.25.020](#) Required number of on-site spaces.
- [18.25.030](#) On-site loading requirements.

18.25.001 Purpose. The purpose of this chapter is to promote public safety and welfare by reducing congestion on public streets and roads, by requiring on each lot sufficient parking and loading space to accommodate the traffic generated by the use of the lot. (Ord. 126-16 Sec.3(part), 1982).

18.25.010 General provisions.

A. Minimum Size Regulations. A minimum of 180 sq. feet is required for each parking space. Parking spaces shall be not less than 9 feet in width and 18 feet in length, plus adequate access and maneuvering area. All parking spaces shall have direct access to a street or alley. Loading spaces shall be sufficient for the uses they are designed to serve and shall provide space for maneuvering. Required parking and loading spaces shall not be used for storage of goods or storage of vehicles that are inoperable or for sale or rent.

B. Reduction and Use of Parking and Loading Space. Onsite parking facilities existing on the effective date of the ordinance codified in this subtitle shall not be reduced to an amount less than required herein. If an existing structure or use with less than the number of parking and loading spaces required under this subtitle is expanded to an amount less than 50% of its gross area, additional parking shall be required only for the addition. If, however, the expansion is greater than 50% of the original structure or use, the number of parking stalls required shall meet the total required under this chapter.

C. Computing Requirements. In computing the number of spaces required, the following rules shall govern:

1. "Floor space" means the gross floor area of the specific use.
2. For structures containing more than one use, the required number of spaces shall be computed by adding the spaces required for each use.
3. Where parking spaces are calculated according to the number of employees, the number of employees on the main shift, or greatest number of employees present at one time, shall be used to compute the number of stalls required.
4. Parking space requirements for uses not specifically mentioned herein shall be the same as required for a use of a similar nature, as determined by the committee.

D. Location of Parking Facilities. Required off street parking facilities shall be located on the same lot as the use they are intended to serve, provided that combined or joint parking facilities may be provided for uses in the C-1, C-2, C-3, I-1 and I-2 districts if the total number of spaces equals the total spaces required. In the case of joint facilities, no parking space shall be more than 400 feet from the use it is intended to serve.

E. Screening. All open automobile-parking areas containing more than 5 spaces shall be effectively screened on each side abutting a single-family or two-family residential district by a wall, fence or densely compacted hedge of not less than 4 feet in height. This requirement may be waived if the parking area is at least 75 feet from the nearest residential property line.

F. Lighting. Lighting used to illuminate on-site parking areas shall be directed away from residential properties and public rights-of-way.

G. Yards.

1. In the commercial and industrial districts, on-site parking is allowed in all yards, provided that in the front yard a 5 foot setback is maintained and in all yards, barriers are provided to prevent encroachment of vehicles. When abutting a residential district, side and rear setbacks shall be 10 feet from property lines.

2. In residential districts, parking in a required front yard is prohibited except for improved driveway areas.

H. Construction and Maintenance. In the business and industrial and multiple-family residential districts, all parking areas and access drives shall be covered with a dust-free, all-weather surface, with proper surface drainage. All areas containing five or more spaces shall be hard surfaced, and have aisles and spaces clearly marked.

I. Parking Limitations

1. No commercial vehicles or equipment exceeding 9,000 pounds gross weight shall be stored or parked in a residential district.

2. Inoperable or unlicensed vehicles of any kind or parts thereof shall not be stored in any district other than in an enclosed building or where allowed as a permitted or conditional use. (Ord. 144-53, Sec. 11, 2000; Ord. 134-66, 1991; Ord. 130-47 Sec.2, 1986; Ord. 128-74 Sec.9, 1985; Ord. 128-24 Sec.35, 1984; Ord. 126-16 Sec.3(part), 1982).

18.25.020 Required number of on-site spaces. The required number of parking spaces shall be in accordance with the following schedule:

A. Single-family dwellings and duplexes: 2 stalls per dwelling unit; multiple-family dwellings: 1.5 stalls per dwelling unit; and elderly multi-family units: 3/4 stall per dwelling unit.

B. Hotels, motels, lodging houses, boardinghouses: 1 stall per guest room plus 1 stall per employee on the major shift;

C. Hospitals, convalescent and nursing homes, and similar institutions: 1 stall per 4 beds, plus 1 stall per employee on the major shift;

D. Business or professional offices, medical or dental clinics, animal hospitals, municipal or governmental buildings, and financial institutions: 1 stall per 300 sq. feet of floor area;

E. Churches, theaters, community center, auditoriums and similar places of assembly: 1 stall per 5 seats or 1 per 100 sq. feet;

- F. Elementary and junior high schools: 2 stalls per classroom;
- G. High schools: 1 stall per ten students, plus 1 stall per 2 employees;
- H. Colleges, trade, vocational and technical schools: 1 stall per 5 students, plus 1 stall per 2 employees;
- I. Nursery school or day care center: 1 stall per 10 children, plus one stall per 2 employees;
- J. Manufacturing and processing plants, warehouses, wholesale establishments, research laboratories and similar uses: 1 stall per 2 employees on the major shift, plus 1 stall for every business vehicle normally kept on the premises;
- K. Restaurants (except drive-ins), nightclubs, taverns: one stall per 50 feet of floor area, plus 1 stall per employee;
- L. Retail stores and service establishments: 1 stall per 200 sq. feet of floor area except for furniture, appliance, and home improvement products (i.e., carpets, paint, wall paper, etc.) which require one stall per 400 sq. feet of floor area;
- M. Bowling alleys: 5 stalls per lane;
- N. Funeral homes: 20 per chapel, plus one stall per vehicle kept on the premises;
- O. Recreation facilities, including golf courses, archery ranges, softball fields and tennis courts: 1 stall per 3 users (participants and spectators) at maximum capacity, plus 1 stall per 2 employees;
- P. Automobile service stations: 1 stall per each employee on the major shift, plus 3 stalls per service bay;
- Q. Drive-in restaurants and fast food establishments: 5 stalls per employee on the major shift;
- R. Shopping Centers: 5.5 stalls per 1,000 sq. feet of gross leasable area;
- S. Convenience stores with gas sales: 1 stall per 200 sq. feet of retail area; each parking area adjacent to a pump island or fuel area may count as a parking stall. (Ord. 147-103, Sec. 8, 2004; Ord.136-16, Sec.3, 1992; Ord. 134-36 Secs. 15-17, 1990; Ord. 126-16 Sec.3(part), 1982).

18.25.030 On-site loading requirements.

- A. In business and industrial districts, adequate loading berths and areas shall be provided and so located that all vehicles loading, maneuvering or unloading are completely off the public rights-of-way.
- B. All business and industrial uses shall have at least 1 loading berth for every 30,000 sq. feet of floor area, with a maximum of 3 berths required. (Ord. 126-16 Sec.3(part), 1982).

## Chapter 18.26

### SIGN REGULATIONS

#### Sections:

<a href="#">18.26.001</a>	Purpose.
<a href="#">18.26.010</a>	General sign provisions.
<a href="#">18.26.015</a>	Permitted signs.
<a href="#">18.26.020</a>	District regulations.
<a href="#">18.26.025</a>	Advertising (off-premises) signs.
<a href="#">18.26.026</a>	Changing signs.
<a href="#">18.26.030</a>	Nonconforming signs.
<a href="#">18.26.040</a>	Inspection.

18.26.001 Purpose. This chapter is established to protect and promote health, safety, general welfare and order through the establishment of comprehensive, uniform standards and procedures, governing the construction, use and style of signs or symbols serving as a visual communication media aimed at persons upon public rights-of-way or private properties. It is intended that the opportunity for effective, aesthetically compatible and orderly communications be encouraged by reducing confusion and hazards resulting from unnecessary or indiscriminate use of signs. Hereafter, no sign shall be erected, constructed, altered or modified except as regulated herein. (Ord. 126-16 Sec.3(part), 1982).

#### 18.26.010 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 which 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 property upon which the sign is located, or by his or her license.

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 fire-fighting 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. Portable Signs. The temporary use of portable signs shall be allowed in commercial and industrial districts, provided that the total signage areas does not exceed 120% of the size allowed in 18.26.020. Use of temporary signs shall be limited to a maximum of 2 occasions within any 12 month period, for up to 14 days duration each. A portable sign may be placed within a front yard but not within a vision triangle.

F. Clearance. All signs located over a public or private access route (sidewalk, mall, etc.) shall be located a minimum of 12 feet above grade level.

G. Display of Information. All signs requiring a permit shall display in a conspicuous manner the permit number and such other information required by law.

H. Safe Ingress and Egress. No sign or sign structure shall be erected or maintained so as to prevent or deter free movement from any door, window or fire escape, nor shall be attached to a standpipe or fire escape. No sign or sign structure shall impede the vision triangle of a driveway access to a property based on the type of public road being accessed.

I. Signs Required by Law. All signs required by law shall be permitted in all districts.

J. Parallel Signs. If a freestanding sign or sign structure is constructed so that the faces are not parallel, the angle shall not exceed 30°. If the angle is greater than 30°, the total area of both sides added together shall be the calculated area. If the angle is less than 30°, the sign shall be considered as one sign for calculating square footage and number of signs.

K. Frontyard Signs. One business freestanding sign may be placed within the front yard.

L. 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 shall be vested in the owner of the real property.

M. Illumination. All externally illuminated signs shall direct the source of light away from adjacent properties.

N. Prohibited Signage: Signs that flash, strobe, blink, revolve, or contain animation are strictly prohibited.

O. Double Frontage Lots. Lots having frontage on two streets or on a street and an alley shall be permitted to provide the maximum number and square footage of signs on each footage.

P. Copy Area and Sign Height. In the Commercial and Industrial Districts, signs with greater size and height may be allowed if they meet the following:

1. The copy area of a freestanding sign may be doubled if it meets the requirements of 18.26.010 P. 3. and 4. and a conditional use permit is granted.

2. The sign height may be increased to 55 feet by staff if the sign is within 2 miles of the intersecting center lines of a Class A highway and the intersecting highway. Freestanding signs greater than 55 feet up to 75 feet may be allowed by the committee under a conditional use permit and if the sign meets the requirements of 18.26.010 P.3. and 4.

3. A conditional use permit may be approved if the committee finds that the sign:

a. Will be compatible with surrounding signs and the highway setting in which it is to be located

b. Will not create or add to sign clutter

- c. Will not interfere with or confuse motorists or pedestrians
- d. Will be consistent and compatible with the scale of the buildings

on the premises.

- 4. In considering the sign, the committee shall consider such factors as:
  - a. Proximity of the proposed sign to other freestanding signs
  - b. Size and height of signs in the area
  - c. Square footage
  - d. Location
  - e. Amount of street frontage
  - f. Proposed setback for the sign.

(Ord 153-28, Sec. 4, 2010; Ord.142-83; Ord.142-82 Sec.19, 1999; Ord.136-16, Sec.4, 1992; Ord. 133-79 Sec.1, 1989; Ord. 126-16 Sec.3(part), 1982)

18.26.015 Permitted signs. The following signs shall be allowed without a permit; in the front yard, excluding visual triangle areas; and as regulated in the subsections listed below.

A. Government Signs. Signs of a public, noncommercial nature, including but not limited to safety signs, trespassing signs, traffic-control devices, scenic or historical signs, memorial plaques, and community service signs approved by the Committee;

B. Directional Signs.

1. On-site directional and parking signs, intended to facilitate the movement of vehicles and pedestrians upon the premises shall not exceed 6 square feet and shall not be illuminated.

2. Off-site directional signs directing customers to a business shall not exceed 6 square feet; shall name only the business, distance, and direction to the business; and are limited to one sign in either direction of the business. Seasonal agricultural product signs are exempt.

C. Integral Signs. Signs attached to buildings or structures which name the building, date of construction and commemorative actions.

D. Campaign Signs. Election campaign or referendum signs may be placed on the first day for circulation of nomination papers or the period beginning on the day on which the questions to be voted upon are submitted to the electorate. In residential districts, no sign may be electrical, mechanical, or have an audio auxiliary.

E. Nameplates. One sign which states the owner's name, address, and a home occupation or farm related business not exceeding 6 sq. feet.

F. Holiday Signs. Signs or displays which contain or depict only a message pertaining to a national or state holiday, displayed for a period not to exceed 60 days;

G. Construction Signs. Nonilluminated signs naming the architects, engineers, contractors, and other individuals or firms involved with the construction, alteration, or repair of a structure and the future use of the site. Such signs shall be confined to the construction site and shall be removed when the project is completed or occupancy of the structure, whichever comes first. No sign shall exceed 64 sq. feet.

H. Real Estate Signs. A single on-premises sign announcing the owner, manager, realtor or other person directly involved in the sale or rental of a property. In the event of sale, the sign must be removed within 10 days thereafter. Signs shall not measure more than 6 sq. feet in the R-1, R-2 and R-3 districts, nor more than 20 sq. feet in all other districts;



I. 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 state law as to frequency and size.

J. Seasonal Agricultural Product Signs.

K. Agriculture Test Plot Signs. Agricultural test plot signs shall be allowed under the following conditions:

1. One sign facing each direction.

2. Sign shall not exceed 32 sq. feet and are permitted during the growing season and shall be removed after harvest.

3. Row markers and variety markers are permitted as necessary.

L. Occasional Yard Sale Sign. One sign is allowed; shall not exceed 6 sq. feet; and shall not be placed more than one day prior to the sale and removed at end of sale.

M. Motor fuel pricing signs: one freestanding or canopy sign displaying the type of service offered, grade of fuel, and price of the motor fuel sold is allowed. Each type of service offered is allowed a maximum of 12 sq. feet. If, in the determination of the department, one sign is not sufficient to convey the above information, two single faced signs may be displayed at appropriate points along the pump island in lieu of provisions set forth above. (Ord. 155-19, Sec. 8, 2011; Ord. 144-53, Sec. 12; 2000; Ord. 133-79 Sec.2, 1989; Ord. 131-03 Sec.10, 1987; Ord. 130-47 Sec.3, 1986; Ord. 129-25 Sec.3, 1985; Ord. 128-74 Sec.10, 1985; Ord. 126-16 Sec.3(part), 1982).

#### 18.26.020 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.

B. Permits Required.

1. Except as allowed in 18.26.015, no sign shall be erected, constructed, enlarged or otherwise modified without first receiving a sign permit.

2. Application for a sign permit shall be made to the department. Permits shall be issued if the proposed sign meets the requirements of this chapter.

3. A sign design and site plan shall be submitted prior to issuance of the sign permit.

4. A permit fee required under 4.35.090 shall be paid prior to issuance of a sign permit.

C. All Agricultural and Residential Districts.

1. Area Identification Sign. One freestanding sign of not more than 32 sq. feet is permitted, provided that the sign be located not less than 15 feet from a property line or right-of-way line, nor shall it extend higher than 10 feet from grade level, and shall not be located in a vision triangle of a public road or private driveway. A monument sign exceeding the standard of 32 sq. feet may be approved as a conditional use.

2. Where the committee has approved a conditional use in the agricultural and residential districts, one free standing sign is allowed in addition to an area identification sign by land use permit provided:

a. The sign shall not exceed 32 square feet;

b. The sign complies with the setback and height requirements of

18.26.020 C. 1.;

c. The provisions of the sign ordinance are met.

D. C-1 Neighborhood Business District.

1. The gross area in square feet shall not exceed the lineal front footage of the lot. Two signs are allowed per lot.
2. One freestanding sign is allowed and shall not exceed 32 sq. feet. The sign may be in the front yard but cannot be located closer than 10 feet to any other property line and shall not extend below 12 feet and above 30 feet from final grade.
3. Wall and roof signs shall not exceed 100 sq. feet nor extend more than 5 feet above the roof or parapet wall.

E. C-2 General Business District.

1. The gross area of all signs shall not exceed 2 times the lineal front footage of the lot.
2. One freestanding sign is allowed and shall not exceed 75 sq. feet. The sign may be in the front yard but not within 10 feet to any other property line. The sign shall not extend into an area between 4 feet and 12 feet nor above 30 feet from final grade. A monument sign may be approved which lies between 4 feet and 12 feet from final grade as a conditional use. The committee may approve a monument sign if it finds that the sign is compatible with the conditions established in 18.26.010 P. 3 and 4.
3. Projecting, wall and roof signs shall not project more than 48 inches from a building or into a public right-of-way or extend 5 feet above the roof or parapet wall.

F. C-3 Highway Business District.

1. The gross area of all signs shall not exceed 4 times the lineal front footage of the lot.
2. Two freestanding signs are allowed and the total area of both signs shall not exceed 200 sq. feet. A sign may be located in the front yard but not within 10 feet to any property line. A sign shall not extend into an area between 4 and 12 feet nor above 30 feet from final grade. A monument sign may be approved which lies between 4 feet and 12 feet from final grade as a conditional use. The committee may approve a monument sign if it finds that the sign is compatible with the conditions established in 18.26.010 P. 3 and 4.
3. Projecting, wall, and roof signs shall not project more than 48 inches from a building or into a road right-of-way or extend 5 feet above the roof or parapet wall.

G. Industrial I-1 and I-2 Districts.

1. Area and Number. The area in square feet of all signs shall not exceed 4 times the lineal front footage of the lot; the area of all illuminated signs shall not exceed 2 times the lineal front footage. Four signs are allowed per lot, 2 of which may be freestanding.
2. Freestanding Signs. Two freestanding signs are allowed and shall not exceed 200 sq. feet. A sign may be in the front yard, but not within 10 feet to any property line. A sign shall not extend into an area between 4 and 12 feet above grade, and the sign shall not be higher than 30 feet above grade. A monument sign may be approved which lies between 4 feet and 12 feet from final grade as a conditional use. The committee may approve a monument sign if it finds that the sign is compatible with the conditions established in 18.26.010 P. 3 and 4.
3. Attached Signs. Attached signs shall not project more than 72 inches from the building, nor extend higher than the roof of the building or into a public right-of-way. Projecting signs shall not exceed 200 sq. feet in area.

H. Integrated Shopping Centers.

1. Shopping centers with several separate businesses are allowed 2.2 sq. feet per lineal front footage of the business for wall and roof signs.

2. One freestanding area identification sign shall be permitted with a maximum of 200 square feet. The content of the sign shall be limited to the name of the shopping center and the businesses contained therein. The sign may be located in the front yard but not within 10 feet of a side property line. The sign shall not extend below 12 feet nor above 30 feet from final grade. (Ord. 149-09, Sec. 5, 2005; Ord. 146-23, Secs. 5 & 6, 2002; Ord.143-94 Sec. 8, 2000; Ord.140-92, Sec.24, 1997; Ord.136-16, Sec.5 & 6, 1992; Ord.134-36 Sec.19, 1990; Ord.129-25 Secs. 4-10, 1985; Ord.128-24 Sec.36, 1984; Ord. 126-69 Sec.24, 25, 1983; Ord.126-16 Sec.3(part), 1982).

18.26.025 Advertising (off-premises) signs. Off-premises advertising signs are permitted in the C-3, I-1 and I-2 districts, subject to the following provisions:

A. Spacing. There shall be a minimum of 300 feet of separation between advertising signs on the same street facing the traffic flow.

B. Parallel Signs. Advertising signs may be double faced, with each side considered as facing traffic flowing in the opposite direction. Such signs shall be considered as one when computing sign area.

C. Size, Height and Length. Advertising signs shall not exceed 750 square feet in total area including all faces, except parallel signs, nor shall the height exceed the permitted height of other freestanding signs in the district in which it is located. No advertising sign shall exceed 55 feet in length.

D. Setbacks. No part of an advertising sign shall be closer than the building setback lines of the district in which it is located.

E. Relation to Business Signs. When advertising signs are located on the same lot as business signs, the advertising signs shall be included in the computation of number and square footage of signs.

F. Exclusionary Areas. No advertising sign shall erected or maintained within 100 feet of a residential, agricultural or forestry district boundary, or within 500 feet of a public park. (Ord.126-16 Sec.3(part), 1982).

18.26.026 Changing Signs.

A. Sign Message. Changing signs shall provide only on-premise advertising, time, temperature and date information, or general information pertaining to public and civic events.

B. Construction. Changing signs shall be constructed as a wall, monument or free-standing sign. If constructed as a monument or free-standing sign, it shall be permitted in conjunction with a permitted business or identification sign subject to the provisions for monument or free-standing signs and the respective zoning district, but shall not exceed 50 percent of the total sign area of such sign.

C. Electronic Message Center Signs.

1. Electronic message center signs are permitted on parcels zoned C-1, C-2, C-3, I-1, I-2 and in integrated shopping centers.

a. A text message may scroll or appear to travel horizontally or vertically on the sign face at a constant speed, but no part of the message or display shall flash, blink, or use any other form of animation, nor shall the background for such message use any form of animation.

b. Static displays on such signs shall be displayed for at least two seconds and the change or transition from one display or message to the next shall occur as quickly as possible.

c. No such sign shall be illuminated to a degree of brightness that constitutes a nuisance or public safety hazard. Between dusk and dawn, the brightness of such sign shall be set at no more than 50% of the sign's maximum brightness, and the county reserves the right to require that the brightness of the sign be adjusted if it is deemed to be a public nuisance or a distraction to motorists.

2. A conditional use permit shall be required if any of the following circumstances apply. The planning and development committee may grant a conditional use in accordance with the provisions contained in chapter 18.21. The committee, as set forth in 18.21.070, may attach certain conditions to the conditional use relating to the operation of such signs.

a. If more than one electronic message center sign is proposed for a parcel. When considering such conditional use, the committee shall consider whether the size or scale of the parcel or building is of such exceptional size that more than one such sign is warranted and will not create or add to sign clutter in the area or conflict with signs in the area. Additionally, the committee may consider the following factors: sign size, height, setback, location on the building relative to its architectural design (for walls signs), proximity of the message center signs, and need for multiple signs as identified by the applicant.

b. If any electronic message center sign is located closer than 200 feet to another electronic message center sign or closer than 100 feet to any traffic control signal. The applicant shall satisfy to the committee that such sign will not interfere with or confuse motorists, and will not create any traffic safety problem along the street on which it is located.

c. If any electronic message center sign erected as a wall sign exceeds 50 square feet in size. When reviewing such conditional use, the committee shall consider whether such sign is compatible and consistent with the architecture, scale, and design of the building, is appropriate for the character of the street setting in which it is to be located, and does not diminish the appearance or integrity of neighboring buildings and signs.

3. An electronic message center sign existing on March 2, 2010 which is not in conformance with these provisions shall be considered a legal, non-nonconforming sign subject to 18.26.030. (Ord 153-28, Sec. 5, 2010)

#### 18.26.030 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 chapter shall be construed as relieving the owner of a legal nonconforming sign from the provisions of this chapter regarding safety, maintenance, and repair of signs. However, no change in the sign structure or copy shall be made which makes it more nonconforming.

C. When a nonconforming sign is destroyed by more than 50% of its face area, the sign shall be abandoned and removed from the property or reconstructed meeting the requirements of this chapter and any other applicable laws. (Ord.143-94 Sec.9, 2000; Ord.129-25 Sec.11, 1985; Ord. 126-16 Sec.3(part), 1982).

18.26.040 Inspection. All signs for which a permit is required shall be subject to inspection by the department. The department may enter any property during normal business hours to ascertain whether the provisions of this chapter are being obeyed. The department shall order the removal of any sign that is not maintained in accordance with the provisions of this chapter. (Ord.126-16 Sec.3(part), 1982).

## Chapter 18.27

### PLANNED UNIT DEVELOPMENTS

#### Sections:

<a href="#"><u>18.27.001</u></a>	Purpose.
<a href="#"><u>18.27.010</u></a>	Application.
<a href="#"><u>18.27.020</u></a>	General regulations.
<a href="#"><u>18.27.030</u></a>	Standards for common open space.
<a href="#"><u>18.27.035</u></a>	Bond requirement for open space structure.
<a href="#"><u>18.27.040</u></a>	Conveyance and maintenance of common open space.
<a href="#"><u>18.27.050</u></a>	Required covenants, easements and provisions.
<a href="#"><u>18.27.060</u></a>	Control of planned unit development following acceptance.
<a href="#"><u>18.27.070</u></a>	Failure to begin planned unit development.

18.27.001 Purpose. The purpose of this chapter is to provide a procedure for the allowance of planned unit developments (PUD) wherein more than one structure or use on a single lot and integrated development of more than one lot as a single tract shall be allowed. (Ord.126-16 Sec.3(part), 1982).

18.27.010 Application. An application for a PUD shall be filed in accord with Chapter 18.21. In the event that a PUD involves the establishment of more than one lot, the application shall be submitted simultaneously with a subdivision plat in accord with Subtitle II of Title 18 or a condominium plat for coordination purposes. (Ord. 146-23, Sec. 7, 2002; Ord.126-16 Sec.3(part), 1982).

#### 18.27.020 General regulations.

A. Planned unit developments shall meet the requirements of Chapter 18.21. They shall constitute conditional uses in the following districts: A-2,R-H, R-1-L, R-1-M, R-2, R-3, C-1, C-2 and C-3.

B. Minimum size of development shall be 2 acres.

C. Structures and uses in a PUD shall conform with the requirements of the zoning district in which it is located, subject to the exception that up to 5% of the floor area of a residential PUD may be used for commercial or service uses for the express purpose of servicing the residents of the PUD.

D. The number of principal structures which may be constructed within a PUD shall be determined by dividing the net acreage of the PUD tract by the required lot area per structure required within the zoning district in which the PUD is located. "Net acreage" is defined as the gross area, less environmentally sensitive areas as defined in 18.76.003 A. 11.

1. Proposed lots located within a conservation subdivision and the extraterritorial plat review boundaries for the City of Eau Claire or the City of Altoona, but outside of the sewer service area (SSA), shall have a minimum lot size of at least one (1) acre unless reduced in accordance with 18.27.020 H. At least 40% of the net acreage within the parent parcel shall be placed under a conservation easement or comparable protection and maintained as open space.

2. Net acreage will be inclusive of areas dedicated for public or private streets for the purpose of determining the maximum number of lots permitted within a conservation subdivision.

E. The PUD shall be of such size, composition and arrangement that in construction, marketing and operation is feasible as a complete unit. All elements of the PUD shall be so arranged that they will achieve a unified scheme of distribution of structures, uses and open spaces.

F. Land to be set aside as open space or common area shall be clearly indicated on the plan. Provisions for the continued maintenance of common open space, recreational facilities, parking facilities, utility infrastructure, private roads or other common property, shall be guaranteed by property owners association articles of incorporation, protective covenants, or deed restrictions in a form acceptable to the county corporation counsel. Such guaranteeing instruments shall be recorded with the plat.

G. Private streets and access ways shall be developed to a standard equal to that required for public use by the subdivision code. Such private roads and access ways shall be protected by deed restrictions and covenants assuring their availability to all residents of the PUD.

H. The committee may modify the requirements for density, off-street parking and loading, access and signs. The committee cannot modify the density requirements by more than 25% of the number of lots allowed for the PUD under D. (Ord. 160-10, Sec. 1; Ord. 144-53, Sec. 14, 2000; Ord. 144-53, Sec. 13, 2000; Ord.132-53 Sec.6, 1988, Ord.128-24 Sec.37, 38, 1984; Ord.126-16 Sec.3(part), 1982).

18.27.030 Standards for common open space. No open area may be accepted as common open space under the provisions of this subtitle unless it meets the following standards:

A. The uses authorized for the open space must be appropriate to the scale and character of the PUD, considering its density, expected population, topography, and number and type of structures.

B. It must be improved its intended use, unless it contains natural features worthy of preservation, in which case it may be left in an unimproved state.

C. The construction and provisions of open spaces and recreational facilities must proceed at the same rate as the construction of principal structures. (Ord.126-16 Sec.3(part), 1982).

18.27.035 Bond requirement for open space structure. If the PUD plan provides for buildings, structures or improvements within the open space, the developer must provide a bond or other adequate assurance that the buildings, structures and improvements will be completed. The committee shall release the bond or other assurance when the buildings, structures or improvements have been completed according to the plan. (Ord.126-16 Sec.3(part), 1982).

18.27.040 Conveyance and maintenance of common open space.

A. Lands listed as common open space on the final development plan must be conveyed under one of the following alternatives:

1. With the consent of the committee and the appropriate town board, to the town in which it is located or to the county for purposes of maintenance of the open space and any structures or improvements placed thereupon;

2. To trustees provided for in an indenture establishing an association or similar organization for the maintenance of the PUD project, subject to conveyances approved of by the committee which shall restrict the open space provided to the uses specified in the development plan and which provide for maintenance of the open space in a manner insuring its continued use for the intended purposes. The interest in such open space shall be undivided and not transferable.

B. No open space may be put to any use not specified in the final development plan unless the plan has been amended through the conditional use permit process. (Ord.126-16 Sec. 3(part), 1982).

18.27.050 Required covenants, easements and provisions.

A. The development plan shall contain such covenants, easements and other provisions relating to the bulk, location and density of permitted structures, accessory uses thereto, and public facilities, as may be necessary for the PUD and surrounding land uses.

B. The developer may be required to dedicate land for public streets, roads, driveways, or other public purposes, as may be necessary for the welfare of the PUD and surrounding land. (Ord.126-16 Sec.3(part), 1982).

18.27.060 Control of planned unit development following acceptance. All changes in use or rearrangement of lots, blocks and building sites, and any changes in the approved plans, must be made by the committee under the conditional use permit process. (Ord.126-16 Sec.3(part), 1982).

18.27.070 Failure to begin planned unit development. If no construction has begun within one year from the final approval, the development plan shall lapse and be of no further effect, provided that its discretion and for good cause, the committee may extend for one additional year the period for beginning of construction. (Ord.126-16 Sec.3(part), 1982).

## Chapter 18.28

### MINING

#### Sections:

<a href="#">18.28.001</a>	Purpose.
<a href="#">18.28.005</a>	Applicability.
<a href="#">18.28.010</a>	Application
<a href="#">18.28.020</a>	Application required for conditional use permit (metallic mining).
<a href="#">18.28.025</a>	Bond and insurance required.
<a href="#">18.28.030</a>	General operating requirements.
<a href="#">18.28.035</a>	Metallic mining permits.
<a href="#">18.28.040</a>	Inspections.
<a href="#">18.28.045</a>	Existing mining operations.
<a href="#">18.28.050</a>	Penalties.

18.28.001 Purpose. It is the purpose of this chapter to protect public health, safety and general welfare; promote aesthetic values; and provide for environmentally sound reclamation of land disturbed by mining activities through an impartial series of standards and regulations governing the extraction of minerals. (Ord.126-16 Sec.3(part), 1982).

#### 18.28.005 Applicability.

A. Nonmetallic mineral extraction operations 10 acres and less (based on the life of the mine) and governmental mining operations uses are conditional uses and may be permitted in the A-1, A-2, A-3, C-3, I-1, I-2, F-1, F-2 districts, as regulated by Chapter 18.21. Nonmetallic mineral extraction operations greater than 10 acres (based on the life of the mine) are conditional uses and may be permitted in the nonmetallic mining overlay district, as regulated by Chapter 18.21.

B. Exempted activities. The exempt activities are as provided in 18.90.050 of the Eau Claire County Code.(Ord. 157-4, Sec. 5, 2013; Ord. 156-8, Sec. 8, 2012)

#### 18.28.010 Application .

A. All operators seeking a conditional use permit for a nonmetallic mining site shall apply with the department. The application for a permit shall be submitted to the department on forms provided by the department. The application shall be signed and dated by the applicant. The applicant shall submit 12 complete hard copies, along with 1 digital copy in PDF searchable form, of the application and required documents required by this chapter.

B. Content of Application. The application for a conditional use permit shall include the following information:

1. The information required by 18.91.040 A.
2. A conditional use application fee required by Chapter 4.35 and the plan review fees required by Chapter 18.95.
3. Required information and plans conforming to this chapter.



4. An operational plan conforming to this chapter.
5. A reclamation plan conforming to 18.91.040 C.
6. Proof of application for local, state and federal permits required to operate the nonmetallic mining operation.
7. To avoid duplication, the permit application and submittals required under this subsection may, by reference, incorporate existing plans or materials that meet the requirements of Title 18.

C. Required Information and Plans. The application submitted for a conditional use nonmetallic mining permit shall be accompanied by the following information and/or plans:

1. A property survey completed by a land surveyor registered in the State of Wisconsin at a scale of not less than 200 feet to the inch showing the location of the tract or tracts of land with parcel identification numbers, to be affected by the proposed operation, including the proposed mine boundary.
2. The aerial extent of 1 inch equals 660 feet, with the mine boundary shown.
3. A topographic map of the property to be affected by the mine operation at contour intervals no greater than 5 feet and extending one half-mile beyond the mine boundary.
4. A map of all residential, agricultural and municipal wells within ½ mile of the proposed mine site boundaries.
5. A map showing the location of the exploratory soil (removal soil) borings, including the GPS location of the soil (removal soil) borings, diameter of soil (removal soil) borings, depth to groundwater observed, the geologic composition and depth and width of the nonmetallic mineral deposit.
6. A vicinity map showing the location of the site within the town and county, including the following:
  - a. Names of owners of the tract or tracts of land to be affected by the mine and the adjacent property owners of the land within one half mile of the mine site;
  - b. Locate and label all existing buildings within 1,000 feet of the outer perimeter of the mine boundary;
  - c. The location and name of all surface water, including lakes, private or public ponds, streams (including intermittent streams and headwaters), drainage ditches, wetlands, drainage patterns and other water features on the site and within ½ mile of the proposed mine boundaries.
7. Such other pertinent information as may be required to determine the nature of the operation and the effect on the surrounding area as deemed necessary by the committee.

D. Operation Plan Requirements. No nonmetallic-mineral extraction operation shall take place as a conditional use unless the same complies with the following requirements:

1. A map at a scale of not less than 200 feet to the inch, showing the proposed sequence of mining, direction of mining, depth of mining, and estimated volumes of material to be removed on an annual basis for the proposed life of the operation, including:
  - a. Cross-sections of the proposed nonmetallic mine at intervals of not more than 200 feet.
  - b. The dates of the proposed commencement and cessation of the mine operation.
2. Daily hours of operation;

3. A map at a representative scale no less than 1 inch equals 200 feet, showing the following:
  - a. Stockpiles and storage yards.
  - b. On-site haul roads.
  - c. Permanent or temporary structures with their identification.
  - d. Location of road access points.
  - e. Parking areas.
  - f. Setbacks.
4. Estimate of daily quantity of water required, water source, and water disposition.
5. A description of all hazardous materials and hazardous wastes, including fuel supplies that will be stored on site and a description of measures to be used for securing and storing all hazardous materials and hazardous wastes stored on site. The following agencies shall be notified as to the type, volume and location of any hazardous waste kept on a nonmetallic mining site: Eau Claire County Sheriff's Department, Emergency Management Coordinator, and local fire protection district.
6. A map of all proposed transportation routes, within and outside the county, to be used to transport the mineral material from the mine to off-site processing plants or markets, including the frequency of traffic, type of vehicle used in transport, and the common schedule of travel to be used for transporting.
7. A description of all chemicals used in the manufacturing or processing operations or in controlling dust.
8. A description of the distribution, thickness, type of topsoil and plans for topsoil storage.
9. A description of measures to be taken to control noise and vibrations from the operations.
10. A description of the mining methods, machinery and equipment to be used for extraction and processing of extracted material.
11. A description of measures to be taken to screen the operation from view with earth banks, vegetative or other screening devices.
12. A lighting plan for the nonmetallic mining operation; including the type and style of lighting to be used and its power source.
13. A description of measures to be taken to assure compliance with applicable air and water quality standards.

E. General operating requirements. The following requirements shall apply to nonmetallic mining operations:

1. Property Protection.
  - a. Buffer zone. A buffer zone of a least 75 feet from the active mine boundary to adjoining property lines and public thoroughfares shall be provided, unless there is a written agreement between adjoining owners both of whom hold valid nonmetallic mining permits under which they both agree to mine up to their common property line. Mining up to or into the right-of-way may be authorized where it is determined by the unit of government having jurisdiction over the road that such mining would be beneficial.

b. Parking areas, unprocessed and processed materials stockpiles, equipment storage, fueling stations, other related accessory uses such as offices and scales, are not allowed within the buffer zone.

c. Areas within the buffer zone may be used for earthen berms, fencing, egress/ingress (except for internal haul roads). The committee may require additional screening to buffer the nonmetallic mining operation from and neighboring properties and uses.

d. Nonmetallic mining operation boundaries that will exceed 10 acres over the life of the mine shall not be located within 1,000 feet of a residential district (RH, R-1-l, R-1-M, R-2, R-3).

2. Screening. Where practical, an earth berm and/or vegetative screen shall be erected and maintained to screen the mined area. When using vegetation to screen the site, the vegetation must be at least 4 feet in height at the time of planting. The committee shall determine the practicality and necessity of aesthetic screening in each individual mining operation.

3. Gating. The committee may require the nonmetallic mining operation to be gated.

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

5. Onsite fuel storage. All petroleum products kept onsite and related to the mining operation shall be stored in state approved fuel storage containers and shall be in accordance with federal standards for storage and fueling areas. All petroleum product storage tanks shall provide leak proof containment not less than 125% of the tank volume. Where fueling trucks are used to refuel equipment onsite, all fueling must occur on a fueling absorption pad to minimize any leakage.

6. Hours of operation. Non-metallic mining operations shall be limited to reasonable hours so as not to affect adjacent land uses. The nonmetallic mining site shall only operate and remove materials from 6:00 am. to 8:00 pm. during Daylight Savings Time and 6:00 am. to 6:00 pm. during Standard Time, Monday through Friday. Saturday hours of operation are limited to 7:00 am. to 6:00 pm. with no mining or material removal allowed on Sundays or Holidays unless the owner/operator of a nonmetallic mining site notifies the zoning administrator within 48 hours of its operation on Sundays, holidays or outside of stated hours of operation when a natural disaster has occurred necessitating the need for nonmetallic mining materials for emergency repair work. On the second offense or abuse of this natural disaster repair clause for operations on Sundays, holidays or outside of stated hours of operation, the Conditional Use Permit may be rescinded by the committee on planning and development if the natural disasters have not occurred as stated in the notice to the county. The committee may modify or alter hours of operation, as stated above, as part of the conditional use permit approval process.

7. Noise. White noise back up beepers shall be installed on all equipment requiring beepers per OSHA and MSHA standards.

8. Dust. The operator shall utilize all relevant best management practices to control fugitive dust as specified in Wis. Admin. Code NR 415.075. The fugitive dust plan may include the paving of the main interior haul roads, watering processed and unprocessed stockpiles, using sweepers to clean all paved surfaces within the mine and on the public road, minimize the size of stockpiles, increasing the distance stockpiles are located to a property line beyond the buffer zone.

9. Blasting. All blasting shall be done in conformance with state and federal guidelines and requirements. Blasting hours may be regulated by the conditions placed on the conditional use permit by the Committee on Planning and Development.

10. Groundwater Protection.

a. Nonmetallic mining operations and reclamation shall be conducted in a manner that does not cause groundwater to be unpalatable or unfit for human consumption or cause the groundwater quality standards in Wis. Admin. Code chs. NR 140 and NR 809, as well as any state or federal health advisory limits, to be exceeded.

b. Nonmetallic mining operations and reclamation shall be conducted in a manner that does not cause a lowering of the groundwater table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater available for reasonable use to current and future users.

c. Wash ponds and settling ponds shall have 5 feet of separation distance to bedrock and to the groundwater elevation.

d. For sites with planned excavation lower than the groundwater table, the operator shall submit a detailed hydrogeologic report. The operator shall be required to reimburse the county for the expense of professional work or opinions in review of a hydrogeologic report. The hydrogeologic report shall provide the following information, as well as a description and justification of all hydrologic methods used including existing conditions to establish baseline data, including but not limited to:

i. Analysis of groundwater quality of private wells within one-half mile of the mine site and on the mining site consistent with Wis. Admin. Code ch. NR 140.20.

i. Identification of all known contaminated groundwater resources within one-half mile of the mining site.

ii. Identification of all karst features such as sinkholes, stream sinks, springs, caves, joints, or fractures within one-half mile of the mining site.

iii. Identification and elevation of all surface waters and headwaters within a minimum of one-half mile of the mining site. Elevations must include the existing water level, as well as the ordinary high water mark where applicable.

iv. Identification of all existing groundwater users (e.g. neighboring private water-supply wells, well head protection areas, municipal wells, irrigation wells) within one half mile of the mining site consistent with Wis. Admin. Code ch. NR 812. Well construction reports including well location, well depth, depth of casing, depth to water, and aquifers penetrated shall be identified where data exists.

v. Elevation of the groundwater table, groundwater flow directions, and groundwater velocities.

vi. All information in 2-6 above shall be presented in the form of contour maps and multiple geologic cross-sections passing through the proposed excavation and all areas of concern. All horizontal and vertical measurements shall be referenced to a permanent reference point of the Eau Claire County Coordinate System.

e. Proposed operational data, including but not limited to:

i. Elevation of the lowest point of mining and dewatering activities below groundwater.

ii. Description of the means planned to prevent surface water running into the excavation.

iii. Where dewatering is proposed, provide pumping rates and times; elevation of the groundwater draw down level; and identification of groundwater discharge locations and quantities.

iv. A groundwater monitoring program to ensure compliance with 1 and 2 above. Such program should include the installation of monitoring wells upstream and downstream of the proposed area of excavation to measure groundwater elevations, quality, flow directions, and velocities.

f. The committee on planning and development may require the applicant to provide additional relevant hydrogeologic studies such as groundwater modeling, when:

i. Dewatering is proposed at the mining site,

ii. Known contaminated groundwater resources exist within one-half mile of the mining site,

iii. Known karst features such as sink holes, stream sinks, springs, caves, joints, or fractures exist within one-half mile of the mining site,

iv. Exceptional, outstanding, and/or 303d WDNR-listed waters exist within one-half mile of the mining site, or

v. Existing wells using the same or a shallower aquifer exist within 1200 feet of the mining site.

g. If groundwater modeling is required, the following minimum information shall be provided:

ii. Description and justification of all input data to groundwater models.

iii. Calibration of all groundwater models.

iv. Sensitivity analysis for all groundwater models.

v. Detailed output from the hydrologic methods including the elevation of the water, elevation of the cone of depression caused by dewatering, groundwater flow directions, groundwater velocities, mounding elevations, and any potential effects on nearby surface water, springs, or users of surface and groundwater.

vi. Description of the possible existence of fractures or solution cavities in the geologic material and their effect on groundwater flow and land stability.

h. As a condition of approval, the operator shall accept responsibility for remediation or the permit may be revoked.

F. Financial Assurance. To assure site reclamation, the applicant shall submit a financial assurance that conforms to chapter 18.96.

G. Permit Review, Site Modification, Transfer of Permit, Cancellation and Termination.

1. The committee will review original permits 5 years from the date of issuance at a public hearing. The applicant will be responsible for the public hearing fees.

2. Site Modification. An operator may apply in writing for a modification or cancellation of a permit or for a change in the nonmetallic mining operation plan for a mining site. The application for permit or plan modification shall be acted on using the standards and procedures of Chapter 18.28. The application for a site modification shall be processed in the same manner as an original conditional use application for a nonmetallic mining extraction permit.

3. Transfer of Permit. When one operator succeeds to the interest of another in an uncompleted site, the department shall release the first operator of the responsibilities imposed by the permit only if:

a. Both operators are in compliance with the requirements and standards of this chapter.

b. The new operator assumes the responsibility of the former operator to complete the nonmetallic mining operation of the entire project site by a written, witnessed document.

c. Site enlargement. Any proposed enlargement shall be reviewed by the department and shall be approved only if it meets all of the standards and procedures of Chapter 18.28.

d. The new operator shows proof of financial responsibility

4. An operator at any time may apply for a cancellation of a nonmetallic mining extraction permit he or she owns or leases. The request for the cancellation shall be submitted by the operator to the department. The department shall notify the committee at their next available meeting of the request.

5. Failure to comply with this chapter automatically terminates the permit.

#### H. Inspections.

1. Upon issuance of a conditional use permit for the purpose of mining, the operator is deemed to have consented to allow inspections by the department or its approved agents. Such inspections shall be at reasonable times and with notice, if possible, their purpose being to determine compliance with the provisions of this subtitle.

2. Approved agents of the department may inspect any required records of a mining operation to determine compliance with the provisions of this subtitle. All required records shall be made available to an approved agent within a reasonable time. Any public or private complaint against an operator may result in an inspection of the mining operation to determine the validity of the complaint.

#### I. Other Approvals.

1. Mine operator shall comply with town, county, state, and federal regulations and amendments thereof, including air and water quality standards.

2. Where other county approvals are necessary for the nonmetallic mining operation/activity those approvals will be part of the conditional use permit.

a. An erosion control and storm water management plan meeting the requirements of Chapter 17.05.

b. Road agreements from the town or the county highway department for the transportation haul route in conformance with standards and requirements set forth by the approving authority. (Ord. 156-8, Sec. 9, 2012; Ord. 150-42, Sec. 5, 2007; Ord. 146-23, Sec. 8, 2002; Ord.143-94 Sec.10, 2000; Ord.141-27 Sec.2-3, 1997; Ord.133-02 Sec.8, 1989; Ord.126-16 Sec.3(part), 1982).

#### 18.28.020 Application required for conditional use permit (metallic mining).

A. Metallic extraction operations, including but not limited to subsurface mining, open-pit mining, quarries, and digs or excavations for other materials; and operations including washing, crushing or other processing or removal of mineral resources; and the erection of buildings and the installation of necessary machinery used in extraction or processing are conditional uses, as regulated by Chapter 18.21, and may be permitted in the A-3 and the I-1 districts, provided that:

1. The application submitted for a conditional use mining permit shall be accompanied by a mining plan, which shall include the following information:

a. An accurately surveyed map or plan on a scale of not less than 200 feet to the inch showing the location of the tract or tracts of land to be affected by the proposed operation, including:

i. Boundaries of the lands affected, including adjacent land;  
ii. Topography and drainage area of the affected land;  
iii. Location and names of all streams, roads, railroads, utility lines and pipelines on or immediately adjacent to the area;

iv. Location of all buildings within 1,000 feet of the outer perimeter of the area, present owners and occupations of such buildings, and purpose for which each building is used;

v. Names of owners of the parcel and adjacent property owners;

b. Cross-sections of the affected land at intervals of not more than 200 feet;

c. The results of test borings, including the location of subsurface water and the analysis of chemical properties of the mineral material and overburden;

d. A description of the mining and processing equipment to be used;

e. A map on a scale of not less than 200 feet to the inch showing the proposed location of the mine, waste dumps, tailing ponds, sediment basins, stockpiles and storage yards, roads, railroad lines, structures, and other temporary or permanent installations;

f. A series of maps or plans on a scale of not less than 200 feet to the inch, showing the proposed sequence of mining, direction of mining, depth of mining, expansion of waste dumps and tailing ponds, and other materials movement on an annual basis for the proposed life of the operation, or such time frame as designated by the committee;

g. A map or plan describing the control surface and ground waters, including natural drainages, water accumulations, mine water sources, mine water disposal, process plant water sources and disposal, and mine process plant water requirements;

h. A description of measures to be taken to assure compliance with applicable air and water quality standards;

i. A description of measures to be taken to control noise and vibrations from the operations;

j. A description of measures to be taken to screen the operation from view with earth banks, vegetative or other screening devices;

k. Proposed travel routes to be used to transport the mineral material from the mine to off-site processing plants or markets;

l. A description of the topsoil, including soil types, thickness, and plans for topsoil storage;

m. All underground mineral-extraction operations shall also submit a complete plan of all entries, working levels, as well as a description of the sloping and group support methods to be used;

n. Such other pertinent information as may be required to determine the nature of the operation and the effect on the surrounding area

2. The application submitted for a conditional use mining permit shall be accompanied by a reclamation plan which shall include the following information:

- a. A map or plan and the description of the proposed reclamation, including final land use, final land shape, estimated final topography and the annual sequency of reclamation activity to be conducted;
- b. A description of the utility and capacity of the reclaimed land to support the proposed sequential use;
- c. A description of soil types, topsoil stripping, topsoil storage, topsoil replacement thickness and time sequence of replacement, and erosion prevention during storage and replacement;
- d. A map or plan and description of grading and backfilling sequences, final slope angles, highwall reduction, benching and terracing of slopes, slopes stabilization and erosion control;
- e. A map or plan and description of reclamation or removal of waste dumps, tailing ponds, sediment ponds, haulage roads, access roads, surface structures and related facilities;
- f. A map or plan and description of final surface drainage, water empoundments and artificial lakes on the affected property;
- g. A description of plant types, planting sequences, and maintenance or replacement of vegetative cover both during mining operations and upon completion of site reclamation;
- h. A plan for disposal of any harmful or toxic materials found in any formations penetrated by the mining operation, produced during the processing of materials on the affected land, and chemicals or materials used during the mining or processing operations;
- i. For underground mining operations, a description of methods to be used for filling and sealing all shafts, adits, inclines and other mine entries;
- j. For underground mining operations, a description of the stability of lands overlying the underground workings;
- k. The estimated cost of reclamation on a per-acre-of-total-project basis;
- l. Such other pertinent information as may be required to determine the nature of the reclamation of the operation and the effect upon the surrounding area. (Ord.141-27, Sec.4, 1997; Ord. 126-16 Sec.3(part), 1982).

18.28.025 Bond and insurance required.

A. After receipt and approval of the metallic mining permit application, the operator shall file with the committee a bond conditioned on faithful performance of all requirements of this chapter. The bond shall be furnished by a surety company licensed to do business in Wisconsin. With approval of the committee, the operator may deposit cash or other securities in lieu of bond

1. The committee shall review the applicant's estimated reclamation cost, mining plan and reclamation plan, and shall establish the length of the bonding period, which may be less than the permit period, and the amount of the bond necessary to cover the cost of reclaiming all areas disturbed by the mineral extraction operation during the bonding period, less that amount of bond that the operator has deposited with the appropriate state or federal agency as security for the particular mining operation. Prior to issuance of the permit, the operator shall deposit with the committee the established amount of the bond in such manner or form as required by the committee.



2. Any operator who obtains a mining permit from the committee for two or more project sites within this jurisdiction may elect, at the time the second or any subsequent site it approved, to post a single bond in lieu of separate bonds on each site, any single bond so posted shall be in an amount equal to the estimated cost of reclaiming all sites the operator has under each of his or her mining permits, less that amount deposited for the particular sites with the appropriate state or federal agencies. When an operator elects to post a single bond in lieu of separate bonds previously posted on individual sites, the separate bonds shall not be released until the new bond has been accepted by the committee.

3. At the termination of each bonding period, the committee shall review the bond amount on mining and reclamation progress, and shall either maintain the existing bond, return all or a portion of the existing bond, or request the operator to increase the amount of the bond.

4. The operator may file with the committee a request for release of bond at such time as the operator feels that all reclamation has been satisfactorily completed in accordance with the approved reclamation plan on any or all of the affected lands. Such request for release of bond shall include the name and address of the operator, the permit number, and a legal description of the area for which release of bond is requested.

5. Upon receipt of a request for release of bond, the committee shall:

- a. Cause inspection of the designated lands;
- b. Publish as class 2 notice the request for release of bond and specify a 30 day period for filing of complaints against its release;
- c. Hold a public hearing on any complaints against release of bond made within 30 days of publication of notice of request for release of bond, and make a determination on the validity of such complaints;
- d. Notify the operator by certified mail if reclamation is unsatisfactory, setting forth the reasons for denial of release of bond and the corrective actions necessary for release of bond;
- e. Release the appropriate amount of bond 30 days after publication of the notice of request for release of bond if reclamation is found to be satisfactory and all valid complaints have been satisfied.

6. Nothing in this section shall be construed to infringe upon the committee's authority to take appropriate actions on bonds, including forfeiture on all or part of the bond for cause.

B. The mining operator shall maintain a public liability insurance policy issued by an insurance company authorized to do business in the state of Wisconsin, affording personal injury and property damage protection for the term of the permit or permit renewal. The total amount of the insurance shall be determined by the committee, but not less than \$100,000. The committee may waive this provision upon finding that an operator is possessed with said insurance and will continue to be possessed with said insurance of ability to pay personal injury or property damage claims within the requirements of this chapter.

C. Each operator shall furnish a report to the committee for each project site every 12 months after issuance of the permit and within 30 days after cessation of all mining at the project site, which shall contain the following information:

1. The name and address of the operator, and the permit number;

2. A map or plan of the operation and a description of the quantity of land affected during the report period for mineral extraction, reclamation, waste and tailings disposal, surface structures, haulage roads, stockpiles, storage yards, and water containment, storage and treatment facilities;

3. A description of any actions taken to control both anticipated and unforeseen environmental conditions which occurred during the reporting period;

4. A description of any environmental monitoring activities carried out during the reporting period;

5. An estimate of the location and extent of land to be affected by the operation during the subsequent reporting period;

6. Such other pertinent information and maps as may be required to evaluate the extent of mining and reclamation, if any, accomplished during the permit year.

D. Each operator shall submit a final reclamation report to the committee within one year after cessation of operations and prior to final release of bond which shall contain the following information:

1. Name and address of the operator and permit number;

2. A map or plan showing the final contours and slope angles of the affected land and the locations of any remaining structures and roads;

3. A description of all final reclamation activities leading to completion of the approved reclamation plan, including: topsoil disposition, topsoil replacement and thickness, revegetation practices and plant types, disposition of waste dumps, tailing ponds, sediment ponds, surface structures, haulage roads and access roads, grading practices and slope angles, surface water drainage and sediment control, size, depth and capacity of artificial lakes or ponds, and planned sequential use of the land;

4. Such other pertinent information and maps as may be required to evaluate the completion of reclamation and the advisability of returning the operator's bond. (Ord. 126-69 Sec.26, 1983; Ord. 126-16 Sec.3(part), 1982).

18.28.030 General operating requirements. No metallic mining operation shall take place as a conditional use within this district, unless the same shall comply with the following requirements:

A. Property Protection.

1. A buffer zone of at least 200 feet along the property lines shall be provided where a mining operation adjoins a district other than an A-1, A-2, A-3 or I-1 district.

2. No portion of a mineral extraction operation shall be located closer than 100 feet to any street or highway.

3. The committee may require each mining operation to be enclosed by a wire fence of chain-link construction, with a minimum height of 6 feet when required. Such fence shall be maintained at all times.

4. Where practical, an earth bank or vegetative screen shall be erected and maintained to screen the mining operation from view from any residential district located within 1/2 mile of the operation. The committee shall determine the practicality and necessity of aesthetic screening in each individual mining operation.

B. Environmental Protection.

1. All mining operations shall conform to applicable air-quality standards.

2. All mining operations shall conform to applicable water-quality standards.

C. Community Protection.

1. Any blasting operations and all machinery and equipment used at a mining operation shall be constructed, maintained and operated in such a manner as to minimize dust, noise and vibrations. Noise, vibration and dust levels at the property lines shall be within the levels established by the committee.

2. All transportation routes over which mineral materials are moved from the mineral extraction operation to market or for further processing shall avoid residential areas whenever possible, and shall be approved by the committee.

3. Any mining operation may be restricted to daylight operating hours if a conflict arises with other land uses. (Ord. 126-69 Secs.27, 29, 1983; Ord. 126-16 Sec.3(part), 1982).

18.28.035 Metallic mining permits.

A. An operator at any time may apply for amendment or cancellation of a mining permit, or for a change in the mining and reclamation plan for any project site which he owns or leases. The application for the amendment, cancellation or change shall be submitted by the operator to the committee, and shall identify the tract of land to be added to or removed from the permitted project site or to be affected by a change in the mining and reclamation plan. The application for an increase or decrease in the area of a project site, or for a change in the mining and reclamation plan, shall be processed in the same manner as an original application for a mining permit. If the application is to cancel any or all of the unmined part of a project site, the department shall ascertain, by means of inspection, that no mining has occurred on the land. After so finding, the committee shall order release of the bond or the security posted on the land being removed from the permitted project site, and cancel or amend the operator's written authorization to conduct mining on the project site. No land where mining has occurred may be removed from a permitted project site, or released from bond or security under this section. Changes in either the mining plan or reclamation plan must be made upon mutual consent of the operator and the department. If the parties fail to agree, or the change aggrieves any other interested party, an appeal may be taken according to the provisions of this chapter.

B. A valid mining permit may be renewed at the end of the permit term for successive 5 year terms so long as the operator continues to produce mining materials from the property, conforms to the approved mining and reclamation plan and conforms with the provisions of this chapter. Any operator who fails to produce mining materials from the affected property in any 12 month period shall be subject to permit cancellation unless such a delay is justified by:

1. The operator appearing voluntarily before the committee prior to expiration of the twelve-month limit to show just causes for the production delay; or

2. The operator appearing at the request of the committee within 30 days after the 12 month limit, and prior to any permit cancellation to show just cause for permit continuance.

C. Any operator whose permit has been cancelled by the committee after appearing before the committee may appeal the decision to a court of competent jurisdiction.

D. No operator shall assign, sell, lease or transfer in any manner his or her rights granted under a valid mining permit until the succeeding operator has complied with all the requirements of this chapter, agreed to meet all of the requirements of the existing operator's mining and reclamation plan, and filed a performance bond of like amount with the committee. Upon compliance with the requirements of this section, the committee shall release the first operator from duties imposed upon the first operator, return the first operator's bond, and transfer the permit to the successor operator. (Ord. 156-38, Sec. 19, 2013; Ord. 126-69 Sec.28, 1983; Ord. 126-16 Sec.3(part), 1982).

18.28.040 Inspections.

A. Upon issuance of a conditional use permit for the purpose of mining, the operator is deemed to have consented to allow inspections by the department or its approved agents. Such inspections shall be at reasonable times and with notice, if possible, their purpose being to determine compliance with the provisions of this subtitle.

B. Approved agents of the department may inspect any required records of a mining operation to determine compliance with the provisions of this subtitle. Any public or private complaint against an operator may result in an inspection of the mining operation to determine the validity of the complaint. (Ord. 126-16 Sec.3(part), 1982).

18.28.045 Existing mining operations. Any operator producing mining materials from a mining operation at the time of enactment of this subtitle shall be issued a temporary operating permit valid for a 2 year period. The period of the temporary operating permit is established to allow the operator time in which to submit a permit application as required under this chapter. Failure to apply for and receive a valid permit by the end of the temporary permit period shall result in revocation of the temporary permit and cessation of the mining operation until such time as a valid operating permit shall be issued. (Ord. 126-16 Sec.3(part), 1982).

18.28.050 Penalties.

A. Whenever the department finds a violation of this subtitle at a mining operation within the county, including unapproved deviation from the mining or reclamation plan, it shall be recorded, and the department shall send the operator, by certified mail, an order specifying the nature of the violation, time of violation, and corrective steps necessary to achieve compliance with this chapter.

B. The department shall cancel the permit held by a mining operator who fails to comply with the order within 30 days after the order is served, unless the operator named therein, within ten days after notice, requests in writing a hearing before the committee. Failure to show just cause for the continued violation and lack of compliance with the order shall result in permit cancellation and immediate cessation of all mining activities on the affected property.

C. Any person, firm, corporation, operator, or any other group of persons convicted in a court of law of engaging in a mining operation without a valid permit or with a cancelled permit shall be required to forfeit not less than \$100 nor more than \$10,000 per day for each and every day the operation is found to be in violation of this chapter.

D. Compliance herewith may also be enforced by injunctive order at the discretion of the county. Nothing in this chapter shall be construed to infringe upon the committee's authority to withhold permits for cause or to order cessation of all mining activity for cause. (Ord. 126-16 Sec.3(part), 1982).

Chapter 18.29

MOBILE HOME PARKS

Sections:

- 18.29.001 Purpose.
- 18.29.010 Mobile home park applications.
- 18.29.015 Mobile home park requirements.
- 18.29.020 Mobile/Manufactured home site requirements.
- 18.29.030 Billing requirements.
- 18.29.040 Flood plain requirements.

18.29.001 Purpose. The purpose of this chapter is to regulate the establishment and continuation of mobile home parks in order to provide a safe and healthful environment for the residents thereof, to insure environmental protection and to minimize possible adverse effects on neighboring properties. (Ord. 126-16 Sec.3(part), 1982).

18.29.010 Mobile home park applications.

A. New mobile home parks, as herein defined, shall require a conditional use permit and shall be located in the R-3 district. Application for a mobile home park shall be accompanied by a site plan showing individual mobile home sites, location and dimensions of service buildings, streets, walkways, recreation and storage areas, and landscaping and engineering plans for water and sewer systems including soil borings, if needed.

B. When reviewing an application for a mobile home park, the committee shall consider the site and engineering plans, proximity to major traffic routes and shopping areas, and the impact on schools, public utility systems and neighboring land uses. (Ord. 126-16 Sec.3(part), 1982).

18.29.015 Mobile home park requirements.

A. Park Size. The minimum size of a mobile home park shall be 5 acres.  
B. Density. The maximum density for parks shall be 6 lots per gross acre.  
C. Setbacks. No mobile/manufactured home shall be located closer than 50 feet to the exterior boundary of a park.

D. Drainage and Landscaping. The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner away from individual mobile/manufactured home stands. The park shall be attractively landscaped in accordance with the site plan submitted at the time of application and approved by the committee. Such plan shall include screening along the park's exterior boundary line.

E. In all mobile/manufactured home parks, there shall be open recreation areas 1/2 acre in size for each 50 mobile/manufactured home sites. In parks not served by public sewer, this area shall not include any part of the on-site sanitary sewer system.

F. Allowable Uses. The following uses are allowable within mobile home parks:

1. Mobile/manufactured homes used for single-family residential uses;
2. One single-family dwelling per park for the owner, operator or caretaker thereof;
3. Accessory structures such as storage sheds, porches and carports, as approved by the park management;
4. Service buildings, such as park offices, laundromats, convenience stores and recreational buildings, provided that such uses are subordinate to the residential character of the park and are intended for use primarily by park residents. Convenience establishments of a commercial nature shall not occupy more than 5% of the gross park area;
5. Home occupations, as permitted in Chapter 18.23.
6. Non-motorized recreational units that are used for permanent single family residential use which are a minimum of 12 feet by 35 feet and are registered as recreational units under state or federal law. A copy of the serial number and unit model shall be provided to the department at the time of permit application.

G. Prohibited Uses. The following uses are prohibited:

1. Commercial sales of mobile/manufactured homes, except that existing mobile/manufactured homes on the site may be sold;
2. Recreational motor homes and camping trailers, which do not meet the standards established under 18.29.015 F.6., shall not be occupied for residential purposes.

H. Access, Street and Parking Requirements.

1. General Requirements. All mobile/manufactured home stands shall be provided with safe, convenient access to public streets and roads. Such access shall be provided by private streets located within the park boundaries.
2. Park Entrances. Entrances to parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No entrance shall be from a local road through a residential subdivision.

3. Interior Streets. Interior streets shall meet the paving requirements of 18.25.010 and shall meet the following width standards:

2-way street--with parking on both sides	32 feet;
2-way street--with parking on one side	25 feet;
2-way street--parking prohibited	18 feet;
1-way street--parking on one side	22 feet;
1-way street--parking prohibited	14 feet.

4. Parking Requirements. A minimum of 2 improved off-street parking spaces shall be provided for each mobile/manufactured home site, at least one of which shall be located within 50 feet of the mobile/manufactured home it is intended to serve. The number of parking spaces for other uses within the park shall be computed according to the requirements of Chapter 18.25.

5. Utilities.

a. Water. Each mobile home park shall be served by either a community or public water supply system capable of delivering 250 gallons per day to each mobile home. All elements of the water supply system shall meet the requirements of local ordinances and state law and administrative code, and be approved by the governing body.

b. Sewer System.

i. Whenever possible, mobile home parks shall be serviced by public sewer systems. In such cases, plans for construction shall be approved by the governing body of the municipality having jurisdiction over the system.

ii. If public sewer is not available, on-site sewage disposal systems shall be required to meet Comm 83, Wis. Admin. Code and Chapter 8.12 of the Eau Claire County Code.

c. Electricity and Telephone. Electric and telephone service shall be provided to each mobile/manufactured home site, with the service lines being located underground whenever possible. (Ord.141-98, 1998; Ord. 131-38 Sec.3, Ord. 129-74 Sec.18, 1986; Ord. 128-24 Sec.39, 1984; 83-84/270; Ord. 128-8 Sec.1(B), 1984).

18.29.020 Mobile/Manufactured home site requirements. Each site for the placement of mobile/manufactured homes shall be clearly staked or otherwise delineated, and shall meet the following standards(mobile/manufactured homes will be referenced as "homes" in this section):

A. Existing Mobile Home Parks. For parks existing on March 1, 1983, the following standards shall apply:

1. Homes, additions, parking stalls and accessory structures shall maintain a minimum of 10 feet on the sides and 16 feet on the rear from adjoining homes, additions, parking stalls, and accessory structures.

2. There shall be a minimum front yard setback of 10 feet from the edge of the park road right-of-way. No parking in front of a home is allowed where the front yard setback is less than 10 feet.

3. A home may maintain, at a minimum, the setback from the outside boundary of the park that the existing home has on the date of adoption of this amendment or the 50 foot requirement whichever is the lesser, except that no home shall be less than 10 feet from any park boundary.

4. All homes shall be tied down with anchors meeting the manufacturer's specifications for type, number and spacing. The home shall be skirted using weather and rodent proof skirting materials.

5. Any existing reduced setbacks can be continued to be used if registered by July 1, 1999.

B. New parks and additions to parks created after the effective date of the zoning code. For new parks or where existing parks have been granted a permit for an addition after the effective date of the zoning code, the following standards shall apply:

1. Individual home sites within a park shall contain a minimum of 6,000 sq. feet and shall have a minimum width of 50 feet at its narrowest point.

2. All home sites shall have a minimum improved stand area of 17 feet by 70 feet intended for the placement of a home. The stand shall be constructed to provide for adequate drainage, support against settling and frost heaves, and rodent control.

3. Homes shall be separated from each other by a minimum of 20 feet on the sides and 50 feet on the rear. No home shall be placed closer than 5 feet from an individual home side lot line or 10 feet from an individual home rear lot line.

4. Additions and accessory structures such as cabanas, awnings, carports, sheds, decks, and porches can be constructed in the required yards but can not be closer than 15 feet on the sides or 30 feet on the rear from adjoining homes, additions, or storage structures.

5. All structures including a home shall maintain a 25 foot setback from any interior or public road right-of-way.

6. All homes shall be tied down with anchors meeting the manufacturer's specifications for type, number and spacing. The home shall be skirted around the base with weather and rodent proof materials.

7. The maximum coverage on an individual home lot shall be 40%. Coverage shall include the home, additions and accessory structures.

8. Only additions to existing parks that were approved after the effective date of the zoning code shall be required to meet the requirements under 18.29.020 B. (Ord.142-94, 1999).

18.29.030 Billing requirements. Before an addition to a mobile/manufactured home is made or an accessory structure is built, the park manager or designee shall require mobile/manufactured home owners to secure a county land use permit and, when applicable, a building permit. (Ord. 147-103, Sec. 9, 2004; Ord. 129-74 Sec.18, 1986; 83-84/270; Ord. 128-8 Sec.4, 1984).

18.29.040 Flood plain Requirements. No new mobile/manufactured home parks or additions to existing parks shall be within a floodplain. All existing parks shall require that when an existing mobile/manufactured home is replaced in a floodplain that the new home is protected as required by Wis. Admin. Code NR116 for mobile/manufactured homes in floodplains. (Ord. 147-103, Sec 10, 2004; Ord. 129-74 Sec.18, 1986; 83-84/270; Ord. 128-8 Ce.5, 1984).



CHAPTER 18.30

MODIFICATIONS, EXCEPTIONS AND SPECIAL REQUIREMENTS

Sections:

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<a href="#">18.30.290</a>	Tourist Rooming House.

18.30.001 Purpose. The purpose of this chapter is to enumerate those special instances where the terms of this subtitle may be waived or modified without variance or conditional use permit, or where special requirements are placed upon a use, property or structure. (Ord. 126-16 Sec.3(part), 1982).

18.30.010 Yard regulations. Measurements shall be taken from the nearest point of a building to the lot line in question, subject to the following:

A. Cornices, canopies and eaves may extend into the required front yard a distance not to exceed 4 feet.

B. Open fire-escapes may extend into the required front yard a distance not to exceed 4 feet.

C. A landing place or uncovered porch may extend into the required front yard a distance of 8 feet provided the floor is not higher than 3 feet above grade. An open railing of no higher than 4 feet may be placed around such structure.

D. Heat pumps, air conditioning units or similar energy facilities may extend into the required front yard a distance not to exceed 4 feet.

E. Solar collection units may extend into the required front yard a distance not to exceed 6 feet.

F. The above architectural features may also extend into any side or rear yard to the same extent; steps or uncovered porches may not extend into the side yard or the shoreland setback distance from the ordinary high water mark of navigable water as regulated by Title 20.

G. On double-frontage lots, the required front yard shall be provided on both street sides.

H. In subdivided areas within residential districts, whenever block frontage is more than half developed with residences having less setback than required, the setback shall be determined by the following rule: the front setback line of a proposed structure shall be the line between principal structures on adjacent lots. If within the block no principal structure exists to one side of the proposed structure, a structure is assumed to exist at the required setback lines. (Ord. 160-23, Sec. 15, 2017; Ord. 126-16 Sec.3(part), 1982).

18.30.020 Area requirements. No lot shall be so reduced that the area of the lot or the dimensions of a required open space shall be smaller than herein prescribed. (Ord. 126-16 Sec.3(part), 1982).

18.30.030 Height regulations. The district height limitations stipulated elsewhere in this subtitle may be exceeded as follows, but in no case shall the height limitations of the airport zoning ordinance contained in Chapter 18.60 be exceeded:

A. Uninhabited architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys shall not exceed their height from the nearest lot line.

B. Windmills shall not exceed 1/2 their height from the nearest lot line.

C. Special structures, such as elevators, radio and television receiving antennas, cooling towers and smokestacks may be extended 100% of the district limitations.

D. Communication structures, such as radio and television transmission towers or microwave relay towers shall meet the following requirements:

1. Structures that use guywires for support shall meet the district setback requirements from the ground anchors.

2. Freestanding structures shall meet the district setback requirements plus 1/3 the height of the tower.

E. Agricultural structures such as silos, barns, and grain storage buildings, essential services, utilities, water towers, electrical power and communication transmission lines are exempt from the height limitations of this subtitle.

F. Structures associated with nonmetallic mining extraction or related mechanical appurtenances are exempt from the height limitations of this subtitle. (Ord. 156-8, Sec. 10, 2012; Ord. 152-4, Sec. 26, 2008; Ord. 145-96, Sec. 9, 2002; Ord. 128-74 Sec.11, 1985; Ord. 128-24 Sec.40, 1984; Ord. 126-16 Sec.3(part), 1982).

#### 18.30.040 Fences.

A. No front yard requirements shall apply to open fences such as chain-link fences.

B. Fences in residential districts shall not exceed 6 feet in height on the side and rear yards, nor exceed 42 inches in height in the front yard except as indicated in 18.30.070 A. and B.

C. Fences are exempt from side and rear yard setback requirements including post and wire agriculture fences in the shoreland-floodplain districts.

D. Fences in the shoreland-floodplain district are allowed within 75 feet of the normal highwater mark if they are open such as agriculture fences.

E. Fences shall have the finished side facing the adjoining property.

F. Fences on the property line of a through lot abutting a divided highway consisting of four or more lanes with no direct access of said road will be allowed along the highway right-of-way and shall be no more than six feet in height.

G. All fences shall be constructed of appropriate materials manufactured for such purpose and shall be maintained in a condition of good repair. (Ord. 160-23, Sec. 16, 2017; Ord. 153-28, Sec. 6, 2010; Ord. 152-4, Sec. 27, 2008; Ord.141-27, Sec.5, 1997; Ord. 131-65 Sec.19, 1987 Ord. 128-24 Sec.41, 1984; Ord. 126-16 Sec.3(part), 1982).

#### 18.30.050 Essential services regulations.

A. Since essential services may affect urbanizing area of the county, the location of all such essential services in any zoning district shall be filed with the department prior to actual construction or condemnation action.

B. Applications for essential services not located within highway and street right-of-ways or preempted by Wis. Stat. ch. 196, where a certificate of convenience and necessity has been granted by the Public Service Commission shall require a conditional use permit as regulated in Chapter 18.21, and shall be governed by the following procedures:

1. The applicant shall file with the department such maps indicating location, alignment and type of service proposed, together with the status of any applications made or required to be made to any state or federal agency.

2. The maps and accompanying data shall be submitted to the department for review and recommendation regarding their relationship to urban growth, land use, highways, and recreation area policies and plans.

3. Upon receipt of the above report, the committee shall consider the maps and accompanying data and shall indicate to the owner its approval or recommend modifications considered desirable to carry out the policy of this subtitle.

4. In the case of pipelines, the department may require modifications to protect existing agricultural drainage systems, tiles or ditches, whether public or private. The department may also require the applicant to modify the depth or routing of the pipeline to accommodate future agricultural drainage systems, tiles or ditches, whether public or private, if such information is provided by the landowner to the applicant within 60 days of the start of construction.

5. Maintenance structures serving local distribution lines are exempt from this section if they meet the following conditions:
- a. Structures of 40 sq. feet or less can be placed in the front yard if not in a vision triangle or impair the vision at a driveway intersection.
  - b. Structures greater than 40 sq. feet if placed at the front yard setback or greater.
  - c. All structures shall be screened and be compatible with surrounding land uses. Compatibility shall be determined by the department. (Ord.139-83, Sec.4, 1995; Ord.134-66, Sec.2, 1991; Ord.133-02 Sec.6, 1989; Ord.126-16 Sec.3(part), 1982).

18.30.060 Amortization of nonconforming junkyards, salvage yards and motor vehicle repair shops.

A. Intent. this section concerns establishment of rules for the continuation of described nonconforming uses in areas subject to regulation of the this subtitle. It is intended that it be applied so as to lessen the degree of inconsistency and incompatibility between such uses and those which have been commenced or continued conformity with the this subtitle.

B. Permit Required. No junkyard, salvage yard or property where two or more licensed or unlicensed inoperable motor vehicles are kept or stored outside of a structure may continue to be operated as a preexisting nonconforming use for more than three years after the effective date of the ordinance in this chapter without acquisition of a conditional use permit from the committee.

C. Standards for Granting of Permits. The granting of conditional use permits under this chapter shall be subject to the compliance of both the owner of the land and operator of the business situated thereupon, with the following requirements:

1. The open storage area shall be completely screened from all view from streets and highways and each adjoining parcel of land. Screening materials shall be approved of by the department, whose decision shall be based upon durability, aesthetic appropriateness and projected usable life;

2. Adequate security measures shall be implemented to prevent access by children or unauthorized persons;

3. Approval of the health department shall be procured as to compliance with sanitary regulations;

4. The use shall be limited to and not exceed that degree, type and area subjected to the use at the time when the use first became nonconforming;

5. Such other requirements as the committee deems to be necessary and appropriate in the interest of the public safety, health and welfare.

D. Department to Establish Degree and Type of Nonconforming Use. The department shall establish, for the purpose of committee consideration, the degree and type or types of nonconforming uses and the area of land subjected to same at the time of initial nonconformance. The nonconforming use of the premises shall be limited in accord with and shall not exceed the department's findings.

E. Conditional Uses. Conditional use permits may be granted by the committee upon the standards of 18.30.020. If granted, the department shall do a biennial review of the permit or when a complaint is reported to the department.

F. Strict Compliance Required. All nonconforming uses subject to this chapter shall be maintained in strict conformity herewith, and with the conditions of the special use permit. Failure of the owner or operator to so comply shall constitute cause for revocation of the permit and/or for prosecution under 18.30.060 H.

G. Open Storage Only Within Screened Area. Open storage shall be allowed only within the approved screen area. It shall be the responsibility of the owner and/or operator to, at all times, see to it that all storage materials are promptly placed within the screened area. Failure to do so shall constitute cause for prosecution under 18.30.060.

H. Relief for Violations. The owner of the real estate and the operator of the nonconforming use shall be jointly and severally liable for each violation of this chapter and the terms of each special use permit used hereunder. Each day of occurrence of a particular violation shall constitute a separate offense. Forfeitures of from \$50 to \$500 may be assessed for each violation, in addition to pursuit of injunctive relief. (Ord.128-74 Secs. 12,28, 1985; Ord.126-16 Sec.3(part), 1982).

18.30.070 Private recreational facilities. The following rules and regulations shall apply to private recreational facilities allowed as accessory uses and structures in the A-1, A-2, A-R, A-3, R-H, R-1-L, R-1-M, R-2 and R-3 districts:

A. All private swimming pools, with a depth capacity of 2 feet or more, provided that:

1. The pool, pump and filter are not located closer than 10 feet to any property line or 50 feet from a street right-of-way;
2. The pool is located per 8.12.150 A. 1. (setbacks from private onsite sanitary systems) and no electrical power lines are located over the pump, pool or filter;
3. A wall or fence of a height of 4 feet or more is installed around the pool or yard at time of or before pool completion;
4. In the A-1, A-2 and A-3 Districts, the fencing requirements are recommended, not mandatory.
5. All swimming pools in the residential zoning districts shall meet the requirements of 18.30.070 A. 3. within 60 days of adoption of this subsection.

B. Private tennis courts, provided that:

1. No part of the tennis court is located closer than 20 feet to a property line;
2. If lights are installed for night play, they must be turned inward to minimize glare on the road or adjacent property;
3. The playing area shall be properly fenced to prevent misguided balls from going out onto roads or adjacent property.

C. Private race tracks. Private race tracks are conditional uses which must meet the following criteria:

1. The property must be owner occupied.
2. The track cannot be closer than 500 feet from an adjoining residence or barn, within 200 feet of a property line, or within 300 feet of a stream, river, lake, pond, or flowage.
3. A storm water management plan and erosion control plan in compliance with Chapter 17.05 shall be submitted to and approved by the land conservation division.
4. The track cannot be lighted and can only be operated between 9 a.m. and 8 p.m. and not on Sundays.

5. The track shall be restored to the land's original landscape or contours and condition if the track is not operated for one year. A surety bond or line of credit shall be acquired to insure restoration. The bond or line of credit shall name the town in which the track is located as a holder of the bond or line of credit.

6. At the property line, there shall be no excessive noise or dust.

D. Private Ice Rinks, provided that:

1. No part of the ice rink/structure is located closer than 20 feet to a property line;

2. If lights are installed for night play, they must be turned inward to minimize glare on the road or adjacent property;

3. The playing area shall be properly walled or fenced to prevent misguided pucks/balls from going out onto roads or adjacent property;

4. The rink shall not be permanent. Rinks must be set up and removed on an annual basis and follow the guidelines below:

a. The ice rink shall not be erected prior to November 1.

b. The ice rink shall be taken down by April 30.

(Ord. 158-27, 2015; Ord. 152-4, Sec. 28, 2008; Ord. 150-42, Sec. 6, 2007; Ord. 146-23, Sec. 9, 2002; Ord.143-94 Sec. 11, 2000; Ord.128-24 Sec.42, 1984; Ord.126-69 Sec.30, 1983; Ord.126-16 Sec.3(part), 1982)

18.30.080 Pre-occupied single family dwellings and dwellings that are less than 24 feet in width. Single family dwellings that are less than the minimum standards may be allowed if they meet the following conditions:

A. Single family dwellings that have been occupied prior to placement on a lot shall meet the following conditions:

1. The dwelling shall have been constructed in 1990 or later or be approved as a conditional use permit.

2. The department shall review the site and the dwelling to insure the dwelling is compatible with adjacent dwellings.

3. The department can recommend repairs and alterations to a dwelling to meet 2.

4. If a neighbor or the owner objects to the placement of the dwelling or the conditions of approval, the committee shall review the dwelling as a conditional use permit.

B. Single family dwellings in the A-1, A-2, A-3, I-1, I-2, and the F-2 Districts which do not meet the standard for width, roof slope or eaves or a combination of the standards are allowed as permitted principal structures. In all other districts or when adjacent to or within a subdivision, single family dwellings must meet the standards for width, roof slope, and eaves. In all cases, single family dwellings must meet the UDC standard for foundations.

C. The temporary placement of a single family dwelling which is less than 24 feet in width is allowed for three years or less by contract with the department including in or adjacent to subdivisions. A foundation is not required but it will need to be tied-down.

D. Manufactured/mobile homes that were placed prior to January 1, 1995, and issued either a land use permit or conditional use permit may be replaced without meeting the zoning code standards for a single family dwelling if the building footprint of the existing home is not made wider or longer and a foundation meeting the uniform dwelling code standards is placed. If the new dwelling increases the building footprint, all standards for single family dwellings must be met. (Ord. 144-53, Sec. 15, 2000; Ord.142-82 Sec.20, 1999; Ord.141-27 Secs.6-7, 1997; Ord.138-68 Sec.26, 1994)

18.30.090 Recreational vehicles and camping. Recreational vehicles and camping shall be allowed in the following zoning districts: A-1; A-2; A-3; A-R, RH; F-1; and F-2. The provisions of Title 20 Shoreland Protection Overlay District and Chapter 18.20 Floodplain Overlay District shall also be adhered to in the siting of a camping unit.

A. No camping unit shall be used as a permanent residence or as an accessory structure.

B. Any camping unit located outside of an approved campground shall meet the following conditions:

1. Require a land use permit from the department prior to the unit being placed on an undeveloped parcel for temporary or intermittent dwelling purposes if placed more than 15 days in a calendar year with a maximum aggregate time period of 90 days in a calendar year. A land use permit shall not be required for the temporary use of a camping unit outside of an approved campground for a duration of less than 15 days for developed or undeveloped parcels. Placement of camping units on a developed parcel for more than 15 days for any other purpose, other than storage under Sub. 6 below, shall not be permitted.

2. No more than one camping unit shall be located on any parcel.

3. Meet all dimensional and setback requirements of the district in which it is located.

4. If placed more than 15 days in a calendar year, provided with a pit privy or other waste disposal system meeting the requirements of the Eau Claire County Sanitary Code Chapter 8.12 and the State of Wisconsin.

5. Obtain a property address from the department.

6. Remain mobile, meaning the unit is not dismantled or wheels removed in any way to render the unit immobile.

7. The owner of said camping unit shall sign a removal affidavit which stipulates the prompt removal of the camping unit from the undeveloped property following the conclusion of the 90-day period. This provision does not apply to the temporary or seasonal storage of an unoccupied camping unit on a developed parcel with a principal building provided that the camping unit:

a. is stored within a principal or accessory structure or in the rear or side yard areas of the parcel provided setback standards are met,

b. is not connected to any utility including: electric, water, sewer, LP or natural gas, and

c. is owned by the owner of the developed parcel. (Ord. 160-23, Sec. 17, 2017; Ord. 157-21, Sec. 1, 2013; Ord.143-94 Sec.12, 2000)

18.30.100 Exemptions for accessory structures. Certain accessory structures shall be exempt from conditions of 18.31.040, provided that all of the following conditions are satisfied:

A. Structure shall be limited to 100 square feet;

B. Structure height shall be limited to 6 feet;

C. Structure location must meet all setbacks for the district in which it is located;

D. Use must be compatible to district as a permitted accessory use;

E. There shall be no telephone, water or sewer service to the structure;

F. Permits for the above cited structures shall be required;

G. Permits for the above cited structures shall be filed on county land use permit forms, and may be mailed to the department. (Ord. 157-36, Sec. 4, 2014; Ord.137-07, Sec.14, 1993; Ord.126-16 Sec.3(part), 1982).

18.30.110 Transfer of development rights. In the A-1 district, it is possible to transfer building site eligibility from one quarter-quarter section to another quarter-quarter section in accordance with the following requirements:

- A. The right of transfer lay only with property owned by one landowner and the transfer of more than one lot has to be in conjunction with a planned development.
- B. The transfer has to be to an A-R district and cannot reduce the remaining property below 35 acres.
- C. Existing residential development shall be deducted from the total number of transfer rights allowed.
- D. Once a transfer has taken place, the quarter-quarter section giving up development rights shall be ineligible for development. (Ord.142-82 Sec.21, 1999; Ord.139-83, Sec,5, 1995; Ord.126-69 Sec.31, 1983).

18.30.120 Accessory structure in the absence of a principal use. The placement of a private garage in the absence of a principal residence is allowed under the following conditions:

- A. A residence will be constructed on the property within 2 years.
- B. The use of the structure is permitted as an accessory use such as storage of lumber and supplies for the construction of the residence, motor vehicles, or maintenance machinery for the lot.
- C. Sanitary and building permits have been issued. (Ord.128-24 Sec.43, 1984).

18.30.130 Community living arrangements. The placement of group homes or community living arrangements shall be provided for as described below:

- A. Density and spacing.
  - 1. Community living arrangements established after March 28, 1978 must be at least 2,500 feet from any existing community living arrangements.
  - 2. Total capacity of community living arrangement cannot exceed 25 or 1% of the community's population.
- B. In all residential districts, foster homes for 4 or fewer children are permitted without meeting density or spacing requirements.
- C. Community living arrangements licensed for 8 or fewer persons are permitted in all residential districts, and in the A-2 and F-2 Districts.
- D. Community living arrangements licensed for nine to 15 persons are allowed in the R-3 district and are conditional uses in all other residential districts.
- E. Community living arrangements licensed for 16 or more persons are conditional uses in all residential districts. (Ord. 154-2, Sec. 43, 2010; Ord 150-34, Sec. 18, 2006; Ord. 131-65, Sec.20, 1987, Ord. 128-24 Sec.44, 1984).

18.30.140 Family day care homes. The placement of family day care homes in the R-1-L, R-1-M, R-2, RH, A-2, A-3, A-R, F-2 and C-1 Districts are allowed as permitted uses where licensed by the Department of Health and Family Services and where care is provided for not more than 8 persons. Homes with more than 8 persons shall require a conditional use permit. (Ord.141-22, Sec.2, 1997; Ord.129-25 Sec.13, 1985).



18.30.150 Bed and breakfast establishments. Bed and breakfast establishments are conditional uses in the agricultural, residential and F-2 districts and shall meet the following requirements:

A. Site plan showing location of home, garage and parking for guest's vehicles. Plan should indicate distance to nearby homes.

B. One 6 square foot sign showing only name of homeowner and address is allowed. (Ord. 152-4, Sec. 29, 2008; Ord. 129-74 Sec.14, 1986).

18.30.180 Truck bodies and semi-trailers as accessory structures.

A. Truck bodies and semi-trailers are not allowed as accessory structures in the residential, C-1, C-2, and F-1 districts; in the agriculture and F-2 districts, they are conditional uses; and in the industrial districts and the C-3 district, they are allowed as a permitted accessory structure when properly screened from adjacent properties. When approved, the chassis shall be removed and the sides either painted or sided except in the industrial or C-3 districts where screening is required.

B. Mobile/manufactured homes are not allowed as accessory structures in any district except where allowed as a residential structure and are used only for habitation. (Ord. 147-103 Sec. 11, 2004; Ord.140-92, Sec.26, 1997; Ord. 134-36 Sec.23, 1990; Ord. 133-02 Sec.11, 1989; Ord. 131-03 Sec.11, 1987).

18.30.190 Housing for the Elderly and Handicapped: A second housing unit for the elderly and handicapped is allowed in the RH, F-2, A-1, A-2, and A-3 districts as a conditional use within the following criteria:

A. The minimum lot size is 2 acres.

B. The occupant(s) must be related to the owner by blood, marriage, or adoption, and must be either of retirement age (62) or unable to live independently because of disability. An owner meeting the requirements of age or disability is allowed to place a second housing unit if the occupant is related by blood, marriage, or adoption.

C. The occupant is a permanent resident of the property.

D. The unit must remain capable of being removed, cannot exceed three bedrooms, and must be compatible with existing development in the area.

E. The property must be owner occupied.

F. The permit is to be reviewed every 2 years by the department. (Ord 153-28, Sec. 7, 2010; Ord.140-39, Sec.3, 1996; Ord.137-94, 1994; Ord.137-07, Sec.15, 1993; Ord.134-36 Sec.24, 1990)

18.30.200 Screening for the commercial and industrial districts. 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 5 feet in height.

2. Side and rear yard screening, or of manmade materials 6 feet in height.

3. Natural screening shall not be less than 3 feet in height at time of planting.

4. All fences shall be constructed of appropriate materials manufactured for such purpose and shall be maintained in a condition of good repair.

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.
- (Ord. 153-28, Sec. 8, 2010; Ord.137-07, Sec.16, 1993; Ord.134-66, Sec. 3, 1991)

18.30.210 Adult book store, adult cabaret or adult motion picture theater.

A. Findings and purpose. The county board finds that, due to their nature, the existence of adult book stores, adult cabarets and adult motion picture theaters has serious objectionable operational characteristics, such as an effect upon property values, local commerce and crime. Due to the deleterious combined effect on adjacent areas when such uses are concentrated, they should not be permitted to be located in close proximity to each other. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. Such regulations are contained in these standards. These standards are designed to protect the county's retail trade, maintain property values, prevent crime, and, in general, protect and preserve the quality of the county's neighborhoods, commercial districts and the quality of urban life. (If created within county zoning districts).

B. Standards. An adult book store, adult cabaret or adult motion picture theater is permitted in the C-2 district, provided that:

1. Such use shall not be located within 100 feet of any residential district.
2. Such use shall not be located within 750 feet of a public or private school, church, nursery or day care center.
3. Such use shall not be located within 1,000 feet of another adult book store or adult motion picture theater.
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. Violation of these provisions is declared to be a public nuisance per se.
6. 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 ordinance 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. (Ord. 143-97, Sec. 3, 2000; Ord. 136-108, Sec.12, 1993).

18.30.220 Recycling Drop-off stations, resource recovery facilities, and resource recovery processing facilities. Recycling drop-off stations, resource recovery facilities, and resource recovery processing facilities shall meet the following requirements:

A. Recycling drop-off stations are permitted uses in the commercial and industrial districts and conditional uses in all other districts. A recycling drop-off station must meet the following requirements:

1. The area for the station shall not exceed 1500 sq. feet. It may be an accessory use on a property.
2. The site shall be screened from residential uses by either a fence of 6 feet in height or by natural vegetation. The site cannot be closer than 100 feet from a residential use.

3. There shall be parking for at least two vehicles and adequate space for the vehicles to turn around for exiting.

4. All driveways and traveled portions on the site shall be of dust free material.

5. There shall be no outside storage of materials on the site and the station must be attended on a minimum of a weekly basis.

B. Resource recovery facilities are permitted in the industrial districts and conditional uses in the C-3 districts. A resource recovery facility must meet the following requirements:

1. The facility shall not be sited within 150 feet of a residential district or use.

2. All collection, processing, and storage shall take place within a building. No power driven equipment in the excess of 15 horse power is allowed for the processing of recyclables.

3. Noise shall be limited to 60 decibels at the property line utilizing an hourly average in the C-3 district.

4. All driveways and traveled areas must be made of dust free materials. All vehicles waiting to unload must be located on the property.

5. No dust, fumes, smoke, or vibration above ambient levels at the property line in the C-3 district.

6. Within 250 feet of a residential district, hours of operation are limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday.

7. Access must be from a collector or arterial street and must be gated after business hours.

8. The facility must meet all state, federal, and local laws and regulations.

C. Resource recovery processing facilities are conditional uses in the industrial districts. They must meet the following criteria:

1. The facility shall not be sited within 250 feet of a residential district or 150 feet of a residential use.

2. All outside storage and processing or recyclables must be behind a site obscuring fenced area equal to the height of the machinery or 8 feet whichever is greater. All wind born materials shall be collected daily.

3. All driveways and traveled areas shall be of dust free materials. All vehicles waiting to unload must be located on the property.

4. Within 500 feet of a residential district, hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. and noise levels shall be limited to 70 decibels at the property line.

5. Access must be from a collector or arterial street and must be gated at the end of business hour.

6. The facility must meet all state, federal, and local laws and regulations.  
(Ord.137-01, Sec.11, 1993)

18.30.230 Accessory dwelling units. Within the A-2, A-3, RH and the F-2 districts, accessory dwelling units are allowed under the following criteria:

A. The area of the accessory dwelling unit is no greater than one half the square footage of the principal dwelling unit or exceed 1,000 square feet.

B. The unit shall not be rented or leased.

- C. The unit shall be constructed and sided to be similar to the principal residence.
- D. The unit shall be occupied for no more than two months. One family or 3 unrelated guests.
- E. The owner of the parcel shall occupy the principal dwelling on the property.
- F. The accessory dwelling unit shall be separated by 100 feet from adjacent residences.
- G. A deed restriction shall be placed on the property that the accessory dwelling unit can not be separated from the principal dwelling. (Ord. 154-2, Sec. 44, 2010; Ord.141-67 Sec.2, 1997)

18.30.240 Noncommercial raising of animals and birds.

- A. The raising of household pets are exempt from this section.
- B. The noncommercial raising of animals and poultry are allowed in the RH district with the following conditions:
  - 1. The minimum lot size shall be 2 acres.
  - 2. One acre of pasture or open space shall be required per animal unit.
  - 3. A nutrient management plan shall be submitted with the application and approved by the department.
- C. Pigeons are allowed as accessory uses in the agricultural districts and as conditional uses in the residential districts. Pigeons are defined as racing pigeons, fancy pigeons and sporting pigeons. All sites shall meet the following conditions:
  - 1. All premises on which pigeons are kept and maintained shall be kept clean and free from filth, garbage and such substances which attract rodents at all times.
  - 2. All pigeons shall be fed within the confines of the aviary in which the pigeons are housed.
  - 3. All feed or food stored for the use of the pigeons shall be kept in rodent-proof containers.
  - 4. Pigeons shall be permitted to fly only when under control of the licensee or a representative of the licensee.
  - 5. All aviaries shall be completely enclosed with wire netting or equivalent material that will prevent pigeons from escaping its confines.
  - 6. The aviaries shall be sided similar to the principal structure on the property.
  - 7. All aviaries housing pigeons shall be elevated a minimum of 6 inches and a maximum of 12 inches above grade to insure a free-way beneath the aviary; further, the aviary shall rest upon and be anchored to a foundation or piers made of concrete or other suitable foundation material. No aviary shall exceed 12 feet in height.
  - 8. There shall be a principal use and structure on the property which conforms to the zoning district in which the property lies.
  - 9. All pigeons shall be banded and registered. (Ord.142-77 Sec.2, 1999; Ord.142-66, Sec.2, 1998).

18.30.250 Medical waste handling, storage and disposal facilities.

A. These facilities shall be conditional uses in the I-1, I-2, and C-3 districts. A prerequisite and continuing requirement for these facilities shall be complete and continuous compliance with state and federal codes and regulations as well as continuous permit or licensing currency. Violations of the terms and conditions of this permit, federal or state laws, codes or regulations may be considered cause for revocation of the conditional use permit.

B. All transfer of medical wastes shall be carried out within an enclosed and secured dock used exclusively for that purpose. All of the facility shall be fenced in with a security fence. Low intensity security lighting shall be provided. The lighting shall be shielded to keep the light escaping the property in any direction as low as possible.

C. Conditions may be placed upon these uses regarding hours of operation, setbacks, screening, emissions of odor, noise, or any other reasonable restriction that promotes the public health, safety and general welfare.

D. Medical wastes covered by this section shall include all those materials listed as medical wastes by the state and federal codes or regulations as they are written or exist now or as amended in the future. (Ord. 144-53, Sec. 16, 2000).

18.30.260 Wind energy systems.

A. Purpose. The purpose of this section is to provide a regulatory framework for wind energy systems that will preserve and protect public health and safety.

B. Definitions. For the purpose of this section, the following definitions shall apply:

1. "FAA" means the Federal Aviation Administration.
2. "Inhabited structure" means a structure that is used as a residence, school, hospital, church, public library, place of employment, or any other structure that is used for a similar purpose.
3. "Landowner" means the person that owns the property on which a wind energy system is located.
4. "Large wind energy system" means a single wind energy system that includes a tower and wind generator that has a nameplate capacity of more than 100 kilowatts or a total height of more than 170 feet, or both, and is primarily used to generate electricity for off-site customers.
5. "MET tower" means a tower, including any anchor, base, base plate, boom, cable, electrical or electronic equipment, guy wire, hardware, indicator, instrument, telemetry device, vane, or wiring, that is used to collect or transmit meteorological data, including wind speed and wind flow information, in order to monitor or characterize wind resources at or near a wind energy system.
6. "Nonparticipating property" means any separate, saleable parcel of real property that is not included as part of the property on which a wind energy system authorized or permitted under this section is located.
7. "Owner" means the person or entity that owns the wind energy system.
8. "Participating property" means a separate, saleable parcel of real property on which a wind energy system authorized or permitted under this section has been located.
9. "Shadow flicker" means the effect that results when the shadow cast by the rotating blade of a wind energy system moves across a fixed point.

10. “Small wind energy system” means one or more wind energy systems that have a single or combined nameplate capacity of 100 kilowatts or less, have a total height of 170 feet or less, and are primarily used to generate electricity for use by their owner.

11. “Total height” means the vertical distance from the ground level to the tip of a wind generator blade when the tip of the blade is at its highest point.

12. “Tower” means either the freestanding, guyed, or monopole structure that supports a wind generator, including any guy wires and anchors used to support a guyed tower.

13. “Wind energy system” means equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other components used in the system.

14. “Wind energy system research facility” means a site where testing of one or more small wind energy systems, one or more large wind energy systems, or a combination of one or more small wind energy systems and large wind energy systems occurs, including but not limited to testing for electrical output, operation in different wind conditions, and sound generation.

15. “Wind farm system” means a group of two or more wind energy systems, except a dual single-family residential small wind energy system.

16. “Wind generator” means blades and associated mechanical and electrical conversion components mounted on the top of the tower.

17. “Windmill aerator” means a device powered by wind that pumps air into water that includes but is not limited to a tower, a multiple-blade rotor, gearbox, tail, a pump, and tubing.

18. “Windmill water pump” or “water pump” means a device powered by wind that pumps water that includes, but is not limited to, a tower, a multiple-blade rotor, gear box, tail, pump, and piping.

C. Exemptions for windmill aerators and windmill water pumps – the standards and requirements set forth under this Section (18.30.260) of the Eau Claire County Code shall not apply to windmill aerators and windmill water pumps.

D. General siting standards

1. Location.

a. An individual large wind energy system or wind farm system may be allowed as a conditional use only in areas that are zoned as follows and are subject to the locational exceptions noted in par. d. and e., below:

- i. A-1 Exclusive Agricultural District;
- ii. A-3 Agricultural District;
- iii. C-1 Neighborhood Business District;
- iv. C-2 General Business District;
- v. C-3 Highway Business District;
- vi. I-1 Nonsewered Industrial District;
- vii. I-2 Sewered Industrial District.

b. A wind energy system research facility or MET tower may be allowed as a conditional use only in areas that are zoned as follows and are subject to the locational exceptions noted in par. d. and e., below:

- i. A-1 Exclusive Agricultural District;
- ii. A-3 Agricultural District;
- iii. I-1 Nonsewered Industrial District;

- iv. I-2 Sewered Industrial District.
- c. A small wind energy system is a permitted use in any district, subject to the locational exceptions noted in par. d., below.
- d. Wind energy systems are not allowed in the following locations:
  - i. A wetland within the shoreland-wetland district as designated in Title 20 of the Eau Claire County Code;
  - ii. A floodplain except as otherwise permitted in Chapter 18.20 of the Eau Claire County Code.
- e. Large wind energy systems, wind energy system research facility, and wind farm systems are not allowed in the following locations:
  - i. State or county forest, hunting areas, lake accesses, natural areas or parks;
  - ii. On any property where a public historical, cultural or archeological resource is located.

2. Setbacks.

- a. Large wind energy systems. The center of a tower for a large wind energy system, each individual wind energy system in a wind farm system, a MET tower, and each individual wind energy system in a wind energy system research facility must be set back:
  - i. At least 1.2 times the total height of an individual large wind energy system or 1.2 times the total height of the tallest individual wind energy system in a wind farm system or a wind energy research facility from the property line of a participating property;
  - ii. At least 1.2 times the total height of the large wind energy system or 500 feet, whichever is greater, from any public road, railroad, or power line right-of-way;
  - iii. At least 1,000 feet from an inhabited structure on a nonparticipating property;
  - iv. At least 1,000 feet from any state or county forest, hunting area, lake access, natural area, or park;
  - v. At least 1,000 feet from any public historical, cultural and archeological resource area.
- b. Small wind energy systems. The center of a tower of a small wind energy system shall be set back:
  - i. At least 1.2 times its total height from the property line of the participating property;
  - ii. At least 1.2 times its total height from any public road, railroad, or power line right-of-way;
- c. Any anchors for guy wires for a guyed tower for any type of wind energy system shall meet the setback requirements for accessory structures in the zoning district that they are located in.

3. Spacing and density.

- a. Small wind energy systems, large wind energy systems, and every individual wind energy system within a wind farm system must be separated from every other wind energy system by a sufficient distance so that they do not interfere with the other wind energy systems.
- b. Spacing of wind energy systems in a wind energy system research facility may be varied to study the level of wind interference with other wind energy systems.

4. Shadow flicker. The shadow flicker generated by a large wind energy system, any individual wind energy system in a wind farm system, or any individual wind energy system in a wind energy research facility on December 21 of any calendar year shall not fall on any inhabited structure on a nonparticipating property.

5. Noise.

a. The sound generated by the operation of a wind energy system or MET tower shall not exceed the ambient sound level at any time by more than 5 dB(A) as measured at any point on property adjacent to the parcel on which the wind energy system or MET tower is located. A greater setback than required in 18.30.260 D.2., may be required to satisfy this requirement, unless a waiver has been granted in accord with c., below. This shall include sound generated by a large wind energy system or wind farm system if furling occurs during high wind conditions.

b. If two or more complaints about noise are filed by two or more property owners on nonparticipating property adjacent to a wind energy system or MET tower, the county may request an investigation by the city-county health department or use a noise measuring contractor/consultant, at the expense of the person or persons filing the complaint, to ensure that the sound level generated by the operation of the wind energy system does not exceed the ambient sound level by more than 5 dB(A). Sound levels shall be determined during the investigation of a noise complaint by comparing the sound level measured when the wind generator blades are rotating and the wind generator is in operation to the sound level measured when the wind generator blades are stopped and the wind generator is not in operation. Any noise level that falls between two whole decibels shall be the higher of the two for both the measurement of the ambient noise level and the measurement of the noise in excess of the ambient noise level generated by the wind energy system.

c. If the sound level generated by the operation of a wind energy system or MET tower exceeds the ambient sound level by more than 5 dB(A), a waiver to the maximum allowable increase in the sound level as specified in a, above, may be granted by the supervisor of land use controls provided written consent from the affected property owners on nonparticipating properties has been submitted stating that they are aware of the noise limitations imposed by this ordinance and that they consent to allow sound levels to exceed the maximum allowable increase in sound level. If the owner of a wind energy system or MET tower wishes the waiver to apply to succeeding owners of the property, either a permanent noise impact easement or easement for the life of the wind energy system or MET tower shall be recorded in the Eau Claire County Register of Deeds office which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this ordinance may exist on the burdened property.

d. If the sound level generated by the operation of a wind energy system or MET tower exceeds the ambient sound level by more than 5 dB (A), the owner of the wind energy system shall reimburse the persons filing the complaint for the cost of an investigation conducted by the Eau Claire City-County Health Department or noise measuring contractor/consultant. The owner of the wind energy system shall pay for all of the costs for preparing and recording any waivers authorized in accord with subsection c., above.

E. General construction standards.

1. Structure type.

a. Any type of tower construction, including a guy-wired tower, a free-standing lattice tower, or a monopole tower, may be used for the installation of a small wind energy system whose generator has a nameplate rating of 30 kilowatts or less.



b. Wind energy systems, other than small wind energy systems with a generator nameplate rating of 30 kilowatts or less, must be of monopole construction unless it can be shown that it will significantly increase the cost to construct the system, or unless it can be shown that monopole construction will cause undue environmental degradation.

c. If it can be shown that constructing a wind energy system, other than a small wind energy system with a generator nameplate rating of 30 kilowatts or less, on a monopole tower will significantly increase the cost of a wind energy system, then the wind energy system must be of freestanding construction unless it can be shown that a freestanding method of construction will significantly increase the cost to construct the wind energy system, or unless it can be shown that a freestanding method of construction will cause undue environmental degradation.

d. In the event that it can be shown that constructing a wind energy system, other than a small wind energy system with a generator nameplate rating of 30 kilowatts or less, by monopole construction or by freestanding construction will significantly increase the cost of a wind energy system or cause undue environmental degradation, then a wind energy system be constructed using a guyed tower construction method.

e. MET towers that are placed temporarily and will be removed within 1 year from the date that they were constructed, are exempt from the requirements in a., b., and c., above.

2. Height.

a. The total height of a large wind energy system, any individual wind energy system within a wind farm system, a MET tower, and any individual wind energy system in a wind energy system research facility shall not exceed 500 feet.

b. The total height of a small wind energy system or a dual single-family residential small wind energy system shall not exceed 170 feet.

3. Access.

a. Any component of a large wind energy system, individual wind energy system in a wind farm system, MET tower, or wind energy system research facility shall be secured against unauthorized access by means of a locked barrier or security fence, including any climbing aids.

b. The tower of a wind energy system shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 12 feet above the ground. Any climbing aid necessary for the tower shall be removed and stored at another location or kept within a locked barrier or security fence.

4. Blade Clearance.

a. Large wind energy system – The vertical distance from the ground level to the tip of a blade of a large wind energy system or any individual large wind energy system in a wind farm system when the blade is at its lowest point shall be at least 75 feet.

b. Small wind energy system – The vertical distance from the ground level to the tip of a blade of a small wind energy system when the blade is at its lowest point shall be at least 30 feet.

5. Electrical wires. All electrical wires, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, shall be located underground.

6. Lighting. A wind energy system may not be artificially lighted unless such lighting is required by the FAA. If lighting is required, the lighting must comply with the FAA minimum requirements and, whenever, possible, be at the lowest intensity allowed, avoid the use of strobe or other intermittent white lights, and use steady red lights. If more than one lighting alternative is available, the alternative that causes the least visual disturbance shall be used.

7. Appearance, color and finish. The exterior surface of any visible component of any type of wind energy system shall comply with the following:

a. The design of buildings and all structures shall use materials, colors, textures, screening and landscaping so that they do not stand out or are not grossly conspicuous within the surrounding natural setting and existing environment and shall not be reflective;

b. Blades on rotors may be flat black in color to absorb solar radiation in order to minimize icing of blades in the winter;

8. Equipment. Any electrical equipment associated with any type of wind energy system shall be located on the property where the wind energy system is located, and shall meet all of the appropriate setbacks for accessory structures within the underlying zoning district.

9. Signs. No signs advertising or promoting any product or service shall be allowed on any part of any type of wind energy system, except warning signs intended for public safety shall be allowed and other signs such as owner identification signs may be allowed in accord with Chapter 18.26 of the Eau Claire County Code.

10. Land disturbance. All land disturbance shall comply with the requirements in Chapter 17.05 of the Eau Claire County Code.

11. Parking areas and driveways. Areas permanently designated for vehicular movement and parking shall be finished with an all-weather dust-free surface with proper surface drainage in accord with 18.25.010 H. of the Eau Claire County Code.

12. Code compliance.

a. A wind energy system or MET tower must comply with the National Electric Code, and all applicable state and federal codes and regulations.

b. All electrical work done on a wind energy system or MET tower shall be done by a state licensed electrician.

13. Signal interference.

a. Certification shall be submitted at the time of application for an individual large wind energy system, a wind farm system, MET tower, or wind energy system research facility by an individual with appropriate professional credentials to provide certification, that every reasonable step has been taken to prevent or eliminate any interference with the transmission and reception of electromagnetic communications, such as, but not limited to, microwave, radio, telephone or television signals.

b. The owner of a small wind energy system must take reasonable steps to prevent and eliminate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.

c. A small wind energy system, MET tower, an individual large energy system, wind farm system, or wind energy system research facility may not be located within an emergency communication corridor, which is defined as the area within 500 feet of a line connecting a specific pair of communication towers used for emergency service purposes.

F. Permitting.

1. Submittal requirements for permit applications for wind energy systems and MET towers – the following information shall be submitted for applications for wind energy systems and MET towers:

- a. The name, address and telephone number of the applicant;
- b. The name, address and telephone number of the property owner and documentation of land ownership or legal control of the property;
- c. A copy of a lease or easement authorizing the use of the property if the property owner and the owner of the wind energy system are not the same;
- d. A site plan, drawn to scale, shall be submitted, including the following information: the location of the proposed wind energy system and any appurtenant equipment or structures associated with the system on the participating property; the location of any road, railroad, and power line right-of-way; interconnection points with the electrical grid, if any;
- e. A map, drawn to scale, illustrating the general location of the small wind energy system, large wind energy system, or individual wind energy systems in a wind farm system, and showing the location of the following within 1,000 feet: wetlands; floodplains; any state or county forest, hunting area, lake access, natural area, or park; any public historical, cultural, and/or archeological resource area; and any inhabited structure on adjoining non-participating properties;
- f. Specifications for the wind energy system, including the manufacturer, model, capacity, blade length, clearance, and total height, means of interconnecting with the electrical grid, and accessory equipment and structures;
- g. The cost of the wind energy system and cost to install it;
- h. A map illustrating the area subject to shadow flicker for a large wind energy system or all individual wind energy systems in a wind farm system at noon on December 21 of any calendar year;
- i. For large wind energy systems, information shall be submitted by a sound engineer or other individual qualified to submit the information, verifying that the individual large wind energy system or wind farm system will not exceed the noise restrictions established in 18.30.260 D.5.;
- j. Information regarding reasonable steps to prevent or eliminate any interference with the transmission and reception of electromagnetic communications as required in 18.30.260 E.13.;

2. Conditional Use Permits required for large wind energy systems. A conditional use permit is required for the installation of an individual large wind energy system, a wind farm system, a wind energy system research facility, or MET tower. Issuance of a conditional use permit shall be based upon meeting all of the requirements specified in this section, the requirements of Chapter 18.21 for conditional uses, and upon a finding that the individual large wind energy system, wind farm system, wind energy system research facility, or MET tower is consistent with the purpose of the zoning code in 18.01.010.

3. Land Use Permits. A land use permit shall be required for a small wind energy system, MET tower, an individual large wind energy system or wind farm system.

G. Abandonment.

1. Any type of wind energy system that is out of service (not in operation) for a continuous period of 12 months will be deemed abandoned. The supervisor of land use controls may issue a Notice of Abandonment to the owner.

3. If, within 30 days of receipt of a Notice of Abandonment, the owner provides the supervisor of land use controls with information showing that a wind energy system has not been abandoned, the notice shall be withdrawn.

4. If the Notice of Abandonment is not withdrawn, a wind energy system must be removed within 180 days of the notice, and the site must be reclaimed to a depth of 4 feet, except that the owners of small wind energy systems having a nameplate rating of 30kWh or less are not required to remove foundations and guy anchors. If the owner fails to remove the wind energy system and reclaim the site, the county may remove or cause to be removed the wind energy system and may reclaim the site or cause the site to be reclaimed at the owners expense. (Ord. 160-23, Sec. 18, 2017; Ord. 156-38, Secs. 20-25, 2013; Ord. 156-38, Sec. 20 & 21, 2013; Ord. 154-2, Sec. 45, 2010; Ord 152-14, Sec. 1, 2008; Ord 150-34, Sec. 18, 2006)

18.30.270 Special events.

A. A special event having a duration of 3 days or less within any calendar year, excluding time for set-up and take-down, that is conducted on a single parcel of land or one or more parcels of land that are adjoining or adjacent to each other and separated only by a property line or public road, may be allowed in any zoning district by the Supervisor of Land Use Controls with a conditional use contract. All other special events may be allowed as a conditional use in any zoning district except the Shoreland Protection Overlay District and Floodplain District, subject to public hearing, review, and approval by the committee with findings that they are in conformance with all of the standards for conditional use permit approval in 18.21.060 and the standards in 18.30.270 D. below.

1. Special events in the A-1 Exclusive Agricultural District must be events that are consistent with agricultural use as required under Wis. Stat. § 91.01(10).

2. Special events may be allowed at historic sites or in historic districts listed in the National Register of Historic Places provided the events have some cultural connection with the historic site or historic district and are not disruptive to the historical site or historical district.

B. Special events shall not be allowed in habitat areas of threatened or endangered species or other similar sensitive environmental areas.

C. Application requirements. In addition to the information required by 18.21.030, the application shall include the following:

1. Maps illustrating the following:

- a. The location for the event and surrounding property within ½ mile of the event indicating the land use in the surrounding area.
- b. The location of any off-site parking areas that are not located directly on the site or immediately adjacent to the site of the special event.
- c. The major roads in the vicinity that are likely to be used by vehicular traffic to access the site of the special event, indicating the routes that traffic will likely use to access the site, and in the case of off-site parking areas, the routes that traffic will likely use to access the off-site parking areas and the routes that shuttle vehicles will use to travel between the off-site parking lot and the special event site as required in 18.30.270 D.3.c., below.

2. A scaled site plan of the site or sites where the event will take place showing the following:

a. The exterior boundaries of the site or sites.

b. The location for entry gates and exits, booths, stages, tents, canopies, pavilions, food and beverage stands, carnival rides, bleachers or other seating areas, areas where competitive events or other entertainment will take place, lighting fixtures, or any other similar types of structures or amenities necessary for the event.

c. The location of on-site parking lots, including parking for spectators/visitors, vendors, and event competitors/participants; and a separate site plan for off-site parking lots, indicating locations for shuttle stops for shuttling visitors/spectators to the event in accord with 18.30.270 D.3.c., below.

d. The location for signs on-site and in the vicinity of the site, subject to the standards for signs in 18.30.270 D.4., below.

e. The location of thoroughfares for pedestrians and vehicles on the site, that are sufficient in size to accommodate the number of people projected for the event and the movement of vehicular traffic wherever necessary including the movement of emergency vehicles.

f. The location for portable restroom facilities.

g. The location for garbage/refuse receptacles and recycling receptacles.

3. A description of the event including the following:

a. Dates and hours of operation, including dates for setting up the event, dates for conducting the event, and dates for taking down the event.

b. All activities that will be taking place during the event, including any competitive activities, entertainment, rides, vending, and other activities.

c. Projected number of each of the following groups of people that will attend the special event: spectators/visitors, competitors/entertainers, vendors, workers, and volunteers.

d. The number of parking spaces provided.

e. Method for crowd control, including the number of staff available.

f. Method for vehicular traffic control on-site and in the vicinity of the site, and method for separating vehicular and pedestrian traffic where necessary.

g. Method for collecting and disposing of garbage and refuse and collection of recyclables, and patrolling the site and vicinity for garbage and recyclables.

4. Inspection of premises. No permit shall be granted for a special event unless the operator agrees and consents in writing, as a part of the application for the permit, to allow law enforcement, public health and fire control officers and staff for the department to come upon the premises for which the permit has been granted for the purpose of inspection and enforcement of the terms and conditions of the permit issued pursuant to this ordinance, and any other applicable laws or ordinances. If any inspections described above reveal deficiencies in compliance with state or local law, the inspectors may return as often as needed until the deficiencies are cured. If the deficiencies are not cured or cannot be cured, the county sheriff may terminate the outdoor mass gathering.

D. Standards for approval of special events.

1. Access.

a. The location of the event as identified in the map, submitted with the application in accord with 18.30.270 C.1. above, shall include documentation explaining how traffic will be managed within the vicinity of the event and any measures taken to control and minimize possible nuisance factors that could be associated with the event such as traffic congestion, illegal parking, noise, light, fumes and litter.

b. The applicant shall consult with appropriate law enforcement agencies and local municipalities for guidance on traffic control.

2. Grounds.

a. The facilities and features that must be identified on the site plan in accord with 18.30.270 C.2.b., c., and d., above, shall be arranged as follows:

i. So that the facilities and features are separated from adjoining properties to prevent trespass onto adjoining properties and to control and minimize nuisance factors such as noise, dust, fumes, exhaust, and light.

ii. So that pedestrian traffic can move freely without blockages.

iii. So that pedestrian traffic and vehicular traffic are separated.

iv. So that emergency services have easy access to the entire grounds.

3. Illumination.

a. Illumination will be provided at night to protect the safety of the persons assembled.

b. All areas where spectators/visitors, competitors, entertainers and vendors will be assembling will be illuminated, and all parking areas shall be illuminated.

c. All lighting shall be shielded and directed downward and shall not unreasonably reflect beyond the assembly area.

d. Spotlights, laser beams, or any concentrated beams of light shall be prohibited, unless they are part of an entertainment activity involved with the special event and are not directed upward toward the sky.

4. Signage. Temporary signage is allowed under the approval of the conditional use permit as follows:

a. Temporary signage is not allowed in the road right-of-way or in the vision triangle of intersections.

b. All temporary signage may not be placed more than 7 days prior to the beginning of the event and shall be removed within 24 hours of the end of the event.

c. No temporary sign shall exceed 32 square feet.

d. Section 18.26.010 applies.

5. Duration, dates and times.

a. The duration of a special event shall not exceed 7 consecutive days within any 30-day time period, and not more than 4 special events shall be allowed in a 12-month period.

b. Special events shall not be allowed to operate between the hours of 12:00 am (midnight) and 6:30 am, unless the special event involves an activity that does not involve noise or lighting or other nuisance factors that requires operation during that time period, such as celestial observation special events.

6. Parking.

a. On-site parking shall be required for competitors/entertainers, vendors, and emergency services.

b. On-site parking is preferred for employees, volunteers and spectators/ visitors. Off-site parking may be allowed for employees, volunteers and spectators/visitors only when shuttle service is provided to transport them to and from the main event grounds. For the purpose of special events, parking lots located on adjoining properties or properties located directly across the road from the main event grounds shall be considered on-site parking lots, provided employees, volunteers and spectators using these parking lots can walk directly from the parking lot to the main event grounds.

c. All parking lots shall be provided with a dust control method.

d. Event parking shall be calculated using 1 parking stall per 4 users, plus 1 stall per 2 employees/volunteers.

e. Where off-site parking is provided for, the following additional requirements shall be met:

i. Parking attendants shall be required at all times during the event at the off-site parking lot to control traffic and to direct vehicles into parking spaces.

ii. Shuttle vehicles shall be provided to transport persons between the parking lot and the main event grounds. Shuttles shall be provided at minimum intervals of 15 minutes. All visitors/spectators, employees, and/or volunteers using the off-site parking lot shall be required to use the shuttle to travel between the parking lot and the main event. Walking shall be prohibited unless a pedestrian corridor sufficient in size to handle increased pedestrian traffic above and beyond the normal pedestrian traffic has been identified and cordoned off. The requirement to provide shuttle service may be waived by the Supervisor of Land Use Controls for a Conditional Use Contract, or the Committee on Planning and Development for a Conditional Use Permit, if the off-site parking lot is located in close proximity to the main event site and visitors/spectators, employees, and/or volunteers using the off-site parking lot can walk safely from the parking lot to the main event site.

iii. One or more patrol person(s) shall be required at all times during the event to patrol all roads between off-site parking lots and the main event grounds to ensure that vehicles are not illegally parked along the roads and to ensure that visitors/spectators, employees and/or volunteers using the off-site parking lot are not walking between the parking lot and main event grounds.

f. The density of parking spaces shall not exceed 150 passenger cars per usable acre available for supervised parking.

7. Sanitary facilities, refuse collection, and recycling.

a. All necessary permits shall be obtained from the Eau Claire City-County Health Department for the following:

i. Toilet facilities. Toilets shall be provided at a rate of 1 per 150 persons in attendance.

ii. Food and beverage concessions.

iii. Potable water.

iv. Refuse collection. One 50-gallon refuse container shall be provided for every 100 persons in attendance. One 16 cubic yard refuse container may be substituted for half of the required 50 gallon refuse containers for every 5,000 person in attendance. All refuse shall be collected at least twice during each 12-hour period of the special event, with the minimum of two such collections per special events exceeding 6 hours. All refuse shall be disposed of in a lawful disposal site.

b. The applicant shall be required to police the roads and any other public thoroughfares adjacent to the site, adjacent to off-site parking lots, and along the route used for shuttle vehicles if there is off-site parking, for litter and refuse during the event and as part of clean-up following the event.

c. Recycling containers shall be provided for collection of all recyclable materials that must be recycled in accord with recycling requirements in Chapter 12.73 of the Eau Claire County Code that are likely to be generated as a result of vending and concessions at the special event.

d. The event sponsor shall contract for recycling and garbage collection.

8. Safety and emergency services.

a. Crowd control.

i. Adequate personnel shall be provided for crowd control and maintaining order during the event, as recommended or required by local law enforcement agencies.

ii. If off-site parking will be used for the event, then one or more patrol persons shall be required to patrol the roads between the off-site parking lot and the main event site to ensure that vehicles are not illegally parked along the roads and to ensure that visitors/spectators, employees and/or volunteers using the off-site parking lot are not walking between the parking lot and main event grounds, as required in 18.30.270 D.6.e.iii., above.

b. Fire protection.

i. The appropriate fire protection agency shall be notified of the dates and times of the event to ensure that fire protection services are on alert for the event.

ii. Any fire protection equipment deemed necessary by the fire protection agency, including portable fire extinguishers, shall be provided.

c. Emergency medical services.

i. The appropriate emergency medical service agency shall be notified of the dates and times of the event to ensure that emergency medical services are on alert for the event.

ii. A first aid station shall be provided at the special event site, with appropriate emergency medical materials and equipment and staff trained in first aid.

9. Insurance and financial assurance.

a. Public liability insurance shall be provided for the duration of the event, with a minimum of \$300,000 coverage for injury or damage to a person or property and not less than \$1,000,000 in the aggregate amount for any one occurrence, naming the county as an additional insured.

b. A refundable bond in a form acceptable to the county shall be posted with the county in the amount of \$1,000, and shall be refundable to the applicant after the county has determined that all of the conditions, standards and requirements for the special event have been met. Failure to comply with all conditions, standards and requirements for the special event shall result in forfeiture of all or any portion of the bond needed to remedy the applicant's noncompliance. The applicant shall be provided with a statement describing how the forfeited funds were expended.

10. Assembly permits may be required by the Eau Claire County Sheriff's Department.



E. Fee required. The fee required for a special event shall be:

1. Conditional use contract \$250.00
2. Conditional use permit \$500.00

(Ord. 162-23, Sec. 15, 2018; Ord. 161-27, Sec. 8, 2017; Ord. 160-23, Sec. 19, 2017; Ord. 151-004, Sec. 3, 2007)

18.30.280 Temporary Uses. The purpose of these regulations and permit requirements is to ensure that only suitable temporary uses that require only the minimum necessary conditions or limitations (consistent with the temporary nature of the use) are allowed and to ensure that basic health, safety, and community welfare standards are met.

A. General Standards. The following standards shall apply to all temporary uses unless otherwise exempted:

1. All structures shall meet the applicable zoning setback requirements and cannot be located in the traffic-visibility triangle, nor within 20 feet of an access.
2. Shall meet all applicable county health and sanitation requirements.
3. Shall meet all applicable county building code requirements.
4. Conducted in a parking facility shall not occupy or remove from availability more than 10 percent of the spaces required for the permanent use.
5. May locate in a front yard but may not be closer than 10 feet from a property line, unless a more restrictive setback is required.
6. Shall not be located on a lot in a manner which would interfere with traffic circulation or vehicle or pedestrian safety.
7. Require that a scaled site plan be submitted to the department for review and for the issuance of a land use permit. At a minimum the scaled site plan shall include the location of the temporary use, lot dimensions, property lines, building locations, all access driveways, parking stalls, sign location, sanitary and well location, and floodplain, if applicable.
8. Temporary signage shall not exceed 32 square feet.
9. All temporary structures shall be removed from the premises after seven days of the growing season or holiday.
10. All lighting shall be shielded and directed downward to minimize light pollution.
11. Sufficient recycling and refuse containers to handle the material generated shall be provided.
12. One temporary use may be allowed per lot or tract of land under one ownership at a time.
13. Off site signage shall be allowed per 18.26.015 B.
14. A temporary use permit issued under this section shall remain in effect as long as the authorized use continues. Any temporary use which is discontinued for 18 consecutive months shall be deemed to be abandoned. Prior to the reestablishment of an abandoned temporary use, a new land use permit shall be obtained under the terms of this chapter.

B. Agricultural produce stands including but not limited to sale of the following; berries, vegetables, apples, pumpkins, horticulture and trees sales.

1. Are allowed in all commercial districts.
2. Must be operated by the agriculture producer or an employee of the agriculture producer.
3. May be conducted from one of the following: a temporary shelter, a trailer, or from a motor vehicle.

- C. Christmas Tree Sales.
  - 1. Are allowed in all commercial districts.
  - 2. May not exceed 45 days, including site set up and clean up.
  - 3. May be allowed per 18.23.010 G. 2.
- D. Fireworks Stands.
  - 1. Shall comply with Wis. Stat. §167.10.
  - 2. And associated structure(s) shall be set back 100 feet from residential districts.
  - 3. Require local town license for the sales of fireworks, if applicable.
  - 4. Storage of fireworks shall be in conformance with state and federal standards.
  - 5. Require a letter from property owner granting permission to the applicant to sell and/or store fireworks on the property.
  - 2. Are allowed in all commercial districts.
- E. Mobile Food Vendors.
  - 1. Outside cooking areas shall be fenced.
  - 2. May operate from a trailer or motor vehicle approved by the health department.
  - 3. Are allowed in all commercial districts.
- F. Temporary residence during construction of principal dwelling. An existing dwelling or manufactured home may be used as a temporary residence during construction of a new dwelling on the same parcel, subject to the following:
  - 1. The owner of the property shall sign a contract with the department for the temporary residence.
  - 2. Shall be removed from the property 30 days upon receiving final occupancy.
  - 3. Cannot be converted to an accessory structure.
  - 4. Shall be removed or destroyed at the time the contract for such temporary residence lapses.
- G. Model homes/Temporary Real Estate Sales Offices. The purpose of this section is to provide for the erection of model homes and temporary real estate sales offices in subdivisions without adversely affecting the character of surrounding residential neighborhoods or creating a general nuisance.
  - 1. Are permitted in all of the zoning districts, except where single-family dwellings are prohibited and shall comply with the Wisconsin Building Codes.
  - 2. Must be used exclusively for the purpose of marketing lots or homes within a specific development and not for general real estate throughout the community.
  - 3. Access, sanitary, building and zoning permits are required.
  - 4. A maximum of three (3) employees may be at the office at one time.
  - 5. Parking facilities shall be provided on the site and shall include at least four (4) parking spaces per model home unit or temporary real estate sales office.
  - 6. Shall not incorporate outside lighting, which creates a nuisance due to glare or intensity or contains flashing or intermittent lighting. All lighting shall be shielded and directed downward.
  - 7. All signage shall comply with the Chapter 18.26.
  - 8. Must be removed from the development within five (5) years from the date of the land use permit or when eighty-five (85) percent of the development is complete, whichever occurs first.

H. Exemptions.

1. Garage sales, private auctions, moving sales, and similar activities for the sale of personal belongings when operated not more than three days in the same week and not more than twice in the same calendar year are allowed in all zoning districts.

2. Fund raising activities are exempt from the permit fee but shall comply with 18.30.280 A.

3. On-premises activities or existing businesses in compliance with outdoor storage requirements.

4. Radio promotions.

I. The land use controls supervisor may authorize additional or exempt other temporary uses not specifically listed in this subsection, when it is found that the proposed uses are in compliance with the provisions of this section. (Ord 153-14, Sec. 2, 2009)

18.30.290 Tourist Rooming House. It is the intent of this section to set standards under which a single-family dwelling may be used as a tourist rooming house. Tourist rooming houses are conditional uses, as regulated by Chapter 18.21, and may be permitted in the following districts: A-1, A-2, A-3, A-R, RH, RL, RM, C-1 and C-3.

A. A conditional use permit may be issued to a property owner for the use of an existing single-family dwelling as a tourist rooming house under the following conditions:

1. Property owner must obtain the proper licensing from the state and/or county for the operation of a tourist rooming house.

2. Property must be in compliance with all applicable laws and regulations including, but not limited to, the uniform building code and sanitary provisions.

3. Accessory structures and/or buildings shall not have habitable living spaces such as, but not limited to, sleeping accommodations, kitchens, living spaces.

4. Tents or recreational vehicles, such as pop-up campers or motor homes or other means of overnight stay, are prohibited.

5. Adequate parking must be provided for on the applicant's property, and parking is not allowed within the road right-of-way.

6. The property must remain free from citations and/or charges for nuisances, disorderly conduct, or any other illegal activity.

7. One six-square-foot on premise sign is allowed. The sign must be placed outside of the road right-of-way.

8. There must be a 24-hour contact number available for public complaints and/or inquiry.

9. Quiet hours may be established by the committee.

10. All pets shall be contained on the property during the stay of the tourist.

11. Applicable local, county and state permits shall be referenced on any type of advertising, including on the internet and shall be prominently displayed and in a conspicuous location on the property.

12. Exclusive Agricultural (A-1) District. In compliance with Wis. Stat. § 91.01 (1) (c) and (21), a tourist rooming house in the exclusive agricultural district is limited to a farm residence or a nonfarm residence; it shall not impair or limit the current or future agricultural use of the farm or of other protected farmland and requires no buildings, structures, or improvements other than those which are an integral part of, or are incidental to, an agricultural use or the farm residence. (Ord. 157-4, Sec. 6, 2013)

Chapter 18.31

ADMINISTRATION

Sections:

<a href="#">18.31.001</a>	Purpose.
<a href="#">18.31.010</a>	Department of planning and development.
<a href="#">18.31.020</a>	Board of land use appeals.
<a href="#">18.31.030</a>	Site plan approval.
<a href="#">18.31.040</a>	Permits required.
<a href="#">18.31.050</a>	Amending the Zoning Code.
<a href="#">18.31.060</a>	Enforcement and penalties.
<a href="#">18.31.070</a>	Notification to affected towns and county supervisors.

18.31.001 Purpose. The purpose of this chapter is to outline the procedures for the administration and enforcement of this subtitle. (Ord. 126-16 Sec.3(part), 1982).

18.31.010 Department of planning and development. The department shall have the following duties in the administration and enforcement of this subtitle:

- A. Advise applicants for permits concerning the provisions of this subtitle and assist applicants in preparing applications and assure that the regional flood elevation for a proposed development is shown on all permit applications;
- B. Issue land use permits and certificates of occupancy, and maintain records thereof;
- C. Receive and forward to the committee all applications for conditional use permits and amendments to this subtitle;
- D. Receive and forward all applications, petitions and other matters to come before the board of land use appeals;
- E. Perform field inspections for individual permits to verify compliance with this subtitle;
- F. Provide public information relative to this subtitle, including notifying town clerks and town board chair of departmental activity affecting their townships;
- G. Review and approve site plans as required by this subtitle;
- H. Maintain permanent and current records of matters pertaining to this subtitle including all original and current zoning district maps, text and map amendments, permits and variances issued, status of nonconforming uses and structures, inspections made, all water surface profiles, and a list of all documentations of certified floodplain elevations and all substantial damage assessment reports for floodplain structures.;
- I. Investigate, prepare reports, and issue notices of violations to this subtitle. Copies of violation reports and notice of violations shall be forwarded to the county corporation counsel and, when appropriate, to the DNR.

J. Submit copies of any required data, variances, amendments, case-by-case analyses, annual reports, substantial damage assessments performed and all related correspondence concerning the assessments and any other required information pertaining to the shoreland and floodplain overlay districts to the DNR within 10 days of decision.

K. Submit copies of text amendments and biennial reports to the Federal Insurance Administration Office of Federal Emergency Management Agency (FEMA).

L. Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred. (Ord 153-28, Sec. 9, 2010; Ord.152-44, Sec. 21 & 22, 2008; Ord. 149-07, Secs. 9 - 12, 2005;(Ord. 126-16 Sec.3(part), 1982).

18.31.020 Board of land use appeals.

A. Authorization and Composition.

1. The chair of the county board shall appoint a board of land use appeals consisting of 5 members plus 2 alternate members appointed for staggered 3 year terms. Annually, the county board shall designate one of the alternate members as the first alternate and the other as second alternate. The county board chair shall solicit recommendations to fill vacancies on the board of land use appeals from the various town boards operating within the general provisions of this subtitle. All appointments shall be subject to confirmation by the county board. Members of the board of land use appeals, including alternates, shall reside in the unincorporated areas of the county, three of whom shall be residents of any of the towns in the county that are participants in county zoning.

2. The initial terms of office for members of the board of land use appeals shall be as follows: Members 1 and 4 shall be appointed for 3 years; members 2 and 5 for 2 years; member 3 for 1 year. Thereafter, all appointments shall be made for 3 year terms.

B. Procedural Rules.

1. The board of land use appeals shall select its own chair, shall meet at the call of the chair and at such other times as the board may determine.

2. All meetings of the board shall be open to the public.

3. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact. The board shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the department and shall be of public record.

C. Powers and Duties. The board of land use appeals shall:

1. Adopt such rules as it considers necessary for the conduct of business, subject to the provisions of this subtitle and Wis. Stat. ch. 59.694;

2. Hear and decide appeals where it has been alleged there is an error in any order, requirement, decision or determination made by the committee or department in the enforcement or administration of this subtitle:

a. Appeals to the board may be taken by any person aggrieved, or by the office, department, board or committee of the county affected by the decision of the official. Such appeal shall be taken within 30 days after the written decision is filed, by filing with the department and with the board a notice of appeal specifying the grounds thereof. The department shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken;

b. An appeal shall stay all legal proceedings of the action appealed unless the officer from whom the appeal is taken certifies to the board that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such cases, proceedings shall not be stayed except by a restraining order from the board or a court of law;

c. The final disposition of an appeal shall be in the form of a written resolution or order signed by the secretary of the board. Such resolution or order shall state the specific facts which are the basis for the board's determination, and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or part, or shall dismiss the appeal for lack of jurisdiction or prosecution;

3. Grant variances from the terms of this subtitle where, owing to special conditions, the literal enforcement of this subtitle would result in unnecessary hardship. For the purposes of this section, "unnecessary hardship" is defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district, caused by facts such as rough terrain or soil conditions uniquely applicable to that particular piece of property, as distinguished from those conditions applicable to most or all other property in the same zoning district. Variances must be consistent with the purpose of the ordinance. Variances must not be contrary to the public interest. Variances may be granted:

a. To permit a yard of less dimension than required by this subtitle;

b. To permit construction of a building or structure which will exceed the height limit for the district in which it is located;

c. To permit off-street parking which does not conform in quantity or other particulars with the requirements of this subtitle;

4. Application for Variance. Application for a variance shall be filed with the department, and shall contain the following information:

a. Name and address of the applicant;

b. Statement that the applicant is the owner of the property, or Authorized agent of the owner;

c. Address and legal description of the property;

d. An accurate drawing of the site and surrounding area for a distance of 100 feet, including buildings and other structures;

e. The specific subtitle provision sought to be varied;

f. A statement detailing the need for the variance.

5. Disposition by the Board of Land Use Appeals.

a. The board shall hold at least one public hearing on the proposed variance or appeal after the publication of a class 2 notice described in Wis. Stat. ch. 985, and notification of adjacent property owners.

b. The board shall make a decision within 30 days after the public hearing. The concurring vote of a majority of the members present and voting shall be necessary to authorize a variance. Decisions of the board shall be based on findings of fact according to the standards of 18.31.020.

6. Standards for the Granting of Variances. The following are standards and principals to guide the board's decisions:

a. The burden is upon the appellant to prove the need for a variance.

b. Pecuniary hardship, loss of profit, self-imposed hardships, such as that caused by ignorance, deed restrictions, proceeding without a permit, or illegal sales are not sufficient reasons for getting a variance.

- c. The plight of the applicant must be unique, such as a shallow or steep parcel of land or situation caused by other than his or her own action.
- d. The hardship justifying a variance must apply to the appellant's parcel or structure and not generally to other properties in the same district.
- e. Variances allowing uses not expressly listed as permitted or conditional uses in a given zoning district shall not be granted.
- f. The variance must not be detrimental to adjacent properties.
- g. The variance must by standard be the minimum necessary to grant relief.
- h. The variance will not be in conflict with the spirit of this subtitle or other applicable ordinances, nor contrary to state law or administrative order.
- i. The variance shall not permit any change in established flood elevations or profiles.
- j. Variances shall not be granted for actions which require an amendment to Chapter 18.20, the Floodplain Overlay District.
- k. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE.
- l. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

7. Conditions Attached to Variances. In granting a variance, the board may prescribe appropriate conditions which are in conformity with the purposes of this subtitle. In case of variances in the floodplain district, provisions of Chapter 18.20 shall be considered.

Violations of such conditions, when made part of the terms under which the variance is granted, shall be deemed a violation of this subtitle. A variance granted in a floodplain district shall advise the applicant that increased flood insurance premiums may result.

8. Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map and shall follow the procedures below:

- a. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
- b. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the board.
- c. If the boundary is incorrectly mapped, the board should inform the zoning committee or the department and the person contesting the boundary location to petition the governing body for a map amendment.

9. For appeals concerning increases in regional flood elevation the Board shall:

- a. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater the 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.

- b. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

D. The board of land use appeals shall perform such duties for the land conservation commission and the department as are prescribed in Title 17. (Ord. 156-38, Sec. 26, 2013; Ord. 152-44, Sec. 23, 2008; Ord. 149-97, Sec. 1, 2005; Ord. 149-07, Secs. 13-16, 2005; Ord. 126-28 Sec.14, 1982; Ord. 126-16 Sec.3(part), 1982).

18.31.030 Site plan approval.

A. All applications for land use permits for construction, reconstruction, expansion or conversion of use shall be accompanied by a site plan to be reviewed and approved by the department for conformance with the requirements of this subtitle. Site plans which pose complex or unusual problems shall be referred by the department to the committee. No building or sanitary permit shall be issued until all of the applicable provisions of this section have been met.

B. Site plan submittal shall include the following:

1. Current and proposed land uses.
2. Projected number of dwelling units and total residents if the proposed use includes residential land uses.
3. Projected employees, number of daily customers, and hours of operation if the proposed use includes commercial or industrial land uses.
4. Possible future expansion and related implications.

C. A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. A north arrow and a graphic scale. Said scale shall not be smaller than 1 inch equals 100 feet.
2. A legal description of the property.
3. All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.
4. All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose.
5. All required setback lines.
6. Location, dimension, area, and elevation of the lot.
7. Location of the ordinary highwater mark of any abutting navigable waterways.
8. The location of any existing and all proposed structures, with distances measured from the lot lines and street centerlines and any other site improvements such as parking lots, building entrances, drainage facilities, sanitary systems, wells and access roads.
9. The location and type of any permanently protected open space areas.
10. Building elevation and floor plans drawn to scale, including attics, are required for all structures, excluding agricultural accessory structures.
11. Location of floodplain and floodway limits as determined from the official floodplain zoning maps.
12. The elevation of the lowest floor of the proposed building(s) and any fill using National Geodetic and Vertical Datum (NGVD).
13. Data sufficient to determine the regional flood elevation in NGVD at the location of the development and to determine whether or not the requirements of the floodway and flood fringes have been met.



14. Data to determine if the proposed development has sufficient provisions for storm water capacity in accordance with Chapter 17.05; will cause an obstruction to flow or an increase in the regional flood height or discharge according to hydraulic and hydrologic analysis based on the impervious surface area of the development.

15. For commercial and industrial developments located within the extraterritorial jurisdiction of the City of Eau Claire and within 1,000 feet of key arterial corridors into the metropolitan area as depicted on Map 11 (Highway Corridor Site Plan Review Area Map) of the Eau Claire County Comprehensive Plan, including: Interstate 94 and Highway 12 (Town of Union); Highway T (Town of Union); Highway 53 (Town of Washington); Highway 93 (Town of Washington); Highway 37 (Town of Brunswick), the following information shall also be provided as part of the site plan review:

- a. A title block which indicates the names, address and phone/fax number(s) of the current property owner and/or agent (developer, architect, engineer, planner) for the project.
- b. The date of the original plan and the latest date of revision to the plan.
- c. A landscaping plan of the subject property, at the same scale as the site plan, showing the location of existing and proposed plant materials, fencing and berms.
- d. The location, type, height, size, design/type, illumination power and orientation of all signage and exterior lighting on the subject property
- e. The location and dimension (cross-section and entry throat) of all access points onto public streets, on-site parking (along with off-site parking provisions if they are to be employed) including a summary of the number of parking stalls provided, outdoor storage areas with design of screening devices, as well as loading and service areas on the subject property.

16. Additional information may be requested if such information is needed to make a thorough and accurate review of the project.

D. Review and approval process.

1. A complete application for site plan approval and the applicable fee shall be submitted to the department along with an 11" x 17" copy of the site plan and any written material or other information required by this chapter.

2. The department shall perform a review of the site plan and accompanying material for conformance with this chapter. In the event that the matter is referred to the committee, the department shall prepare a report and recommendation for its consideration of the application.

3. When acting upon an application, the department or committee shall consider the proposed site plan in relation to the advisory reviews of the City of Eau Claire, and the town in which the project is located in accordance with Section 6. below, along with the provisions of this chapter. The department or committee shall approve the site plan with or without conditions, deny it, or defer it for further study within 45 days of receipt of the application. If no decision is made by the department or committee within said 45-day period, the site plan shall be considered approved.

4. Following approval of the site plan and prior to issuance of the building and land use permit, the applicant shall be responsible for submittal to the department of three copies of the final approved plan which shall include all changes or other pertinent information required by the department or committee.

5. An applicant who wishes to change an approved site plan must contact the department. If the proposed changes are of a nature that the revised site plan will be substantially similar to the approved plan, the department may approve the site plan change. If the proposed change(s) substantially alters the site plan, the changes shall be reviewed and decided upon in the same manner as prescribed within this chapter for new site plan reviews.

6. The information submitted in accordance with Section 1. above shall be accompanied by three paper copies of the site plan, written material and other information required by this chapter and one digital copy in PDF format of the site plan for commercial and industrial development within the extraterritorial jurisdiction of the City of Eau Claire and within 1,000 feet of any key arterial corridors defined in Section C. of this ordinance. This information will then be forwarded to the City of Eau Claire Department of Community Development along with the town board chair or designated agent of the applicable Town for an advisory review of the site plan. Within ten days of the submittal of the site plan for review, the department of community development and the town board chair or designated agent shall forward, in writing, suggested modifications or conditions as they may deem necessary to carry out the purpose of these regulations and insure that the external design and site plan for commercial or industrial developments are in accordance with the provisions of this section.

E. Review Criteria. The department or the committee shall review the site plan per the following considerations:

1. Compliance with the requirements of this subtitle;
2. The suitability of the location of buildings and structures to the physical character of the site and adjacent land uses including but not limited to site coverage, paved areas, landscaped areas, building scale, setbacks, and open spaces;
3. 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 environmentally sensitive areas of the site and surrounding area during and after construction.
4. The layout of the site relative to public street access, arrangement and improvement of interior roadways, overall circulation, parking and loading;
5. Driveways to the site shall be located in a manner to minimize traffic congestion and difficult turning movements.
6. The adequacy of the proposed water supply and sanitary disposal;
7. The adequacy of the drainage pattern or storm sewers to accommodate stormwater runoff both on site and on nearby properties based on plans submitted to the land conservation division meeting the requirements of Chapter 17.05.
8. The adequacy of erosion control plans to prevent construction erosion from leaving the site. The plans shall conform with Chapter 17.05.
9. Outdoor activity areas, parking lots, storage yards, trash areas, recyclable materials storage areas and other exterior features or uses shall be of sufficient size to meet the needs of the development and 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.

F. Upon approval of the site plan, the department shall issue a land use permit. A copy of the site plan shall be kept on file and become part of the permit.

G. In the case of rejection of a site plan by either the department or the committee, the applicant may appeal such decision within 30 days after the written decision is filed to the board of land use appeals. The board may approve the site plan as presented or attach conditions within the parameters of this subtitle and other applicable ordinances and regulations.

H. The applicant may be required to pay the cost of any extraordinary costs for site plan approval such as consultant fees or engineering studies. (Ord. 156-22, Sec. 1, 2012; Ord. 153-28, Sec. 10, 2010; Ord. 152-44, Sec. 24, 2008; Ord. 150-42, Sec. 7, 2007; Ord. 149-07, Secs. 17-18, 2005; Ord.137-07, Sec.17, 1993; Ord.126-16 Sec.3(part), 1982).

18.31.040 Permits required. The department shall receive applications for the following permits, and shall process the applications in the following manner, except as provided in 18.30.100:

A. Land Use Permit.

1. When Required. A land use permit shall be issued before any of the following may occur:

- a. Any building or structure is erected, moved or structurally altered;
- b. Any use of a building, structure or land is changed to another use, including the development or use of vacant land.

2. Application and Issuance. Applications for land use permits shall be made on forms furnished by the department. If a land use permit is denied, the department shall specify in writing the specific provisions which caused denial.

3. Fees. The fee for a land use permit shall be as set by the county board. A double fee shall be charged by the department if construction or structural alteration is started or a use is changed prior to the issuance of a land use permit. Such double fee shall not release the applicant from full compliance with this subtitle nor from prosecution for violation of this subtitle. There shall be no fees for accessory structures complying with 18.30.100.

4. Land use permits are valid for 6 months to start construction. After 2 years from date of issuance, a land use permit becomes null and void unless construction has been completed.

5. Reasonable accommodations for handicapped or disabled persons.

a. The department may issue a land use permit that waives specified requirements of this ordinance if it is determined that the requested accommodation:

- i. Is necessary to afford handicapped or disabled persons equal housing opportunities or equal access to public accommodations;
- ii. Is the minimum accommodation that will give the handicapped or disabled persons adequate relief; and
- iii. Will not unreasonably undermine the basic purposes of this ordinance.

b. If the department issues a land use permit that waives specified zoning provisions pursuant to 5. above, the permit will include a condition that the structure authorized by the permit (such as an entrance ramp) shall be removed not more than 30 days after the handicapped or disabled person vacates the property or the structure ceases to be a public accommodation.

c. The permit will not become effective until the property owner records a deed restriction with the register of deeds setting forth the condition that the structure authorized by the permit shall be removed as required in 5. b.

d. If the department denies a permit requesting an accommodation under this subsection, the denial may be appealed to the board of land use appeals pursuant to 18.31.020 C. 2.

B. Certificate of Occupancy.

1. When Required. A certificate of occupancy shall be required in the R-3, C-1, C-2, C-3, I-1 and I-2 districts for all uses requiring a conditional use permit or a variance, and for all development in a floodplain. Certificates shall be issued whenever vacant land is occupied, structures erected or a principal use is changed to another principal use. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this title. Application for such certificate shall be concurrent with the application for a permit.

2. In the floodplain district, before the department issues a certificate of occupancy, the applicant shall submit to the department certification by a registered engineer or architect that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of 18.20.060 are met.

3. Notification. The department shall inspect the premises within two working days after notification by property owner or agent, and issue or deny a certificate. If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed. If the certificate of occupancy is denied, the department shall state the reasons for denial in writing. No certificate shall be issued until all objections have been corrected. (Ord. 157-45, Sec. 19, 2014; Ord. 152-51, Sec. 1, 2009; Ord.136-29 Sec.2, 1992; Ord.126-16 Sec.3(part), 1982).

18.31.050 Amending the Zoning Code.

A. Authority. In order to meet the public necessity, convenience, general welfare, and promote good zoning practice, the county board of supervisors may, by ordinance, amend the district boundaries or amend or supplement the regulations established herein.

B. Initiation. A petition for amendment may be initiated by the owner of any property to be affected by the change or amendment, by the town board of the town to be affected by the change, by the committee, or by any member of the county board.

C. Petition. Petition for amendment shall be made to the department on forms furnished by it. Amendments to the text of this subtitle shall list the changes to be made and state reasons justifying the change. Petitions for map amendments shall contain the following information:

1. Petitioner's name, address and telephone number;
2. Legal description and address of property to be rezoned;
3. Existing zoning district;
4. Proposed zoning district;
5. Other relevant information as may be requested by the department.

D. Procedure. The procedure for adoption or denial of a petition for a change in district boundaries or text amendments to this subtitle shall follow those set forth in Wis. Stat. ch. 59.69, which are hereby adopted by reference except that notification to abutting land-owners shall be 660 feet from the petitioner's property lines.

E. Fees. A fee shall be charged for the amendment petition. Fees are listed in 4.35.090. (Ord.143-94 Sec.13, 2000; Ord.141-03, Sec.1, 1997; Ord.134-36 Sec. 25-26, 1990; Ord.126-16 Sec.3(part), 1982).

18.31.060 Enforcement and penalties.

A. Investigation of Compliance, Notice of Violation.

1. The department is responsible for conducting the necessary inspection and investigation to insure compliance with this subtitle and, through field notes, photographs and other means, documenting the presence of violations.

2. If, upon investigation, the department becomes aware of a condition it concludes to be unlawful under the terms of this subtitle, it shall immediately notify responsible parties and those potentially liable. Such notice shall include a demand that the condition that is alleged to constitute a violation be halted or remedied, and a statement that a complaint about the condition will be transmitted to the county corporation counsel for prosecution if remedial action has not occurred within a minimum of 10 days. Responsible parties and those potentially liable shall include but not be limited to the landowner, tenants, and contractors.

3. Allowed uses not requiring permits are subject to compliance and enforcement procedures.

4. If a violation reoccurs within a 2 year period, the 30 day notification of violation may be waived by the department or corporation counsel and immediate legal action can be commenced to prosecute the violation.

5. The department may issue a citation for any violation within the 10 day notification period.

B. Prosecution, Injunctions and Penalties in Court Proceedings.

1. It shall be the duty of the corporation counsel to expeditiously prosecute all violations of this subtitle reported by the department.

2. Subject to counsel's discretion, for violation of this subtitle, a forfeiture of not less than \$100 or more than \$250 shall be imposed upon conviction and adjudication, in addition to the penalty for each violation.

3. Upon failure to pay a forfeiture, the violator shall be confined in the county jail until such forfeiture is paid, for a period not exceeding 6 months.

4. Each day a violation exists or continues shall be considered a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state or any citizen thereof pursuant to Wis. Stat. § 87.30.

5. As a substitute for or in addition to forfeiture actions, the corporation counsel may, on behalf of the county, seek enforcement of any and all parts of this subtitle by court actions seeking injunctive orders or restraining orders.

6. Nothing in this section shall be deemed to prevent private prosecutions pursuant to Wis. Stat. § 59.69 (11). (Ord. 152-44, Sec. 25, 2008; Ord.140-92, Sec.28, 1997; Ord.140-92 Sec.27, 1997; Ord.141-03, Sec.1, 1997; Ord.139-113, Sec.13, 1996; Ord. 133-02 Sec.12, 1989; Ord. 126-16 Sec.3(part), 1982).

18.31.070 Notification to affected towns and county supervisors. The town clerk and the town chair of the town and the county board supervisor of the district shall be notified by the department, in writing, of actions on conditional use permits, rezoning, variances, or appeals of an administrative decision. Notification shall include any applicable staff recommendations on the matter, notification of date and place of scheduled public hearings or meetings, and a copy of the application for the permit or appeal. (Ord 153-28, Sec. 11, 2010; Ord. 147-103, Sec, 12, 2004; Ord.141-27, Sec.8, 1997).

## Chapter 18.32

### A-P AGRICULTURAL PRESERVATION DISTRICT

#### Sections:

<a href="#">18.32.001</a>	Purpose.
<a href="#">18.32.010</a>	Permitted principal uses.
<a href="#">18.32.015</a>	Permitted principal structures.
<a href="#">18.32.020</a>	Permitted accessory uses.
<a href="#">18.32.025</a>	Permitted accessory structures.
<a href="#">18.32.030</a>	Conditional uses.
<a href="#">18.32.035</a>	Structures allowed under conditional use permits.
<a href="#">18.32.040</a>	Standards for approval of conditional uses.
<a href="#">18.32.050</a>	Lot, height and yard requirements.
<a href="#">18.32.055</a>	Standards for rezoning.
<a href="#">18.32.060</a>	Notification of rezoning.

18.32.001 Purpose. The A-P Agricultural Preservation District is established to:

- A. Preserve and protect those areas best suited for agricultural, forestry or open-space uses by minimizing fragmentation of contiguous agricultural or forest lands for the benefit and use of current and future generations;
- B. Provide for a wide range of agricultural uses typically associated with the continued production of food and fiber while recognizing that such uses may involve noise, dust, odor, or operation of heavy equipment for long periods of time;
- C. Strengthen and diversify a predominately agricultural and forestry-based economy by providing for a range of economic opportunities for property owners which are generally compatible with and supportive of agriculture or forestry operations as either permitted or conditional uses;
- D. Comply with standards contained in Wis. Stat. ch. 91 to permit eligible landowners to receive tax credits under Wis. Stat. § 71.09, in conjunction with their agricultural operations;

- E. Preserve rural character and promote the efficient use of public infrastructure and utilities by minimizing the adverse effects of urban sprawl along with its associated expense;
- F. Promote environmental quality through the use of conservation practices designed to minimize erosion of productive soils and deter the delivery of sediment and nutrients to the waters of our state;
- G. Minimize land use conflicts which occur when agricultural and non-agricultural uses are intermixed or not adequately separated; and
- H. Provide for carefully regulated extraction of nonmetallic mineral resources through Eau Claire County's permitting processes to ensure compatibility with adjacent land uses, minimize impacts to natural resources, and to restore lands to productive agricultural use consistent with locally approved reclamation plans. (Ord. 159-25, Sec. 4, 2015; 2015)

18.32.010 Permitted principal uses. The following principal uses are permitted in the A-P district:

- A. Agricultural use for the purpose of earning an income or livelihood such as: crop or forage production; keeping livestock; beekeeping; nursery or Christmas tree production; sod production; floriculture; silviculture; horticulture; orchards; paddocks; stabling and equestrian operations; aquaculture; viticulture; and enrolling land in a federal agricultural commodity payment program or federal or state agricultural land conservation payment program;
- B. Farm residences and single family housing which existed prior to January 1, 2014;
- C. Livestock Facility:
  1. Not closer than 1,000 feet from a residential district;
  2. The facility has an approved nutrient management plan;
  3. Fencing or screening; and
  4. No structure shall be placed within 100 feet of any lot line, except when adjacent to A-P; the structure may then be placed 50 feet from a lot line.
- D. Undeveloped open space land uses which may include environmentally sensitive areas; and
- E. Agriculture-related businesses which are consistent with or secondary to the primary agricultural use of the property or that are an integral support service of agriculture, such as: agricultural service and repair including welders and machinists; veterinarian services primarily serving agricultural operations; livestock groomers or breeding services; direct sales of agricultural-related products such as feed, seed, fertilizer, herbicides and pesticides; agri-tourism; community-supported agricultural operations; direct marketing operations; u-pick operations; livestock and commodity trucking services; and manure handling services. (Ord. 159-25, Sec. 4, 2015; 2015)

18.32.015 Permitted principal structures. The following principal structures are permitted in the A-P district:

- A. Farm residences and non-farm single family dwellings which existed prior to January 1, 2014; and
- B. A building, structure, or improvement that is an integral part of, or incidental to, an agricultural or agriculture-related use such as: barns, sheds, shops, parlors, silos, grain bins, greenhouses, and stables. (Ord. 159-25, Sec. 4, 2015; 2015)

18.32.020 Permitted accessory uses. The following accessory uses are permitted in the A-P district provided the use complies with Wis. Stat. § 91.01(1):

- A. Storage of recreational or motor vehicles and agriculture equipment in accessory structures that were in existence as of January 1, 2014 as specified under 18.23.035 B.;
- B. Home occupations and home businesses, as provided in Chapter 18.23;
- C. Seasonal sales of agricultural products primarily produced upon the premises;
- D. A second housing unit for a parent or child of the owner or operator of the farm, or persons earning more than 50% of his or her gross income on the farm;
- E. Family day care homes;
- F. The sale of crafts or related products which are incidental to the agricultural use of the property;
- G. The rental of principal or secondary residences in existence on a farm as of January 1, 2014 and no longer utilized in the operation of a farm; and
- H. Non-commercial alternative energy facilities such as solar, wind energy, biofuels and methane digesters.

18.32.025 Permitted accessory structures. The following accessory structures are permitted in the A-P district:

- A. Private garages, greenhouses and other similar accessory structures;
- B. Private recreational structures, as allowed in Chapter 18.30;
- C. Single family or two family dwellings that are either farm residences or non-farm single family dwellings which existed prior to January 1, 2014;
- D. Produce stands;
- E. Seasonal structures which meet the criteria under 18.17.035 C.; and
- F. One (1) on premise sign shall be allowed stating the name of the business, the owner/operator and the product being sold or service offered. The sign shall not exceed 24 sq. feet in area, shall be non-illuminated, and shall not be placed within a vision triangle. (Ord. 159-25, Sec. 4, 2015; 2015)

18.32.030 Conditional uses. The following uses are conditional uses in the A-P district, and subject to the provisions of Chapter 18.21:

- A. Temporary housing for seasonal farm help;
- B. Sawmill operations;
- C. Game farms and the commercial raising of fur-bearing animals for the purpose of earning an income or livelihood or which comply with Wis. Stat. § 91.01(1), provided the following criteria are met:
  - 1. Not closer than 1,000 feet from a residential district;
  - 2. Animal waste handling plan;
  - 3. Fencing or screening; and
  - 4. No structure shall be placed within 100 feet of any lot line.
- D. Governmental, institutional, religious or nonprofit community uses;
- E. Transportation, communications, pipeline, electric transmission, utility, or drainage uses not covered by Chapter 18.30;
- F. Agriculture-related businesses that may entail some level of processing or that are retail-oriented in nature, such as: nano-wineries or nano-breweries in which a significant portion of the agricultural inputs are produced on-site, slaughtering or meat processing for commercial purposes, agricultural equipment dealership, agriculturally-related supplies other than those listed



in 18.32.010 D., sale of equestrian tack or related supplies, facilities for off-site storing or processing of agricultural products such as granaries or creameries, processing of agricultural wastes, and incidental use of agricultural structures or facilities for special events in accordance with 18.30.270;

G. Cottage industries in accordance with 18.23.030, bed and breakfast operations in accordance with 18.30.150, or tourist rooming houses or retreats in accordance with 18.30.290 that are accessory to an agricultural use or conducted by the owner or operator of a farm in accordance with Wis. Stat. § 91.01(1);

H. Housing for more than two units when the person or family to be housed earns more than 50% of his or her gross income on the farm operation;

I. Temporary asphalt and concrete batching or ready mix operations or concrete crushing provided they meet the following criteria:

1. The operation is used solely for a specific Wisconsin Department of Transportation project;

2. A restoration plan for the site is provided which describes or illustrates measures taken to restore the site to its original land use. The restoration plan will describe methods for establishing vegetative cover on all exposed soil;

3. The temporary concrete or asphalt batch plants shall be removed from the premises within 60 days of completion of project;

4. A storm water and erosion control plan in compliance with Chapters 17.05 and 17.06 shall be submitted to and approved by the land conservation division; and

5. The maximum area devoted for facility operations shall not be larger than 5 acres, including, but not limited to, the stockpiling of materials, equipment and vehicle storage, associated buildings, access roads, batch plants, storm water facilities and crushers.

J. Nonmetallic mineral extraction in accordance with Wis. Stat. § 91.46(6) provided it complies with the following criteria:

1. The operation complies with Wis. Stat. ch. 295, subch. I and rules promulgated under that subchapter, with applicable provisions of the local ordinance under Wis. Stat. § 295.13 or 295.14, and with any applicable requirements of the Department of Transportation concerning the restoration of nonmetallic mining sites;

2. The operation and its location in this zoning district are consistent with the purposes of the A-P Agricultural Preservation zoning district;

3. The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law;

4. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use;

5. The operation does not significantly impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use; and

6. The farmland preservation zoning ordinance requires the owner to restore the land to agricultural use, consistent with any required locally approved reclamation plan, when extraction is completed. (Ord. 159-25, Sec. 4, 2015; 2015)

18.32.035 Structures allowed under conditional use permits. In the A-P district, the following structures may be allowed under conditional use permits, issued pursuant to the provisions of Chapter 18.21:

- A. Temporary structures for the purpose of housing for seasonal farm help;
- B. Sawmills;
- C. Governmental structures, for police, fire and highway purposes; landfill site improvements; schools; parks and playgrounds;
- D. Structures used for religious purposes;
- E. Utility structures;
- F. Single family or two family dwellings that are either farm residences or non-farm single family dwellings which existed prior to January 1, 2014;
- G. Structures associated with temporary asphalt, concrete batch, ready mix operations, or concrete crushing operations;
- H. A building, structure, or improvement that is an integral part of, or incidental to, an agricultural-related business such as: barns, machinery sheds, shops, silos, grain bins, greenhouses, and residential structures; and
- I. Structures associated with nonmetallic mining operations permitted in conjunction with Chapters 18.28 and 18.34. (Ord. 159-25, Sec. 4, 2015; 2015)

18.32.040 Standards for approval of conditional uses. When reviewing conditional use permit requests for the A-P district, the committee shall consider the following factors:

- A. The use and its location in the farmland preservation zoning district are consistent with the purposes of the A-P Agricultural Preservation zoning district;
- B. The use and its location in the A-P Agricultural Preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law;
- C. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use;
- D. The use does not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use;
- E. Construction damage to land remaining in agricultural use is minimized and repaired, to the greatest extent feasible;
- F. The availability of local units of government to provide services without unreasonable burden; and
- G. The effect of the proposed use on water and air pollution, soil erosion, sedimentation and other possible environmental damage. (Ord. 159-25, Sec. 4, 2015; 2015)

18.32.050 Lot, height and yard requirements. The following lot, height and yard requirements are established for the A-P district:

- A. Lot Size.
  - 1. The minimum lot size is 35 acres;
  - 2. The lot size for a farm residence or structure, which existed prior to the adoption of the ordinance codified in this subtitle, or which is situated upon a parcel or lot separated and distinct from a principal parcel acquired through farm consolidation or acquisition, shall be a minimum of one acre with a maximum lot size of 5 acres; and
  - 3. The minimum lot width shall be 150 feet.

B. Height.

1. The maximum height of a residential structure shall be 35 feet;
2. The maximum height of accessory structures shall be 25 feet; and
3. Agricultural structures are exempt from the height requirements under

18.30.020 E.

C. Setbacks.

1. The minimum highway setback shall be regulated under Chapter 18.22;
2. The minimum side-yard setback for residential structures and private garages shall be 20 feet, and for all other structures shall be 50 feet;
3. The minimum rear-yard setbacks for all structures shall be 50 feet; and
4. No accessory structures shall be located within the required front yard.

D. Lot, Height and Yard Requirements for Conditional Uses. Lot, height and yard requirements shall be established at the time of conditional use permit approval, but in no case shall the minimum lot size be less than one acre. (Ord. 159-25, Sec. 4, 2015; 2015)

18.32.055 Standards for rezoning. Rezoning from the A-P district shall be based on findings which consider the following factors:

A. The land is better suited for a use not allowed in the A-P Agricultural Preservation zoning district based on a review of soil types, historical productivity, location, and adjacent land uses;

B. The rezoning is consistent with any applicable comprehensive plans;

C. The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan; and

D. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use. (Ord. 159-25, Sec. 4, 2015; 2015)

18.32.060 Notification of rezoning. Eau Claire County shall by March 1 of each year provide a report to the Department of Agriculture, Trade and Consumer Protection indicating the number of acres that were rezoned out of a farmland preservation zoning district during the previous calendar year and a map that clearly shows the location of those acres. (Ord. 159-25, Sec. 4, 2015; 2015)

Chapter 18.33

A-3 AGRICULTURAL DISTRICT

Sections:

<a href="#">18.33.001</a>	Purpose.
<a href="#">18.33.010</a>	Permitted principal uses.
<a href="#">18.33.015</a>	Permitted principal structures.
<a href="#">18.33.020</a>	Permitted accessory uses.
<a href="#">18.33.025</a>	Permitted accessory structures.
<a href="#">18.33.030</a>	Conditional uses.
<a href="#">18.33.035</a>	Structures subject to conditional use permits.
<a href="#">18.33.040</a>	Lot, height and yard requirements.

18.33.001 Purpose. The A-3 agricultural district is established to: (1) protect the agricultural base of the county; (2) preserve the county's natural resources and open space; (3) provide an area for limited residential and hobby farm development in a rural atmosphere; and (4) minimize urban sprawl and its associated public costs. The following standards apply in this district. (Ord.126-69 Sec.32(part), 1983).

18.33.010 Permitted principal uses. The following principal uses are permitted in the district:

- A. Agriculture, including those agricultural uses under 18.04.010 A.;
- B. Housing for a family;
- C. Parks and playgrounds.
- D. Livestock facility not exceeding 150 animal units provided the following:
  - 1. Not closer than 1,000 feet from a residential district;
  - 2. The facility has an approved nutrient management plan;
  - 3. Fencing or screening;
  - 4. No structure shall be placed within 100 feet of any lot line, except when adjacent to A-1; then the structure may be 50 feet from a lot line. (Ord 150-34, Sec. 19, 2006; Ord.126-69 Sec.32(part), 1983)

18.33.015 Permitted principal structures. The following structures are permitted in the district:

- A. Single-family dwellings;
- B. Agricultural structures;
- C. Structures associated with parks and playgrounds. (Ord. 154-2, Sec. 46, 2010; Ord.135-92 Sec.18, 1992; Ord.126-69 Sec.32(part), 1983)

18.33.020 Permitted accessory uses. The following accessory uses are permitted in the district:

- A. Home occupations as defined in Chapter 18.23;
- B. Horticulture;
- C. The sale of agricultural products primarily produced on the premises;
- D. Sales of agriculturally related products such as feed, seed, fertilizer, herbicides and pesticides by a farmer to supplement farm income and customarily carried out as part of the farm operation;
- E. The private storage of motor vehicles and farm-related equipment;
- F. Private recreational activities including but not limited to swimming, tennis and playground activities. (Ord.234-36 Secs.28-29, 1990; Ord.126-69 Sec.32(part), 1983).

18.33.025 Permitted accessory structures. The following accessory structures are permitted in the district:

- A. Private garages;
- B. Private recreational structures as allowed in Chapter 18.30;
- C. Noncommercial greenhouses, playhouses and storage sheds;
- D. Temporary seasonal roadside stands. (Ord.134-36 Secs. 30-31, 1990; Ord.126-69 Sec.32(part), 1983).

18.33.030 Conditional uses. The following uses are conditional and are subject to the provisions of Chapter 18.21:

- A. Religious and government uses;
- B. Commercial outdoor recreational areas inclusive of but not limited to golf courses, stable rings, rifle ranges, gun clubs and campgrounds;
- C. Airport operations;
- D. Nonfarm bulk storage processing and distribution of local agricultural products;
- E. Nonfarm storage and sale of seed, feed, fertilizer, herbicides, and pesticides;
- F. Sawmill operations;
- G. Animal kennel operations;
- H. Livestock sales;
- I. Two-family housing;
- J. Public and quasi-public utility uses not covered under Chapter 18.30;
- K. Agriculture-related businesses which meet the requirements of 18.04.030 F.1 through 5.
- L. Seasonal structures provided that they meet the following criteria:
  - 1. The minimum lot size is 20 acres.
  - 2. The structure meets the criteria of 18.17.035 C.
  - 3. There shall be no outside storage on the property.
- M. Game farms, fisheries, hatcheries and the commercial raising of fur-bearing animals, provided the following criteria are met:
  - 1. Not closer than 1,000 feet from a residential district;
  - 2. Animal waste handling plan;
  - 3. Fencing or screening;
  - 4. No structure shall be placed within 100 feet of any lot line.
- N. Manufactured homes.

O. Commercial auctions, flea markets, artisans markets, and farmers markets meeting the requirements of 18.05.030 Q. (Ord. 150-34, Sec. 20, 2006; Ord. 147-31, Sec. 2, 2003; Ord.143-94 Sec.14, 2000; Ord.138-114, Sec.5, 1995; Ord.135-92 Sec.19, 1992; Ord.126-69 Sec.32(part), 1983).

18.33.035 Structures subject to conditional use permits. The following structures are conditional and are subject to the provisions of Chapter 18.21:

- A. Structures used to house churches, public and private elementary and high schools, park facilities and cemetery uses;
- B. Accessory structures utilized in connection with commercial outdoor recreational areas, as cited at 18.05.030 B.;
- C. Structures utilized for governmental purposes;
- D. Airport structures;
- E. Structures for the bulk storage, processing and distribution of local agricultural products;
- F. Structures for the nonfarm storage and sale of seed, feed, fertilizer, herbicides and pesticides;
- G. Sawmills;
- H. Kennels;
- I. Livestock sales barns;
- J. Public and quasi-public utility structures not covered under Chapter 18.30;
- K. Game farms, fisheries, hatcheries and the commercial raising of fur-bearing animals provided criteria listed in 18.04.030 D. are met;
- L. Manufactured homes as allowed under 18.30.080. (Ord. 150-34, Sec. 21, 2006; Ord. 135-92, Sec.20, 1992; Ord. 126-69 Sec.32(part), 1983).

18.33.040 Lot, height and yard requirements. The following lot, height and yard requirements are established:

- A. Yard Requirements
  - 1. Lot area shall be a minimum of 20 acres
  - 2. Lot width shall be a minimum of 330 feet
- B. Height.
  - 1. The maximum height of a residential structure shall be 35 feet.
  - 2. The maximum height of accessory structures shall be 25 feet
  - 3. Agricultural structures are exempt from the height requirements per 18.30.020 E.
- C. Setbacks.
  - 1. The minimum highway setback shall be regulated under Chapter 18.22.
  - 2. The minimum side yard setback for residential structures and private garages shall be 20 feet and for all other structures, 50 feet.
  - 3. The minimum rear yard setbacks for all residential structures shall be 20 feet and for accessory structures 50 feet.
  - 4. No accessory structures shall be located within the required front yard.
- D. Lot, height and yard requirements shall be established at the time of conditional use permit approval. (Ord. 152-4, Sec. 31, 2008; Ord.137-07, Sec.18, 1993; Ord. 134-36, Sec. 32-24, 1990; Ord. 126-69 Sec.32(part), 1983).

Chapter 18.34

NONMETALLIC MINING OVERLAY DISTRICT

Sections:

<a href="#">18.34.001</a>	Purpose.
<a href="#">18.34.003</a>	Applicability.
<a href="#">18.34.004</a>	Exempted activities.
<a href="#">18.34.005</a>	Definitions.
<a href="#">18.34.010</a>	Permitted principal uses.
<a href="#">18.34.015</a>	Permitted principal structures.
<a href="#">18.34.020</a>	Permitted accessory uses.
<a href="#">18.34.025</a>	Permitted accessory structures
<a href="#">18.34.030</a>	Condition uses.
<a href="#">18.34.035</a>	Structures subject to conditional use permits.
<a href="#">18.34.040</a>	Lot, height and yard requirements.
<a href="#">18.34.050</a>	Standards for zoning.

18.34.001 Purpose. It is the purpose of this overlay district to establish through impartial standards governing the extraction, processing, utilization and transport of nonmetallic resources and products to ensure maximum protection to surrounding properties and the physical environment, protection for the public health, safety and general welfare, and to promote aesthetic values. This district is also created to protect mineral extraction operations against problems caused by intrusion of incompatible land uses, and to allow for protection of deposits of minerals. (Ord. 156-8, Sec. 11)

18.34.003 Applicability.

- A. Overlay district boundaries will follow platted lot lines, quarter-quarter section lines, or municipal boundaries, centerlines of streets, highways, railroads, or lakes, streams, and other water bodies.
- B. The overlay district does not remove land use restrictions from the underlying zoning district.
- C. The overlay district will remain in effect until the applicant receives a certificate of compliance in accord with the nonmetallic mining reclamation standards of Subtitle IV from the department on planning and development. (Ord. 156-8, Sec. 11)

18.34.004 Exempted Activities. The following are exempt from this chapter:

- A. As exempted under 18.90.050.
- B. Borrow sites as regulated under Wis. Stat. § 85.193. (Ord. 156-8, Sec. 11)

18.34.005 Definitions. The definitions found in 18.90.030 A. shall apply unless the context dictates otherwise. (Ord. 156-8, Sec. 11)

18.34.010 Permitted Principal Uses.

- A. Uses allowed by the underlying zoning district.
- B. Conservancy uses allowed under Title 20 and 18.20.
- C. Nonmetallic mining operations operated by a unit of government conforming to Chapter 18.28 and Subtitle IV Nonmetallic Mining Reclamation Code.
- D. Nonmetallic mining operations owned and operated privately and less than 10 acres in size based on the life of the mine conforming to Chapter 18.28 and Subtitle IV Nonmetallic Mining Reclamation Code.
- E. Pre-existing nonmetallic mining sites. Pre-existing nonmetallic mining operations that have been previously permitted with a conditional use permit and/or by a nonmetallic mining reclamation permit to operate shall be allowed to continue to operate under the terms and conditions of those permits on file prior to the effective date of this ordinance. (Ord. 160-23, Sec. 20, 2017; Ord. 156-8, Sec. 11)

18.34.015 Permitted Principal Structures.

- A. Structures allowed by the underlying zoning district.
- B. Nonmetallic mining structures and related equipment. (Ord. 156-8, Sec. 11)

18.34.020 Permitted Accessory Uses. Uses allowed by the underlying zoning district. (Ord. 156-8, Sec. 11)

18.34.025 Permitted Accessory Structures.

- A. Accessory structures allowed by the underlying zoning district.
- B. Accessory structures associated with nonmetallic mining operations. (Ord. 156-8, Sec. 11)

18.34.030 Condition uses. In the nonmetallic mining overlay district, the following are conditional and are subject to the provisions of Chapter 18.21:

- A. Nonmetallic mining operations, as per Chapter 18.28.
- B. Temporary hot mix and concrete batch plants as defined in 18.04.030. (Ord. 156-8, Sec. 11)

18.34.035 Structures subject to conditional use permits.

- A. Structures associated with nonmetallic mining operations and its accessory uses.
- B. Structures for temporary hot mix and concrete batch plant operations. (Ord. 156-8, Sec. 11)

18.34.040 Lot, height and yard requirements. The following lot, height and yard requirements are established for the nonmetallic mining overlay district:

- A. Lot size and access.  
The minimum lot size of the district shall conform to the underlying zoning district lot size.
  - 1. The overlay district shall directly about a public highway and shall have direct access to that highway.
- B. Height.
  - 1. Structures shall conform to the underlying zoning district provisions.
  - 2. Nonmetallic mining structures are exempt from the height requirements per 18.30.020 F.



- C. Setbacks.
1. The minimum highway setback shall be regulated under chapter 18.22.
  2. The minimum side-yard setback for nonmetallic mining structures shall be 75 feet.
  3. The minimum rear-yard setback for nonmetallic mining structures shall be 75 feet.
- D. Lot, Height and Yard Regulations for Conditional Uses. Lot, height and yard requirements shall be established at the time of conditional use permit approval.
- E. The committee may consider allowing lesser property line setbacks for nonmetallic mining conveyors or pipes during the conditional use permit approval process consistent with a signed agreement between property owners. The committee may allow a lesser setback to the highway setbacks and yard setbacks provided the applicant has obtained approval from the unit of government having jurisdiction over the road. (Ord. 156-8, Sec. 11)

18.34.050 Standards for overlay zoning. Zoning to the nonmetallic mining overlay district shall be based on the findings that consider the following factors:

- A. The land is suitable for nonmetallic mineral extraction based on a review of the mineral deposits found onsite.
- B. Compliance with Wis. Stat. § 91.46 (6).
- C. Adequate public facilities to serve the development are present or will be provided, without placing an unreasonable burden on local government. The land use is consistent with local comprehensive plans. (Ord. 156-8, Sec. 11)

## Chapter 18.50

### MOBILE TOWER SITING REGULATIONS

Sections:

<a href="#"><u>18.50.001</u></a>	Purpose
<a href="#"><u>18.50.005</u></a>	Definitions
<a href="#"><u>18.50.010</u></a>	Siting and construction of any new mobile service support structure and facilities and Class 1 collocation.
<a href="#"><u>18.50.020</u></a>	Class 2 collocation
<a href="#"><u>18.50.030</u></a>	Performance Standards
<a href="#"><u>18.50.040</u></a>	Severability
<a href="#"><u>18.50.050</u></a>	Transferability
<a href="#"><u>18.50.060</u></a>	Administration
<a href="#"><u>18.50.070</u></a>	Limitation
<a href="#"><u>18.50.080</u></a>	Exceptions
<a href="#"><u>18.50.090</u></a>	Airport Zoning

18.50.001 Purpose. The purpose of this ordinance is to regulate by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities. It is intended that Eau Claire County shall apply these regulations to accomplish the following:

A. Maintain and ensure that a nondiscriminatory, competitive and broad range of telecommunications services and high quality telecommunications infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community, as well as serve as an important and effective part of the Eau Claire County law enforcement, fire and emergency response network.

B. Provide a process for obtaining necessary permits for telecommunications facilities while at the same time protecting the interests of Eau Claire County citizens.

C. Encourage the use of alternative support structures, co-location of new antennas on existing support structures and construction of support structures with the ability to locate at least 3 additional users (minimum of 4 total users required for each mobile tower facility). (Ord. 157-35, Sec. 1, 2014; Ord 145-96, Sec. 3, 2002; Ord. 145-21, Sec. 2, 2001).

18.50.005 Definitions.

A. All definitions contained in Wis. Stat. § 66.0404(1) are hereby incorporated by reference.

B. All definitions in 18.02.020 shall apply unless specifically defined in this chapter. (Ord. 157-35, Sec. 1, 2014; Ord. 145-96, Sec. 10, 2002; Ord. 145-21, Sec. 2, 2001).

18.50.010 Siting and construction of any new mobile service support structure and facilities and Class 1 Collocation.

A. Application Process

1. A land use permit is required for the siting and construction of any new mobile service support structure and facilities.

2. A written permit application must be completed by any applicant and submitted to the department. The application must contain the following information:

a. The name and business address of, and the contact individual for, the applicant.

b. An original signature of the applicant, land owner, lessees and holders of easements.

c. Copy of the lease agreement that includes the legal description and amount of property leased.

d. A plat of survey showing the parcel boundaries, tower, accessory structures, ancillary facilities, location, access, landscaping and fencing.

e. Plans showing security measures such as, but not limited to, access, fencing and lighting.

f. The location of the proposed or affected support structure.

g. The location of the proposed mobile service facility.

h. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

i. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

j. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

k. A copy of the applicant's search ring used to select the proposed location and the applicant's existing mobile services locations within Eau Claire County.

3. A permit application will be provided by the department upon request to any applicant.

B. Completed Applications. If an applicant submits to the department an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the department shall consider the application complete. If the department does not believe that the application is complete, the department shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

C. County Responsibilities. Within 90 days of its receipt of a complete application, the department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the department may agree in writing to an extension of the 90 day period:

a. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

b. Make a final decision whether to approve or disapprove the application.

c. Notify the applicant, in writing, of its final decision.

d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

D. Disapproval. The department may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2.f.

E. Application of Setback/Fall Zone. If an applicant provides the department with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the department provides the applicant with substantial evidence that the engineering certification is flawed.

F. Fees. The fee for the permit is \$500.00. Where an independent verification of the analysis is required of the application, it shall be at the applicant's expense and shall not exceed \$3,000.00. (Ord. 157-35, Sec. 1, 2014; Ord. 145-96, Sec 3, 2002; Ord. 145-21, Sec. 2, 2001).

18.50.020 Class 2 collocation.

A. Application Process

1. A land use permit is required for a class 2 collocation.
2. A written permit application must be completed by any applicant and submitted to the department. The application must contain the following information:
  - a. The name and business address of, and the contact individual for, the applicant.
  - b. The location of the proposed or affected support structure.
  - c. The location of the proposed mobile service facility.
3. A permit application will be provided by the department upon request to any applicant.
4. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.

B. Completed Applications. If an applicant submits to the department an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the department shall consider the application complete. If any of the required information is not in the application, the department shall notify the applicant in writing, within five (5) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

C. County Responsibilities. Within 45 days of its receipt of a complete application, the department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the department may agree in writing to an extension of the 45 day period:

- a. Make a final decision whether to approve or disapprove the application.
- b. Notify the applicant, in writing, of its final decision.
- c. If the application is approved, issue the applicant the relevant permit.
- d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

D. Fees. The class 2 collocation is subject to the same requirements for the issuance of a land use permit to which any other type of commercial development or land use development is subject, except that the maximum fee for a land use permit shall be the same as Chapter 4.35.090 B. 1. a. of the County Code. (Ord. 157-35, Sec. 1, 2014; Ord. 145-96, Sec 3, 2002; Ord. 145-21, Sec. 2, 2001).

### 18.50.030 Performance Standards

A. Removal. It is the express policy of Eau Claire County and this ordinance that mobile service support structures be removed once they are no longer in use and not a functional part of providing mobile service and that it is the mobile service support structure owner's responsibility to remove such mobile service support structures and restore the site to its original condition or a condition approved by the Eau Claire County Planning and Development Department. This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the mobile service support structure down to three feet below the surface. After a mobile service support structure is no longer being used for mobile service that is in operation, the mobile service support structure owner shall have one hundred eighty (180) days to effect removal and restoration unless weather prohibits such efforts. Permittee shall record a document with the Eau Claire County Register of Deeds showing the existence of any subsurface structure remaining below grade. Such recording shall accurately set forth the location and describe the remaining structure.

B. Security for Removal. The owner of any mobile service support structure other than a municipality or other unit of government shall provide to Eau Claire County, prior to the issuance of the land use permit, a performance bond in an amount based on a written estimate of a qualified remover of said types of structures, or twenty thousand dollars (\$20,000), whichever is less, to guarantee that the mobile service support structure will be removed when no longer in operation. Eau Claire County will be named as obligee in the bond and must approve the bonding company. The county may require an increase in the bond amount after five (5) year intervals to reflect increases in the Consumer Price Index, but at no point shall the bond amount exceed twenty thousand dollars (\$20,000). The provider shall supply any increased bond within a reasonable time, not exceeding sixty (60) days, after the county's request. A permittee may submit a letter of credit in the amount set forth above, or, in the alternative, a permittee with several sites in the county may submit a master bond to cover all of said sites. A master bond or a letter of credit may, in the committee's discretion, be in an amount sufficient to secure removal from one site if the master bond or letter of credit provides for replenishing any amount used as the master bond or letter of credit covers any other site in the county.

C. Security. All telecommunications facilities shall be reasonably protected against unauthorized access. The bottom of all towers from ground level to 12 feet above ground shall be designed to preclude unauthorized climbing and shall be enclosed with a minimum of a 6 foot high chain link fence with a locked gate. Guy anchors of guyed towers shall be similarly protected.

D. Signs. Signs shall be mounted on the fenced enclosure, on or adjacent to the gate prohibiting entry without authorization, warning of the danger from electrical equipment and unauthorized climbing of the tower, and identifying the owner of the tower and telephone number for contact in case of emergency. The sign shall be no larger than 6 square feet. No commercial advertising signs may be located on the telecommunications facility site.

E. Screening & Landscaping. All telecommunications facilities, except exempt facilities, shall be designed to blend into the surrounding environment to the greatest extent feasible.

1. The tower location shall provide for the maximum amount of screening of the facilities. The site shall be landscaped and maintained with a buffer of plant materials that effectively screen the view of all facility structures, equipment and improvements at ground level from adjacent properties. The standard buffer shall consist of a landscaped strip at least 4 feet wide outside the perimeter of the area where tower accessory structures and equipment are located at ground level.

2. In locations where the visual impact of the facility would be minimal the landscaping requirement may be reduced or waived by the committee. Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible or replaced with vegetative screening meeting the intent of this section.

3. Upon project completion the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping during the current growing season.

F. **Parking and Access.** Telecommunications facilities shall comply with all parking requirements of 18.25 and all access requirements of 18.22. Access must be provided by an all-weather gravel or paved driveway.

G. **Accessory buildings.** Accessory buildings, structures, cabinets and other accessory facilities may be allowed and shall not exceed 15 feet in height, measured from the original grade, and 250 square feet in area. All visible surfaces shall be constructed of nonreflective materials and designed to blend with the existing architecture in the area. (Ord. 157-35, Sec. 1, 2014; Ord. 145-96, Sec. 3, 2002; Ord. 145-21, Sec. 2, 2001).

18.50.040 Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. (Ord. 157-35, Sec. 1, 2014; Ord. 145-96, Sec. 3, 2002; Ord. 145-21, Sec. 2, 2001).

18.50.050 Transferability. Permits granted under this chapter go with the land and are transferable. All chapter and permit requirements shall apply to subsequent owners. The department shall be notified of any change in ownership including, but not limited to, facility leases, mortgages, liens or other instruments which may affect title to the property. (Ord. 157-35, Sec. 1, 2014; Ord. 145-96, Sec 3, 2002; Ord. 145-21, Sec. 2, 2001).

18.50.060 Administration. Chapter 18.31 shall apply. (Ord. 157-35, Sec. 1, 2014; Ord. 154-2, Sec. 47, 2010; Ord 153-28, Sec. 12, 2010; Ord. 145-96, Sec. 3, 2002; Ord. 145-21, Sec. 2, 2001).

18.50.070 Limitations. All limitations contained in Wis. Stat. § 66.0404(4) are hereby incorporated by reference. (Ord. 157-35, Sec. 1, 2014; Ord. 145-96, Sec. 3, 2002; Ord. 145-21, Sec. 2, 2001).

18.50.080 Exceptions. Exempt from review under 18.50 will be: television antennas, satellite dishes, receive only antennas, amateur radio facilities, mobile services providing public information coverage of news events or of a temporary or emergency nature, ground mounted antennas. Exempt structures under this chapter are subject to all other applicable provisions of Title 18. (Ord. 157-35, Sec. 1, 2014; Ord. 155-19, Sec. 9, 2011; Ord. 145-96, Sec. 11, 2002; Ord. 145-21, Sec. 2, 2001).

18.50.090 Airport Zoning. The siting and construction of any mobile service support structure and facilities within 3 statute miles of the boundaries of the Chippewa Valley Regional Airport must also meet the requirements of Chapter 18.60. (Ord. 157-35, Sec. 1, 2014; Ord. 145-96, Sec. 3, 2002; Ord. 145-21, Sec. 2, 2001).

Chapter 18.55

WELLHEAD PROTECTION

Sections:

<a href="#"><u>18.55.010</u></a>	Purpose
<a href="#"><u>18.55.020</u></a>	Authority
<a href="#"><u>18.55.030</u></a>	Definitions
<a href="#"><u>18.55.040</u></a>	Groundwater protection overlay district
<a href="#"><u>18.55.050</u></a>	Zones
<a href="#"><u>18.55.060</u></a>	Requirements for existing facilities
<a href="#"><u>18.55.070</u></a>	Changing technology and uses not listed
<a href="#"><u>18.55.080</u></a>	Administration
<a href="#"><u>18.55.090</u></a>	Penalties and enforcement
<a href="#"><u>18.55.100</u></a>	Appeals
<a href="#"><u>18.55.200</u></a>	Groundwater protection overlay district-Village of Fall Creek
<a href="#"><u>18.55.300</u></a>	Groundwater protection overlay district-Village of Fairchild
<a href="#"><u>18.55.400</u></a>	Groundwater protection overlay district-City of Augusta

18.55.010 Purpose. The residents of Eau Claire County depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this code is to protect municipal water supplies and to promote the public health, safety, and general welfare of the residents of Eau Claire County. (Ord. 145-96, Sec. 4, 2002; Ord. 145-66, 2001).

18.55.020 Authority.

A. This Chapter is created pursuant to Wis. Stat. § 59.69 (1). The provisions of Wis. Admin. Code ch. NR 811 are incorporated as if fully set forth herein.

B. The regulations specified in this Chapter shall apply to the unincorporated areas of Eau Claire County that lie within the recharge area of a municipal water supply, and are in addition to the requirements in the underlying zoning district. If there is a conflict between this Chapter and the zoning code, in general, the more restrictive provisions shall apply. (Ord. 145-96, Sec. 4, 2002; Ord. 145-66, 2001).

18.55.030 Definitions. The following definitions shall apply in this Chapter unless the context dictates otherwise:

A. "Animal confinement facilities" means locations of confinement of livestock in at a density exceeding 4 animal units per acre, except as applies to livestock production facilities, which incorporate areas for manure application (at rates not to exceed the nutrient requirements of the crops grown thereon) as an integral part of the operation.

B. "Animal waste storage facility" means a waste storage impoundment made by constructing an embankment and/or excavating a pit or dugout, or by fabricating a structure.

C. "Aquifer" means a saturated, permeable geologic hydrostratigraphic unit that contains and will yield useable quantities of water.

D. "Cone of Depression" means the area around a well, in which the water level has been lowered at least one-tenth of a foot by pumping of the well.

E. "Department" means the Eau Claire County Department on Planning and Development.

F. "Feedlot" means an open lot or enclosed building in which poultry or livestock are closely confined in excess of 45 days per year for the purpose of feeding or holding and where such confinement does not or is not intended to provide natural pasture for animals.

G. "Five year time of travel" means the recharge area for which it is determined or estimated through accepted hydrological analysis that groundwater will take five years to reach a pumping well.

H. "Groundwater" means water occurring in saturated geologic material below the water table.

I. "Municipal water supply" means the municipal water supplies of a village, city, and town in Eau Claire County, as governed by Wis. Admin. Code ch. NR 811.

J. "Nutrient Management" means managing the amount, form, placement, and timing of applications of plant nutrients.

K. "Pasture" means grazing animals, on growing vegetation, with no supplemental feed, exceeding 4 animal units (or manure production equivalent as referenced in the Eau Claire County Technical Guide, specification 590) per acre; also rotation grazing systems (designed to periodically exceed 3 head per acre) which comply with the standards of the Eau Claire County Technical Guide adopted by the Eau Claire County Land Conservation Commission.

L. "Person" means an individual, partnership, association, corporation, municipality or state agency, or other legal entity.

M. "Recharge area" means the area which encompasses all areas or features that, by surface infiltration of water that reaches the zone of saturation of an aquifer, supplies groundwater to a well.

N. "Ten year time of travel" means the recharge area for which it is determined or estimated through hydrological analysis that groundwater will take ten years to reach a pumping well.

O. "Thirty-day time of travel" means the recharge area for which it is determined or estimated through acceptable hydrological analysis that groundwater will take thirty days to reach a pumping well.



P. "Water table" means the surface in geological material at which the pore water pressure is atmospheric.

Q. "Well field" means a piece of land used primarily for the purpose of locating wells to supply a municipal water system.

R. "Zone of saturation" means geologic material that is saturated with water and constitutes groundwater. (Ord. 145-96, Sec. 4, 2002; Ord. 145-66, 2001).

18.55.040 Groundwater Protection Overlay District. A groundwater protection overlay district shall only be created at the request of a municipality to institute land use regulations and restrictions within a defined area, which contributes water directly to a municipal water supply and promotes public health, safety, and welfare. The district is intended to protect the groundwater recharge area for the existing and future municipal water supply from contamination.

A. The Boundaries of the groundwater protection overlay district shall be shown on the map "Groundwater Protection Districts for Public Water Supply Recharge Areas in Eau Claire County." This map will be an overlay of the "Official Zoning Maps of Eau Claire County, Wisconsin" as maintained by the department.

B. Whenever a municipality establishes the location of a new well or modifies an existing well resulting in a change to the public water supply recharge area for the municipality which extends into the unincorporated areas of the county, the municipality shall notify the department and submit a written request to the department to adopt a groundwater protection overlay district which shall include:

1. A 1-inch equals 2,000 feet (1:24,000) or larger scale map shall be used for municipal boundaries of the proposed wellhead protection zones, which conform to the provisions in this Chapter.

2. A report describing the background information, research, and methodology used to develop the wellhead protection zones.

3. A wellhead protection plan for the well or wells within the proposed district.

4. An existing wellhead protection ordinance for the well or wells within the proposed wellhead protection district, effective within the incorporated areas of the municipality.

5. A list of tax parcels, any part of which falls within the proposed wellhead protection district.

6. An inventory of all existing facilities which may cause or threaten to cause groundwater contamination within the proposed wellhead protection district. The inventory shall include:

a. The county tax parcel number of each facility and the name and telephone number of a facility contact.

b. A list of the uses, activities, materials, structures, and facility type which may cause or threaten to cause groundwater contamination for each existing facility.

C. The county board shall create a groundwater protection overlay district, with the map "Groundwater Protection Districts for Public Water Supply Recharge Areas in Eau Claire County" after receipt of recommendations made by the groundwater advisory committee and the committee on planning and development. (Ord. 145-96, Sec. 4, 2002; Ord. 145-66, 2001).

18.55.050 Zones. The groundwater protection overlay district is divided into three zones. All zone boundaries shall be normalized to road centerlines, railways, surface water features, and the public land survey lines of 1/2, 1/4, 1/8, 1/16 section lines. Each zone is described below as follows with permitted and prohibited uses:

A. Zone 1. Zone 1 is the area of land, which contributes the water to a municipal well in question to the 30-day time of travel.

1. Permitted Uses:

a. Public and private parks, playgrounds and beaches, provided there are no on-site wastewater disposal systems or holding tanks and follows an approved Nutrient Management Plan.

b. Wildlife and natural and woodland areas.

c. Biking, Hiking, Skiing, nature, equestrian, and fitness trails.

d. Residential areas which are municipally sewered.

e. Routine tillage, planting, and field management operations in support of agricultural crop production where nutrients from legume, manure, and commercial sources are accounted for and credited toward crop nutrient needs. The combination of all nitrate sources applied or available on individual fields may not exceed University of Wisconsin Soil Test Recommendations for that field.

2. Prohibited Uses:

a. Above and below ground hydrocarbon, petroleum, or hazardous chemical storage tanks.

b. Cemeteries.

c. Chemical manufacturers (Standard Industrial Classification Major Group 28).

d. Storage of extremely hazardous substance, radioactive materials or substances listed in Table 1, NR140 of the Wisconsin Administrative Code. (Extremely hazardous Substances are identified by SARA/EPCRA criteria under 40 CFR Parts 302 and 355.

e. Coal storage.

f. Dry cleaners.

g. Industrial lagoons and pits.

g. Landfills and other solid waste facilities.

i. Manure and animal waste storage facilities.

j. Non-metallic earthen materials extraction sites.

k. Pesticide and fertilizer dealer, transfer or storage.

l. Railroad yards and maintenance stations.

m. Rendering plants and slaughterhouses.

n. Salt or deicing material storage.

o. Salvage yards and junkyards.

p. Septage or sludge spreading, storage, or treatment.

q. Septage, wastewater, or sewage lagoons.

r. Private on-site wastewater treatment systems or holding tanks unless replacing an existing private on-site wastewater treatment system.

s. Stockyards and feedlots.

t. Stormwater infiltration basins without pre-treatment, which is defined to include vegetative filtration and/or temporary detention basins.

u. Motor vehicle services, including filling and service stations, repair, renovation, and body work.

v. Wood preserving operations.

A. Zone 2. Zone 2 encompasses the area of land which contributes water to the well starting at the line which delineates the 30-day time of travel and ends at the line delineating the 5-year time of travel to a municipal well.

1. Permitted Uses. The following uses are permitted in Zone 2:
  - a. All uses that are permitted in Zone 1.
  - b. Single family residences on a minimum lot of 1 acre with a private on-site sewage system.
  - c. Commercial establishments which are served by municipal sewer and water.
  - d. Industrial establishments which are served by municipal sewer and water and without outside storage.
  - e. Residential use of above and below ground LP gas tanks for heating not to exceed 1000 gallons.

2. Prohibited uses. All uses that are prohibited in Zone 1 are also prohibited in Zone 2.

C. Zone 3. Zone 3 encompasses the area of land which contributes water to a municipal well at the line which delineates the 5-year time of travel and ends at the line delineating the 10-year time of travel to a municipal well.

1. Permitted Uses. The following uses are permitted in Zone 3:
  - a. All uses permitted in Zones 1 and 2.
  - b. Salt storage, including sand salt combinations.
  - c. Above ground petroleum product storage tanks with leak detection.
2. Prohibited Uses. All uses listed as prohibited uses in Zones 1 and 2 except of the uses listed in b. and c. above. (Ord. 145-96, Sec. 4, 2002; Ord. 145-66, 2001).

18.55.060 Requirements for existing uses.

A. Existing uses which are listed as prohibited in a zone but exist on the effective date of this ordinance are grandfathered in and will be allowed to upgrade to facilitate or enhance groundwater protection. The department must approve the proposed upgrade plans and all required permits shall be issued before work is initiated. Expansion of a prohibited use is not allowed.

B. Owners and/or operators of existing nonconforming uses which exist within a zone at the time of enactment of this Chapter shall provide copies of all current, revised, or new federal, state, and local facility operation approvals, permits, or certificates, operational safety plans, and on-going environmental monitoring results, to the county and the municipality with wells in the wellhead protection district.

C. Owners and/or operators of existing nonconforming uses which exist within a zone at the time of enactment of this Chapter shall have the responsibility of devising, filing, and maintaining with the county a current contingency plan which details how they intend to respond to any emergency which may cause or threaten to cause groundwater contamination that occurs at their facility, including notifying municipal, county, and state officials. (Ord. 145-96, Sec. 4, 2002; Ord. 145-66, 2001).

18.55.070 Changing technology and uses not listed.

A. The uses prohibited by this Chapter are prohibited based upon the combined pollution experience of many individual uses, and the technology generally employed by a particular use considered to be of a high risk for pollution to the groundwater resource. As the technology of other uses change to low or non-risk materials or methods and by petition from the user of that technology, the committee on planning and development with recommendations from the groundwater advisory committee shall recommend removal of the use as a prohibited use and establish any performance standards that are deemed necessary.

B. Any use not listed specifically as permitted in this Chapter is considered a prohibited use. Upon its own initiative or upon a request from a specific property owner, the committee on planning and development with recommendations from the groundwater advisory committee may recommend adding a use as a permitted or prohibited use to this Chapter and establish any performance standards that are deemed necessary. (Ord. 145-96, Sec. 4, 2002; Ord. 145-66, 2001).

18.55.080 Administration.

A. The county hereby designates the department to administer and enforce this Chapter. The department may seek the technical advice of the groundwater advisory committee in the administration and enforcement of this Chapter.

B. The department shall have the following duties in administering and enforcing this Chapter as outlined in Chapter 18.31 as appropriate.

C. The department staff may enter the premises of a property under the terms of this Chapter in the performance of their duties or pursuant to a special inspection warrant issued under Wis. Stat. § 66.122, in order to inspect those premises and to ascertain compliance with this Chapter and permit or to investigate an alleged violation.

D. Enforcement Authority. The department may issue a compliance order, field directive, suspension order, or termination order to assure compliance with a permit or the provisions of this Chapter. Any permit revocation or stop work order shall remain in effect unless retracted by the department or by a court of general jurisdiction or until the activity is brought into compliance with this Chapter. The department is authorized to refer any violation of this subchapter or a stop work order to the corporation counsel's office for commencement of further legal action. (Ord. 145-96, Sec. 4, 2002; Ord. 145-66, 2001).

18.55.090 Penalties and Enforcement.

A. Penalties. Any person who violates, neglects or refuses to comply with or resists the enforcement of any of the provisions of this subchapter shall be subject to a forfeiture of not less than \$500 nor more than \$2500 per day plus cost of prosecution for each violation. Any violation includes failure to comply with any standard of this Chapter or with any condition or qualification attached to the permit. Each day that a violation exists shall be a separate offense.

B. Enforcement of injunction. As a substitute or in conjunction with a forfeiture action, the county may seek enforcement of any part of this Chapter by court actions, an injunction or restraining order, the cost of which shall be charged to the defendant in such action.

C. Cleanup costs. The county may commence legal action against both the person who releases the contaminants and the owner of the facility whereupon the contaminants were released to recover the costs, together with the costs of prosecution. Any person who causes the release of any contaminants, which may endanger or contaminate a municipal water supply system, shall immediately cease such discharge and immediately initiate clean up satisfactory to the county and other state or federal agencies. The person who releases such contaminants and the person who owns the facility whereon the contaminants have been released shall be jointly and severally responsible for the cost of cleanup, consultant, or other contractor fees, including all administrative costs for oversight, review, and documentation, including the county employees time, equipment, and mileage. (Ord. 145-96, Sec. 4, 2002; Ord. 145-66, 2001).

18.55.100 Appeals. At the written request of any aggrieved person or the department, the Eau Claire County Board of Land Use Appeals Board shall hold a public hearing and decide on the merits of the appeal.

A. Appeals shall follow the applicable sections of the code as found in 18.31.020.

B. Appeals shall be filed with the board of land use appeals and the department within 30 days after the date of written notice of the decision or the order of the department.

C. All appeals shall be filed on applications provided by the department. (Ord. 145-96, Sec. 4, 2002; Ord. 145-66, 2001).

18.55.200 Groundwater Protection Overlay District - Village of Fall Creek. A groundwater protection overlay district is created for the Village of Fall Creek with the boundaries as shown on the map dated November 21, 2018, entitled Map of the Wellhead Protection Zones, Wells 1, 3, and 4, Village of Fall Creek, Wisconsin on file in the office of the department. (Ord. 163-29, Sec. 1, 2019; Ord. 156-27, Sec. 1, 2012; Ord. 155-34, Sec. 1, 2012)

18.55.300 Groundwater Protection Overlay District-Village of Fairchild. A groundwater protection overlay district is created for the Village of Fairchild with the boundaries as shown on the map dated September 25, 2012 entitled Map of the Groundwater Protection Districts for Public Water Supply Recharge Areas in Eau Claire County-Village of Fairchild on file in the office of the department. (Ord. 156-27, Sec. 2, 2012)

18.55.400 Groundwater Protection Overlay District- City of Augusta. A groundwater protection overlay district is created for the City of Augusta with the boundaries as shown on the map dated March 26, 2013 entitled Map of the Groundwater Protection Districts for Public Water Supply Recharge Areas in Eau Claire County-City of Augusta on file in the office of the department. (157-5, Sec. 1, 2013; Ord. 156-27, Sec. 3, 2012; Ord. 157-5, Sec. 1, 2013)

Chapter 18.60

AIRPORT ZONING

Sections:

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18.60.010 Purpose. It is the purpose of this chapter to regulate the use of property and to regulate and restrict the height of structures and objects of natural growth in the vicinity of the Chippewa Valley Regional Airport, to promote the public health, safety, convenience and general welfare, to increase safety in the use of the airport, to implement the recommendations of the airport master plan and to protect persons and property within the airport affected area and zoning districts. (Ord. 145-96, Sec. 5, 2002).

18.60.020 Statutory Authorization. This chapter, designed to protect the approaches, airspace, physical and hazard areas of the Chippewa Valley Regional Airport is adopted pursuant to Wis. Stats. §§ 59.03, 59.04, 59.69, 59.694, 114.14 and 114.136. (Ord. 145-96, Sec. 5, 2002).

18.60.030 Jurisdiction. The jurisdiction of this chapter shall extend over all lands and waters within 3 statute miles of the boundaries of the Chippewa Valley Regional Airport. (Ord. 145-96, Sec. 5, 2002).

18.60.040 Definitions. 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 “shall” is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

A. “Airport” means the Chippewa Valley Regional Airport, owned by Eau Claire County, Wisconsin

B. “Airport Hazard” means any structure, object, whether man-made or natural, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off, or to persons using such land or structure.

C. “Airport Master Plan” means the Chippewa Valley Regional Airport Master Plan Report, 2001, as updated.

D. “Alteration” means any construction, which would result in a change in height or lateral dimensions of an existing structure or object.

E. “Avigation Easement” means a grant of a property interest in land over which a right of unobstructed flight in the airspace is established.

F. “Construction” means the erection or alteration of any structure or object either of a permanent or temporary character.

G. “Department” means the Planning and Development Department.

H. “Development” means any manmade change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations, deposition of materials.

I. “Growth” means any object of natural growth, including trees, shrubs or foliage, except farm crops, which are cut at least once a year.

J. “Height” means the overall height of the top of a structure, including any appurtenance installed thereon, or the top of any object of natural growth.

K. “Director” means the director of the Chippewa Valley Regional Airport.

L. “Non-conforming Use” means any structure, tree, or use of land which does not conform with a regulation prescribed in this chapter or an amendment thereto, as of the effective date of such regulation.

M. “Person” means any individual, firm, partnership, corporation, company, association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.

N. “Principal use” means the principal use allowed by the underlying jurisdiction.

O. “Runway” means a portion of the airport having a surface specially developed and maintained for the landing or taking off of airplanes.

P. “Structure” means any object permanent or temporary constructed or installed by man.

Q. “Tree” means any object of natural growth, except farm crops, which are cut at least once a year, and except shrubs, bushes, or plants, which do not grow to a height of more than 5 feet.

R. “Variance” means an authorization granted by the Board of Land Use Appeals to construct, alter, or use a building or structure in a manner that deviates from the standards of this chapter. (Ord. 163-03, Sec. 1 & 2, 2019; Ord. 162-18, Sec. 1, 2018; Ord. 160-9, Sec. 27, 2016; Ord. 145-96, Sec. 5, 2002).

18.60.050 General Provisions.

A. Use Restrictions. Notwithstanding any other provisions of this chapter, no use may be made of land or water within any districts established by these zoning regulations in such a manner:

1. As to create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft; no use or installation of flashing or illuminated advertising or business signs, billboards or other types of illuminated structures which would be hazardous for pilots because of the difficulty in distinguishing between airport lights and others, or which result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, taking off, or maneuvering of aircraft;

2. Which would emit or discharge smoke that would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.

3. Which would create a pond, retention, detention or other manmade waterbody with a detention period of greater than 48 hours.

B. Persons constructing or purchasing any structure or land within Zone 1 are advised that such dwelling, structure or land is situated in the flight approach/departure area of an airport. The airport by its operation may cause noise or damage to dwellings or structures or may impact adversely on the health of animals. Eau Claire County, its officers, agents or employees, will not be responsible for noise or damage of any description whatsoever as a result of aircraft operations.

C. Airport Zones. All airport zones established by this chapter are as shown on the map dated April 3, 2002, entitled Airport Zoning District Map on file in the office of the department and adopted as part of this chapter.

D. Height Zones. All height zones established by this chapter are as shown on the map dated July 17, 2007, entitled "Eau Claire County Airport Height Limitation Zone Map", on file in the office of the department and adopted as part of this Chapter.

E. Height Limitations. No structure, tree or growth shall be erected, altered, allowed to grow or be maintained within any zoning district established by this chapter to a height in excess of the applicable height limitations as shown on the Eau Claire County Airport Height Limitation Zone Map, which is maintained in the department. The permitted height shall not exceed the difference between the grade elevation and the height limitation numbers shown within the various zones encompassed by this chapter.

F. District Boundaries.

1. District boundary lines are the centerlines of highways, roads, pavements or section, division of section, tract and lot lines, or such lines extending as applicable or as otherwise indicated.

2. When a district line divides a lot/parcel of record existing prior to the effective date of this ordinance in such a manner that a use not permitted in the most restrictive district of such lot but is permitted on that portion of such lot in the lesser restrictive district, then a permitted use may be developed only on that portion of the lot/parcel where it is permitted, provided:

a. The use is permitted by the underlying municipality's zoning ordinance;



b. The use complies with all applicable setback requirements;  
c. A site plan drawn to scale showing the location of the use and the district line on the lot/parcel is submitted to the department and is reviewed and approved pursuant to the procedure contained in 18.31.030.

3. Where a lot/parcel of record existing on April 3, 2002 of 15,000 square feet or less is divided by a district line between Zones 1 & 2, the lot shall be considered to be in Zone 2.

4. Zone 1 shall be considered as the most restrictive and Zone 3 being the least restrictive.

G. No land, building or structure shall hereafter be used or occupied and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with all the regulations herein from the zone in which it is located.

H. Avigation easements. All avigation easements required by this Chapter shall be completed on forms provided by the department.

I. Conflict. The provisions of this chapter shall prevail over the zoning districts and regulations of the Cities of Altoona, Chippewa Falls and Eau Claire, the Village of Lake Hallie, Chippewa and Eau Claire Counties, and the Towns of Hallie, Seymour, Union and Wheaton. However, the provisions of this chapter shall be considered minimum requirements. In Zones 1, 2, and 3 where a conflict exists between any of these zoning regulations and any other regulations or ordinances applicable to the same site, whether the conflict be with respect to the height of structures, or growths, the use of land, or any other matter, the more stringent regulations or ordinances shall govern and prevail. Regulations contained herein pertaining to Zone A shall supersede and control over any local regulation to the contrary.

J. Severability. If any of the provisions of these zoning regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these zoning regulations which can be given effect without the invalid provision of the application, and to this end, the provision of these regulations are declared to be severable. (Ord. 163-003, Sec. 3, 2019; Ord.154-2, Sec. 48, 2010; Ord. 151-13, Sec. 1, 2007; Ord. 145-96, Sec. 5, 2002).

#### 18.60.060 Non-conforming use.

A. Nothing contained herein shall require any change in the construction or alteration of any structure, if the construction or alteration of such was begun prior to the effective date of this chapter, if such is diligently pursued, on a lot existing as of April 3, 2002.

B. The owner of any non-conforming use, building, structure or tree which, as a result of fire, explosion or other casualty is destroyed, shall be allowed to rebuild, reconstruct or rehabilitate the same non-conforming use of the same parcel, provided the following requirements are met:

1. The non-conforming use complies with the height limitation imposed by this chapter and a statement showing such compliance is signed by the department prior to any rebuilding, reconstructing or rehabilitation.

2. The non-conforming use that is rebuilt, reconstructed, or rehabilitated shall comply with construction techniques that provide a minimum of 10 decibels of outdoor to indoor noise reduction over industry standards for similar structures.

3. The non-conforming use shall not be rebuilt, reconstructed or rehabilitated unless it conforms to the size, location and use, which existed immediately prior to its destruction or damage.

C. Expansion of Non-conforming uses. Any principal non-conforming uses, as described in this chapter, may be expanded, altered or otherwise enlarged as long as the following requirements are met:

1. The expansion, alteration or enlargement meets the requirements of height limitation zoning and a statement showing such compliance is signed by the department prior to the expansion, alteration or enlargement.

2. The expansion, alteration or enlargement in no way increases or creates any hazard within the airspace required for the flight of aircraft in landing or takeoff or creates or increases any potential hazard to persons assembled within the non-conforming use.

3. The addition or alteration shall not exceed 25% of the gross floor area of the structure.

4. An aviation easement shall be filed and recorded with the respective county register of deeds office.

F. Nothing in this section shall interfere with or prevent the removal of non-conforming uses by purchase or the use of eminent domain. (Ord. 163-03, Sec. 2, 2019; Ord. 145-96, Sec. 5, 2002).

#### 18.60.070 Administration.

A. Regardless of the governmental jurisdiction in which this chapter is in effect, administration of the chapter shall be the responsibility of Eau Claire County, unless otherwise specified.

B. The administration of this chapter requires the approval of the department. The department shall either approve or disapprove the proposed development as defined in 18.60.040 G. based upon land use recommendations contained within the airport master plan and airport layout plan, and the provisions, standards and requirements contained in this chapter, within 14 working days.

C. If the proposed development is approved by the department and meets the building requirements of the affected municipality, a building permit may be issued by the municipality.

D. In any airport zone, whenever a use is neither specifically permitted or denied, the use shall be considered to be prohibited. In such a case, the committee, on its own initiative or upon the request of a specific property owner, may conduct a study to determine which zone, if any, is most appropriate for the use contemplated and which, if any, performance standards are appropriate to govern said use.

E. Conditional uses shall be reviewed by the committee on planning and development pursuant to Chapter 18.21. (Ord.163-03, Sec. 4, 2019; Ord. Ord. 152-19, Sec. 2, 2008; Ord. 146-40, Sec. 1, 2002; Ord. 145-96, Sec. 5, 2002).

#### 18.60.075 Site Plan Procedure.

A. All applications for land use permits for construction, reconstruction, expansion or conversion of use shall be accompanied by a site plan to be reviewed and approved by the Eau Claire County Committee on Planning and Development or to a joint review committee created through a cooperative agreement between the city of Eau Claire, Chippewa County and Eau Claire County. If such a joint review committee is not in existence at the time a site plan is submitted to the department, the committee on planning and development shall retain final site plan approval authority.

B. The site plan shall be drawn to scale and show the lot dimensions, the location of existing and proposed structures and other on-dash site improvements, parking and access, and sanitary system, and any other information deemed necessary by the department.

C. The department shall review the site plan and the accompanying material for conformance to this title and shall coordinate additional review as may be appropriate. The department shall send a copy of the site plan and the accompanying material to the City of Eau Claire Planning and Development staff for their input. The department shall prepare a report and recommendation to the committee for its consideration.

D. Prior to approval of any application, the committee shall hold a public hearing which shall be preceded by a Class I legal notice as well as individual notices sent to all property owners within 100 feet of the property. Failure of property owners to receive the notice or attend a hearing shall not invalidate the proceedings.

E. Acting upon an application, the committee shall consider the proposed site plan in relation to the staff report and the review criteria of 18.60.077. Within 30 days of the public hearing, the committee shall act on the application for site plan approval by approving the site plan with or without conditions, denying it, or deferring it for further study. If denied, the reasons therefore shall be stated in the minutes of the meeting and the applicant shall be notified in writing.

F. An applicant who wishes to change an approved site plan must contact the department. If the proposed changes result in a revised site plan substantially similar to the approved plan, the department may approve the site plan changes. If the proposed changes are not substantially similar to the approved plan, such changes shall require the approval of the committee and following the procedure as set forth in this section. (Ord. 146-40, Sec. 2, 2002).

#### 18.60.077 Site Plan Approval.

A. When acting upon an application, the committee shall rely upon generally accepted site planning and design principles. In addition to the provisions of this title, the airport master plan and such policies as may be adopted by the committee, the committee shall also give important consideration during the review process to the following criteria for approval:

1. 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.

2. 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.

3. 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.

4. All areas not otherwise occupied by structures or paved areas shall be landscaped as per provisions of the City of Eau Claire landscape manual, which is adopted by reference herein. 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.

5. Access to the site shall be provided by curb cuts, which are limited and located in a manner to minimize traffic congestion and difficult turning movements.

6. 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.

7. 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.

8. 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.

9. 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.

10. Recyclable materials storage areas will be provided for any use, which generates significant amounts of recyclable materials and such area will be appropriately screened.

B. Any person aggrieved by a decision of the committee under 18.60.075 and 18.60.077 may only appeal to circuit court. (Ord. 146-40, Sec. 3, 2002).

#### 18.60.080 Appeals and Variances.

A. Applications for variances shall be made to the department upon a form furnished by the department. Applications shall be forwarded to the Board of Land Use Appeals for consideration pursuant to 18.31.020.

B. Any person aggrieved by any decision made in the administration of this chapter except for 18.60.075 and 18.60.077 may apply to the Board of Land Use Appeals to reverse wholly or partly, or modify or otherwise change, abrogate, or rescind any such decision. Such appeals shall be handled in accordance with 18.31.020. (Ord. 146-40, Sec. 4, 2002; Ord. 145-96, Sec. 5, 2002).

18.60.090 Hazard Marking and Lighting. The FAA may require hazard marking and lighting on facilities as determined during the FAA Obstruction Evaluation process. FAA required Hazard Marking and Lighting will be installed at the owner's expense. The County may also, at its own expense, install, operate and maintain such markers, lights and other aids to navigation as may be necessary to indicate to flyers the presence of an airport hazard, if such action is beyond the requirements of the FAA but deemed advisable by the Airport Commission. (Ord. 163-03, Sec. 5, 2019; Ord. 145-96, Sec. 5, 2002).

#### 18.60.100 Penalties.

A. Violations. In case of any violation, the department may institute appropriate legal action or proceedings to enjoin a violation of this chapter.

1. Each violation of these regulations or of any regulation, order, or ruling promulgated hereunder shall constitute an airport hazard and such hazard shall be removed by proper legal proceedings. Each day a violation continues to exist shall constitute a separate offense. In addition, Eau Claire County may institute in the Circuit Court of Eau Claire County or the Circuit Court of any county in which the airport hazard is wholly or partially located an action to prevent and restrain, correct or abate, any violation of these zoning regulations, or of any regulation, order or ruling made in connection with their administration or enforcement, and the court shall adjudge such relief by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of these zoning regulations as adopted and orders and rulings made pursuant thereto.

2. Any person, firm or corporation found guilty of violating any provision(s) of this chapter shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$500.00 for each such offense, together with the costs of prosecution and, upon failure to pay said forfeiture, shall be confined in the county jail for not more than 30 days. (Ord. 145-96, Sec. 5, 2002).

18.60.110 District Regulations. For the purpose of this chapter, the lands and waters within 3 statute miles from the boundaries of the airport are divided into four districts.

A. Zone A - Airport District. The airport district is created to encompass areas, which due to the operation of aircraft, will be exposed to excessive noise, are within the approach and departure areas of aircraft and are within the crash hazard area of the airport. The airport district is established to implement the recommendations of the airport master plan and airport layout plan, to protect the approaches of the airport from incompatible land uses, to preserve the airport's ability to serve its present and future air transportation needs, and is intended to include all county land owned for airport purposes. Any expansion, alteration or enlargement to any building, structure or property within this zone must be consistent with the airport master plan an airport layout plan, as amended, and approved by the department. Such expansions, alterations or enlargements are not subject to zoning regulations of the underlying municipality except for building requirements. Any expansion or enlargement must be in conformity and have approval of the Federal Aviation Administration and Wisconsin Department of Transportation, Bureau of Aeronautics.

1. Permitted uses and structures. Any uses and structures that are directly related and necessary for the function and operation of the airport.

- a. Air Terminals.
- b. Aircraft Hangars.
- c. Aircraft runways, taxiways, aprons and related lighting and air support apparatus.
- d. Airport administration buildings.
- e. Airport maintenance, rescue and firefighting buildings.
- f. Aircraft repair and maintenance buildings and facilities.
- g. Fuel storage and pumps.
- h. Commercial uses directly related to the airport operations.
- i. Public gatherings in conjunction with an airport related activity sponsored or approved by the airport.
- j. Air Cargo Facilities.
- k. Intermodal facilities.
- l. Other related airport uses and structures.
- m. Any other FAA approved use.

2. Dimensional Requirements:

a. Height Regulations. No structure or growth shall exceed the height permitted by the airport height limitation as shown on the official airport height limitation zone map.

b. Setback Regulations. The placement of structures shall adhere to Federal Aviation Administration design standards or 30 feet, whichever is more restrictive.

B. Zone 1-Runway Approach and Departure District. The purpose of this district is to establish requirements in areas that are within the aircraft hazard area as shown on the map dated April 3, 2002, entitled Airport Zoning District Map on file in the office of the department.

1. Permitted Uses.
  - a. Agriculture, including essential non-residential facilities.
  - b. Floriculture, horticulture, silviculture, orchards, hatcheries, game farms, wildlife sanctuaries and game preserves, except aviaries only with the approval of a wildlife expert prior to development.
  - c. Mining and excavation.
  - d. Open space.
  - e. Transportation routes including roads and rail lines.
  - f. Parking lots and parking facilities.
  - g. Light recreational (non-spectator).
2. Conditional Uses. Commercial, industrial and governmental uses provided:
  - a. The structures shall meet the official airport height limitation zone map.
  - b. All structures shall be sound proofed consistent with the requirements of 18.60.110 A.5.a.
  - c. No residential uses are allowed.
  - d. The proposed use meets the underlying municipal zoning requirements.
  - e. An avigation easement shall be filed and recorded with the respective county register of deeds office.
3. Prohibited Uses: The following uses are prohibited within Zone 1:
  - a. Residential uses.
  - b. Hospitals.
  - c. Churches.
  - d. Schools.
  - e. Theatres.
  - f. Amphitheaters.
  - g. Stadiums.
  - h. Campgrounds.
  - i. Any land use that would attract hazardous wildlife or encourage the concentration of bird (avian) populations.
  - j. Places of public or semi-public assembly.
  - k. Any use or structure that may be susceptible to being adversely affected by loud and extensive noise or would interfere in the use or operation of the airport.
4. Dimensional Requirements:
  - a. Height Regulations. No structure or growth shall exceed the height permitted by the airport height limitation as shown on the official airport height limitation zone map.
  - b. Setback Regulations. The setback requirements shall meet the municipal setback requirements of the applicable zoning code.

c. Minimum Area Regulations. The minimum lot area for agricultural operations is 35 acres, 5 acres for commercial/industrial, and 1 1/2 acres for all other permitted or conditional uses. Any lot in existence on April 3, 2002, and legally created, shall be considered a lot of record, and shall be considered legally buildable even though the lot may not meet the minimum lot area requirements, provided that the lot is in separate ownership from abutting land, and further provided that the lot is a conditional use as provided in 18.60.110 B.2.

d. Lot Density. The maximum lot coverage allowed is 50% or as allowed by the underlying municipal jurisdiction whichever is the lesser coverage.

5. Construction Requirements:

a. All enclosed office, sales and work areas that will be subject to a minimum of four hours of continuous human occupancy per working day shall utilize construction techniques that provide a minimum of 10 decibels outdoor to indoor noise level reduction over industry standards for similar structures.

b. A copy of the proposed techniques shall be submitted to the department.

C. Zone 2 - Noise Control/Overflight District. The purpose of this district is to minimize the conflict between allowed uses and the noise generated in this zone and to establish requirements in areas that are within 1,000 feet of the edges of the runways and extending from the end of each runway or within the over-flight area all as shown on the map dated April 3, 2002, entitled Airport Zoning District Map on file in the office of the department.

1. Permitted Uses. All uses allowed by the underlying zoning of the affected municipality.

2. Dimensional Requirements.

a. Height Regulations. No structure or growth shall exceed the height permitted by the airport height limitation as shown on the official airport height limitation zone map.

b. Setback Regulations. The setback requirements shall meet the municipal setback requirements of the applicable chapters.

c. Minimum area Regulations. The minimum lot area shall meet the municipal area requirements of the applicable codes or if no requirements are in place the minimum lot size shall be 1 1/2 acres.

d. Lot density. The maximum lot coverage allowed is 50% or as allowed by the underlying municipal jurisdiction whichever is the lesser coverage.

3. Construction Requirements.

a. Construction techniques for residential, commercial, and industrial structures shall be submitted to the department which provide a minimum of 10 decibels outdoor to indoor noise level reduction over industry standards for similar structures. Installation of air conditioning shall meet the 10-decibel reduction requirement of the ordinance.

b. An avigation easement shall be filed on all new construction and alterations to existing structures and shall be recorded with the respective County Register of Deeds Office.

D. Zone 3 - Height Limitation District. The purpose of this district is to protect the approaches to the airport from incompatible land uses by establishing height limitations within three miles of the airport boundaries as shown on the map dated July 17, 2007, entitled Eau Claire County Airport Height Limitation Zone Map on file in the office of the department.

1. Permitted Uses. All uses allowed by the underlying zoning of the affected municipality.

2. Prohibited Uses. No use may be established in this zone which would create electrical interference with navigational signals or radio communications between the airport and aircraft; create confusion in identifying airport lights; results in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport or otherwise endanger or interfere with the landing, or take off or maneuvering of aircraft intending to use the airport.

3. Dimensional Requirements.

a. Height regulations. No structure or growth shall exceed the height permitted by the airport height limitation as shown on the official airport height limitation zone map. The restrictions shall not apply to structures that are less than 35 feet above ground level.

b. Setback regulations. The setback requirements shall meet the municipal setback requirements of the applicable ordinances.

c. Minimum area regulations. The minimum lot area shall meet the municipal area requirements of the applicable codes.

4. Construction Requirements.

a. Construction plans for residential, commercial, and industrial structures shall be submitted to the department for review and permitting if greater than 35' above ground level.

i. A permit is not required for a temporary structure placed for less than 24 consecutive hours below the height limitation zone map when Chippewa Valley Airport issues a Notice to Airmen.

ii. A permit will not be issued if Federal Aviation Administration Form 7460-1 is completed and Federal Aviation Administration finding of a hazard is determined.

c. A permit and variance are required for any permanent structure exceeding the height limitation zone map. (Ord. 163-03, Sec. 6-10, 2019; Ord. 162-18, Sec. 2, 2018; Ord. 151-13, Sec. 2, 2007; Ord. 145-96, Sec. 5, 2002).

18.60.120 Fees. Chapter 4.35 shall apply. (Ord. 145-96, Sec. 5, 2002).

### III. SUBDIVISION CONTROL

#### Chapter 18.76

#### INTRODUCTION

#### Sections:

<a href="#">18.76.001</a>	Statutory authority.
<a href="#">18.76.002</a>	Purpose.
<a href="#">18.76.003</a>	Definitions.
<a href="#">18.76.010</a>	Abrogation and greater restrictions.
<a href="#">18.76.020</a>	Interpretation.
<a href="#">18.76.030</a>	Severability and nonliability.



18.76.001 Statutory authority. These regulations are adopted under the authority granted by Wis. Stat. § 59.69, 281.31, and 236.45. (Ord.141-03, Sec.1, 1997; Ord. 80-81/286 Sec.2(part), 1981).

18.76.002 Purpose. The purpose of this subtitle is to regulate and control the division of land within the unincorporated areas of the county in order to promote the public health, safety, prosperity, aesthetics, economic well-being, and general welfare of the county. (Ord. 80-81/286 Sec.2(part), 1981).

18.76.003 Definitions.

A. For the purposes of this subtitle, the following definitions shall be used. Words in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular. The word "shall" is mandatory and not directory.

1. Arterial Road. "Arterial road" means a street used, or intended to be used, primarily for fast or heavy through traffic. "Arterial street" includes freeways and expressways as well as standard arterial streets, highways and parkways.

2. Best Management Practices. "Best Management Practices" (or "BMP") means structural and nonstructural measures, practices, techniques or devices employed to avoid or minimize sediment or other pollutants carried in runoff.

3. Bond. "Bond" means any form of security including cash deposit, surety bond, collateral, property, or instrument of credit in any amount and form satisfactory to the county.

4. Certified Survey. "Certified survey" means a map of a parcel of land, dividing the parcel into not more than 4 building sites or lots any of which is less than a government protracted quarter-quarter section, or the division of a lot, block, or outlot within a recorded subdivision into not more than four building sites or lots, without changing the original exterior boundaries of the lot, block or outlot. Certified survey maps shall be prepared by a registered land surveyor and meet the requirements of Wis. Stat. ch. 236.34 and this subtitle.

5. Collector Road. "Collector road" means a street used, or intended to be used, to carry traffic from local streets to arterial streets and includes entrance roads to large subdivisions.

6. Construction Plan. "Construction plan" means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in a subdivision in accordance with the requirements of this subtitle or conditions placed on the plat by the committee.

7. "Contamination" means any physical, chemical, biological or radiological substance or matter in water that exceeds current state or federal standards.

8. Contiguous. Lots or parcels shall be considered contiguous if they share a common boundary. Lots or parcels that only meet at a single point are not considered contiguous. Lots or parcels divided by public roads shall not be considered contiguous.

9. Contiguous building area. "Contiguous building area" is the area of a lot for building use exclusive of environmentally sensitive areas, zoning and wetland setbacks, navigable waterways, drainage ways, road rights-of-way, and easements.

10. Corner Lot. "Corner lot" means a lot abutting two or more streets at their intersection provided that the interior angle of such intersection does not exceed 135°.

11. Developer. "Developer" means the owner of land proposed to be subdivided or his or her authorized representative.
12. Environmentally sensitive areas. "Environmentally sensitive areas" are defined as being of the following areas:
  - a. Wetlands, as defined and designated as wetlands on the Wetlands Inventory Maps, and regulated by Title 20 of this code.
  - b. Floodplains, as identified on the official maps and revisions and regulated by Chapter 18.20 of this code.
  - c. Slopes of 20 % or greater. For the purposes of application of these regulations, slope shall be measured over a horizontal distance of 50 feet. Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent.
13. Erosion Control Plan. "Erosion Control Plan" means a plan that will describe how the permit holder and other responsible party will minimize, to the maximum extent practicable, soil erosion and the transport of sediment from land disturbing activities to waters of the state or other property.
14. Extraterritorial Plat Approval Jurisdiction. "Extraterritorial plat approval jurisdiction" means the unincorporated area within 1 1/2 miles of a 4th class city or a village or within 3 miles of all other cities.
15. Final Plat. "Final plat" means the map of a subdivision and accompanying data, as required in Chapter 18.80, necessary for final approval of the proposed subdivision by the committee and recording in the office of the register of deeds.
16. Flag lot. "Flag lot" is a lot with its widest point set back from the road, and having a thin, long strip ("the flagpole") of land connected to the road to provide legal access and frontage.
17. Frontage Road. "Frontage road" means a minor street auxiliary to and located adjacent to an arterial road for control of access and for service to the abutting development.
18. High Water Elevation. "High water elevation" means the average annual high water level of a pond, stream, lake flowage or wetland referred to an established datum plane or where such information is not available, the elevation to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in, or destruction of vegetation or other easily recognized topographic, geologic, or vegetative characteristics.
19. Improvement, Public. "Public improvement" means any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access sidewalk, pedestrian way, planting strip, or other facility for which the county or town may ultimately assume the responsibility for maintenance or operation.
20. Lot. "Lot" means a parcel of land having frontage on a public street or approved private road, intended as a unit for the purpose, whether immediate or future, of transfer of ownership or building development.
21. Lot of Record. "Lot of Record" shall mean any lot that existed at the effective date of this code which is March 15, 1981.
22. Outlot. "Outlot" means a parcel of land located in a plat or certified survey which is not included in a block or lot.

23. Owner. "Owner" means any person, group, firm, corporation, or partnership having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

24. Preliminary Plat. "Preliminary plat" means the preliminary map of a subdivision described in Chapter 18.79, indicating the proposed manner of layout of the subdivision to be submitted to the committee for approval.

25. Private Road. "Private road" means any street or road not dedicated to the public which serves as a vehicular access to two or more parcels or lots or which crosses a property line. All private roads shall meet the requirements of local roads, and shall be approved as private roads by the committee.

26. Replat. "Replat" means the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, or lot within a recorded subdivision plat without changing the exterior boundaries of said block, lot, or outlot, and which does not affect the layout of a road or other public land shall not be considered a replat.

27. State Defined Subdivision. "State defined subdivision" means a division of a lot, parcel or tract of land by the owner thereof or his or her agent for the purpose of sale or building development where:

a. The act of division creates five or more parcels or building sites of 1 1/2 acres each or less in area; or

b. Five or more parcels or building sites of 1 1/2 acres each or less in are created by successive division within a period of five years.

28. Storm Water Permit. "Storm Water Permit" means a written authorization made by the land conservation division to the applicant to conduct land disturbing or land development activities in accordance with the requirements of Chapter 17.05. A storm water permit regulates both construction site erosion and post-construction storm water runoff from a site.

29. Subcollector Road. "Subcollector road" means a road used or intended to be used to carry traffic from those lots fronting on the subcollector road to collector or arterial road.

30. Subdivision. "Subdivision" means the division of a parcel of land into 5 or more building sites or lots each of which is less than a government protracted quarter-quarter section or where an act of division creates 5 or more parcels or building sites of less than a government protracted quarter-quarter section from a lot of record within a 5 year period.

31. Zoning Code. "Zoning code" means Subtitle I of Title 18. (Ord. 16-23, Sec. 21, 2017; Ord. 160-014, Sec. 1. & 2., 2016; Ord. 153-31, Secs. 1-7, 2010; Ord. 150-42, Sec. 8, 2007; Ord. 143-98, Secs. 1-6, 2000; Ord. 143-84, Secs. 1-4, 1999; Ord. 128-74 Secs. 13,14, 1985; Ord. 126-16 Secs.5, 6, 1982; Ord. 81-82/213 Secs.1, 2, 1981; Ord. 80-81/286 Sec.2(part), 1981).

18.76.010 Abrogation and greater restrictions. It is not the intent of this subtitle to repeal, abrogate, annul, impair, or interfere with existing easements, covenants, deed restrictions or permits previously adopted or issued pursuant to law. However, where this subtitle imposes greater restrictions, the provisions of this subtitle shall govern. (Ord. 80-81/286 Sec.2(part), 1981).

18.76.020 Interpretation. In the interpretation and application of the provisions of this subtitle, requirements shall be held to be the minimum requirements and shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. (Ord. 80-81/286 Sec.2(part), 1981).

18.76.030 Severability and nonliability.

A. If any section, provision, or portion of this subtitle is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this subtitle shall not be affected thereby.

B. The county does not guarantee, warrant, or represent that only those areas designated as floodplains will be subject to periodic inundation and thereby asserts that there is no liability on the part of the county, its agencies, or employees for sanitation and water supply problems or structural damages that may occur as a result of reliance upon, and conformance with this subtitle. (Ord. 80-81/286 Sec.2(part), 1981).

Chapter 18.77

GENERAL PROVISIONS

Sections:

<a href="#"><u>18.77.010</u></a>	Jurisdiction.
<a href="#"><u>18.77.020</u></a>	Compliance.
<a href="#"><u>18.77.030</u></a>	Street and road dedications.
<a href="#"><u>18.77.040</u></a>	Required public access.
<a href="#"><u>18.77.050</u></a>	Inclusion of floodplains.
<a href="#"><u>18.77.060</u></a>	Survey monuments.
<a href="#"><u>18.77.070</u></a>	Variances.
<a href="#"><u>18.77.080</u></a>	Land suitability.
<a href="#"><u>18.77.090</u></a>	Groundwater management and drinking water supply.
<a href="#"><u>18.77.100</u></a>	Violations.
<a href="#"><u>18.77.110</u></a>	Penalties.
<a href="#"><u>18.77.120</u></a>	Appeals.

18.77.010 Jurisdiction. This chapter shall apply to any division of a lot, parcel, or tract of land, including divisions under land contract, for the purpose of transfer of ownership or building construction where the act of division creates a lot of less than 40 contiguous acres, excluding one quarter (1/4) of one quarter (1/4) section as defined by the original Public Land Survey System, and condominium developments, all located within the unincorporated areas of the county. However, these regulations shall not apply to:

- A. Transfers of interests in land by will or pursuant to court order;
- B. Leases for a term not to exceed 10 years, mortgages, or easements;

C. The sale or exchange of parcels of land between adjoining property owners if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by the zoning code or other applicable laws and ordinances. (Ord. 160-14, Sec. 3, 2016; Ord. 159-24, Sec. 1, 2015; Ord. 147-90, Sec.4, 2004; Ord. 143-84, Sec. 5, 1999; Ord. 129-74 Sec.16, 1986; Ord. 81-82/213 Sec.3, 1981; Ord. 80-81/286 Sec.2(part), 1981).

18.77.020 Compliance.

A. No owner shall divide any land located within the jurisdiction of these regulations which results in a subdivision, certified survey, condominium plat or replat as defined in this subtitle, and no such subdivision, certified survey, condominium, or replat shall be entitled to be recorded, and no street shall be laid out or improvement made without compliance with all the requirements of the code of general ordinances, state law and administrative rule and official municipal regulations or plans.

B. No permit or approval pursuant to this chapter shall be issued where the applicant is in violation of this or any code administered by the department nor for any parcel(s) of land which have an outstanding violation until the violation has been corrected. A request for waiver of these provisions may be made, to grant a permit or approval on the merits of the application, to the department director. (Ord. 149-09, Sec. 6, 2005; Ord 147-90 Sec.5, 2004; Ord. 80-81/286 Sec.2(part), 1981).

18.77.030 Street and road dedications. Street and road rights-of-way and the improvements required thereon by this subtitle and town road ordinances shall be dedicated to the town. Private roads may be allowed only in planned unit developments and must be approved by the committee and town board at the time of final plat approval. (Ord. 80-81/286 Sec.2(part), 1981).

18.77.040 Required public access. Any subdivision abutting a navigable river, lake or stream shall, according to Wis. Stat. ch. 236.16 (3), provide public access at least 60 feet wide from the low-water mark to a public road. Such access points shall be located at a minimum of 1/2 mile intervals. The committee, town and developer shall select the access suitable for public use. (Ord. 143-84, Sec. 6, 1999; Ord. 80-81/286 Sec.2(part), 1981).

18.77.050 Inclusion of floodplains. Whenever a tract of land to be subdivided embraces any part of floodplains such floodplain shall be made a part of the plat. Floodplain portions of the plat shall be included in lots or dedicated for public use as provided above. (Ord. 80-81/286 Sec.2(part), 1981).

18.77.060 Survey monuments. Prior to final plat a approval, the subdivider shall cause the installation of all survey monuments in accordance with the requirements of Wis. Stat. ch. 236.15 The committee may waive this requirement for a reasonable period of time on the condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required. (Ord. 80-81/286 Sec.2(part), 1981).

18.77.070 Variances.

A. Where, in the judgement of the committee, it would be inappropriate to apply literally the provisions of Chapters 18.82, 18.83 and 18.84 because exceptional or undue hardship would result, the committee may waive or modify any requirement to the extent deemed just and proper. When such relief is granted, it shall be without detriment to the public good, without impairment to the intent and purpose of this subtitle. The committee shall cause to be recorded in its minutes such action and the reasons therefor.

B. Where, in the judgement of the Planning and Development Department, that it would be inappropriate to apply literally the provisions of Chapters 18.82, 18.83 and 18.84 to 18.77.010 Land Suitability for transfer of interest in land by will or court order, and sale or exchange of parcels of land between adjoining property owners and to 18.81.035 Reconfigurations because exceptional or undue hardship would result, the Department may waive or modify any requirement to the extent deemed just and proper. When such relief is granted, it shall be without detriment to the public good, without impairment to the intent and purpose of this subtitle. The Department shall cause to be recorded in its files such action and the reasons therefor and no fee shall be charged for the variance. (Ord. 159-24, Sec. 4, 2016; Ord. 80-81.286; Sec.2(part), 1981).

18.77.080 Land suitability.

A. All lots one acre and greater in size shall have a minimum contiguous buildable area of at least one-half (1/2) of an acre; lots smaller than one acre shall have contiguous buildable area equal to the minimum lot size required by the zoning code. Floodplain elevations shall be determined by studies and maps prepared by the U.S. Department of Homeland Security or the Federal Insurance Administration. If no such data is available, the committee may require the subdivider to conduct those hydrologic studies necessary to determine floodplain elevations.

B. Lands filled with organic materials within the last 10 years are not to be served by soil absorption waste disposal systems.

C. Land requiring the use of private sewage disposal system shall meet the requirements of Comm 83, Wis. Admin. Code and Chapter 8.12.

D. Land drained by farm drainage tiles or farm ditch systems shall not be divided into building sites.

E. Land which has inadequate drainage or may cause severe erosion or other detriment shall not be divided into building sites.

F. The committee may require restrictive covenants to be filed with the final plat or certified survey which will have the effect of protecting environmentally sensitive areas such as steep slopes, wetlands, and watercourses from erosions, siltation and other damage.

G. The committee in applying the provisions of this section, shall in writing recite the particular facts on which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider the opportunity to present evidence regarding such suitability if he so desires. Thereafter, the committee may affirm, modify, or withdraw its determination of unsuitability. (Ord. 159.24, Sec. 2, 2015; Ord. 154-2, Sec. 49, 2010; Ord. 153-31, Sec. 8, 2010; Ord. 144-53, Sec. 17, 2000; Ord. 128-74 Secs. 15-20, 1985; Ord. 81-82/213 Sec.4, 1981; Ord. 80-81/286 Sec.2(part), 1981).

18.77.090 Groundwater management and drinking water supply.

A. For the development of a subdivision, the developer shall provide the following information at the sketch plan meeting:

1. Direction of groundwater flow within the proposed subdivision as based on the most current water table elevation map as provided by Eau Claire County or any other approved data that may be provided at the discretion of the developer.

2. Describe general land uses and specific activities that may cause groundwater contamination within the proposed subdivision and less than 1200 feet from its boundaries. General land uses shall be obtained by review of Eau Claire County land ownership records and by contacting appropriate landowners. Sources of information for specific activities shall include but not be limited to state and federal agencies. Specific activities that may cause groundwater contamination shall be fully described and their location accurately mapped. These activities shall include but not be limited to the following: animal feedlots; manure storage, pesticide mixing or loading sites; solid waste disposal sites, salvage yards; underground storage tanks; reported hazardous substance discharges; septage, sludge, or industrial waste disposal sites; hazardous waste generators ; and superfund sites.

B. The health department shall review the information provided under 18.77.090 A. to assess compliance with the state private on-site waste treatment system code Comm 83, and the private well code NR 812.

C. If any groundwater within the proposed development is found by the health department to be substantially at risk of being contaminated in excess of NR 140 health standards from an identified contamination source or any proposed septic system, the committee may require one or more of the following:

1. A common or shared well system for the affected area.
2. A buffer zone or green area to provide additional protection.
3. Relocation of proposed sanitary systems and wells.
4. Denial or modification of the proposed subdivision.
5. Remedy by state approved treatment.

D. Water treatment systems may be subject to approval by the DNR and the Wisconsin Department of Commerce. Treatment for removal of nitrates from individual wells is at the option of the property owner/developer. (Ord. 143-84, Sec. 8, 1999).

18.77.100 Violations. It is unlawful to divide, convey, record, or monument any land in violation of this subtitle or the Wisconsin Statutes; and no person, firm or corporation shall be issued a county land use permit or sanitary permit authorizing building on or improvement of any lot or part of the subdivision, certified survey, or replat, within the jurisdiction of this subtitle until the provisions and requirements of this subtitle have been fully met. The county may institute appropriate action or proceedings to enjoin violation of this subtitle. (Ord. 80-81/286 Sec.2(part), 1981).

18.77.110 Penalties. Any person who fails to comply with the provisions of this subtitle shall, upon conviction thereof, forfeit not less than \$500 or not more than \$2,500 and the cost of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense. (Ord. 80-81/286 Sec.2(part), 1981).

18.77.120 Appeals. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Wis. Stat. § 236.13(5), within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency has been arbitrary, unreasonable, or discriminatory. (Ord. 81-81/286 Sec. 2(part), 1981).

## Chapter 18.78

### PROCEDURE

#### Sections:

<a href="#"><u>18.78.010</u></a>	Generally.
<a href="#"><u>18.78.020</u></a>	Sketch plan.
<a href="#"><u>18.78.030</u></a>	Preliminary plat submittal.
<a href="#"><u>18.78.040</u></a>	Preliminary plat review.
<a href="#"><u>18.78.050</u></a>	Preliminary plat approval.
<a href="#"><u>18.78.060</u></a>	Final plat submittal.
<a href="#"><u>18.78.070</u></a>	Final plat review and approval.
<a href="#"><u>18.78.080</u></a>	Recording the final plat.
<a href="#"><u>18.78.090</u></a>	Replat.
<a href="#"><u>18.78.100</u></a>	Certified survey map review.

18.78.010 Generally. Any division of land within the unincorporated areas of Eau Claire County which results in a subdivision as herein defined shall follow the procedures as outlined in this chapter. (Ord. 80-81/286 Sec.2(part), 1981).

#### 18.78.020 Sketch plan.

A. Subdividers are encouraged to prepare, for review with the department, a sketch plan of the proposed subdivision. The sketch plan shall contain, at a minimum, the following information:

1. Site location showing adjacent roads and adjoining development types;
2. Subdivision boundaries;
3. Approximate topographic and physical features;
4. Proposed general street design;
5. Proposed lot layout;
6. Location of any existing easement;
7. Proposed surface water drainage.

B. The sketch plan will be considered as a basis for discussion between the subdivider and the staff. The department will advise the subdivider of the extent to which the proposed subdivision conforms to this and other applicable provisions of the code of general ordinances, and will discuss possible modifications to the subdivision proposal. No fee shall be required for the submission of sketch plans. (Ord. 80-81/286 Sec.2(part), 1981).



18.78.030 Preliminary plat submittal.

A. At least 25 days prior to the committee meeting at which the plat is to be reviewed, 4 copies of the preliminary plat plus sufficient copies to be transmitted to approving and objecting agencies, shall be submitted to the department. The preliminary plat shall be prepared by a registered land surveyor and meet the requirements for preliminary plats outlined in Wis. Stat. ch. 236.

B. A review fee required by 4.35.110 shall be paid by the subdivider to the county treasurer upon submission of the preliminary plat. In addition, the subdivider shall submit a check sufficient to cover review fees by objecting agencies as indicated in Wis. Stat. Ch. 236 or shall certify that they have submitted the fees directly to the objecting agencies.

C. Within two days of receipt of the preliminary plat, the department shall transmit 2 copies to the Wisconsin Department of Administration. Additional copies shall be sent for retransmission as follows: 2 copies to the Wisconsin Department of Transportation, Division of Highways and Transportation Facilities if the subdivision abuts a state trunk highway or connecting street; 2 copies to the applicable town clerk; and 2 copies to the clerk of any city or village if the plat lies within the extraterritorial plat approval jurisdiction. (Ord. 146-59, Sec. 2, 2002; Ord. 146-05, Sec. 1, 2002; Ord. 146-02, Sec. 15, 2002; Ord. 145-83, Sec. 3, 2002; Ord. 144-68, Sec. 6, 2000; Ord. 138-88, Sec. 1, 1995; Ord. 80-81/286 Sec.2(part), 1981).

18.78.040 Preliminary plat review.

A. The subdivider shall file the preliminary plat with the department and other approving and objecting agencies, which shall review the plat and notify the subdivider and all other approving and objecting agencies under the procedures and timetables established in Wis. Stat. ch. 236.

B. The committee shall, within 60 days of the submittal of the preliminary plat, approve, conditionally approve or reject the plat unless the time is extended by agreement with the subdivider. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon. If the plat is conditionally approved or rejected, it shall be so stated in the minutes of the meeting, and a letter stating the conditions or reasons for rejecting the plat shall accompany the plat. One copy of the plat and letter shall be placed in the department permanent file.

C. Approval or conditional approval of the preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 6 months of preliminary plat approval and conforms substantially to the preliminary plat layout, the final plat shall be entitled to approval with respect to such layout. (Ord. 80-81/286 Sec.2(part), 1981).

18.78.050 Preliminary plat approval. Approval, conditional approval, or rejection of a preliminary plat by the commission shall be based on the compliance with the provisions of Wis. Stat. ch. 236, this subtitle, the code of general ordinances, applicable municipal ordinances and official maps, and unsatisfied objections by objecting agencies. (Ord. 80-81/286 Sec.2(part), 1981).

18.78.060 Final plat submittal.

A. The final plat or portion thereof shall be submitted to the committee within 36 months of the last required preliminary plat approval. The time limit may be extended for 6 months by agreement between the committee and the subdivider without additional costs or fees. If the time limit is not extended or the final plat is substantially different than the preliminary plat, the committee may require resubmission of the preliminary plat.

B. The subdivider shall submit the final plat to approving and objecting agencies, which shall review the plat and notify the subdivider and all other approving and objecting agencies under the procedures and timetables established in Wis. Stat. ch. 236.

C. The final plat shall be prepared by a registered land surveyor and meet the requirements for final plats outlined in Wis. Stat. ch. 236, and this subtitle. All supplemental data, construction plans, contracts, and surety bonds required by Chapter 18.84 or the committee shall be submitted with the final plat.

D. The final plat may constitute only a portion of the approved preliminary plat which the subdivider proposes to record at that time. Approval of a final plat for only a portion of the preliminary plat shall extend the approval of the remainder of the final plat for one year from the date of approval of the partial final plat. Subsequent final plat approvals which involve only a portion of the preliminary plat, shall extend the approval period for the remainder of the preliminary plat for one year from the last date of approval.

E. No fee shall be required for submittal of the final plat unless the final plat contains only a portion of the preliminary plat. In such case, a fee as required under 4.35.110 for each final plat in excess of one shall be payable to the county. (Ord. 155-19, Sec. 10, 2011; Ord. 146-59, Sec. 3, 2002; Ord. 80-81/286, Sec. 2 (part), 1981).

#### 18.78.070 Final plat review and approval.

A. The committee and the approving and objecting agencies shall review the plat in accordance with the procedures and timetables established in Wis. Stat. ch. 236. The final plat shall not be approved by the committee if there are unsatisfied objections by objecting agencies.

B. Failure of the committee to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

C. After approval of the final plat, and prior to recording, the subdivider shall enter into a contract for improvements as required by the county under Chapter 18.84. The contract and type of performance guarantee shall be in the form agreeable to the corporation counsel. In addition, prior to recording the final plat, the subdivider shall enter into any contracts or agreements required by the town government. (Ord. 80-81/286 Sec.2(part), 1981).

#### 18.78.080 Recording the final plat.

A. To entitle the final plat to be recorded, the subdivider shall cause to be completed and signed the certificates as required by Wis. Stat. ch. 236.21 and 236.25. The certification by the committee shall be the last certification obtained.

B. The final plat shall be submitted to the register of deeds within 36 months of the date of the first certification required by 18.78.080 and within 12 months of the last certification required by that section. Failure to submit the plat within the time limit shall render the plat void, unless the limit is extended by the committee. (Ord. 155-19, Sec. 11, 2011; Ord. 153-31, Sec. 8, 2010; Ord. 80-81/286 Sec.2(part), 1981).

#### 18.78.090 Replat.

A. The replatting of all or part of an existing plat which contains no dedication to the public may be accomplished by following the procedures established in 18.78.010 through 18.78.080 or 18.78.100.

B. If the replat alters areas dedicated to the public, the existing plat shall first be vacated in accordance with Wis. Stat. chs. 236.36 through 236.445. Replatting shall then be accomplished by following the procedures established in 18.78.010 through 18.78.080 or 18.78.100. (Ord. 80-81/286 Sec.2(part)).

18.78.100 Certified survey map review. When it is proposed to divide land into not more than 4 building sites or lots, any of which is less than a government protracted quarter-quarter section, in size, the owner shall divide them by use of a certified survey map. The certified survey map shall include all parcels less than a government protracted quarter-quarter section and may, at the owner's option, include any parcel of greater size. However, only 4 lots or building sites may be created from a lot of record existing on the date of adoption of this subtitle within a 5 year period by use of the certified survey map process. Additional lots or building sites must be created through the subdivision process. Certified survey maps shall be prepared in accordance with Chapter 18.76, 18.77 and 18.82 through 18.85.

A. Procedure.

1. The subdivider will submit a sketch plan to the department staff for commentary. Staff will give an opinion if the proposed land division conforms to the provisions of the code. Staff will discuss possible modifications of the proposal if they are warranted.

2. With the preliminary certified survey map (CSM), the subdivider shall submit 3 copies of the preliminary CSM along with the review fee required by 4.35.110 to the department. The map shall be reviewed by the department or committee for conformance with this subtitle, the code of general ordinances and plans adopted by the county or municipalities.

3. After the preliminary map has been approved, the subdivider shall submit the final certified survey map.

B. Certified Survey Map Approval.

1. Certified survey maps which do not contain dedications to the public may be reviewed and approved by the department. Staff review shall consist of conformance to the requirements of Chapters 18.76, 18.77 and 18.82 through 18.85 and other applicable ordinances.

2. The department shall refer the certified survey to the committee and town board for review if dedications are present or unusual conditions exist.

3. When referred by the department, the committee shall approve, conditionally approve or reject the map within 40 days from the date of filing of the map unless the time is extended by agreement with the subdivider. Failure to act within the 40 day time limit shall constitute approval. If the map is approved, the committee shall cause to have it so certified on its face and the map returned to the subdivider. If conditionally approved or rejected, the conditions applied or the reasons for rejection shall be so stated in the minutes of the meeting and the subdivider notified in writing. Any conditions applied by the committee shall be satisfied prior to the recordation of the map. Failure by either the committee or department to act within the forty-day limit shall constitute approval.

4. When referred by the department, the town board shall approve, conditionally approve, or reject the dedication of streets or other public areas shown on the map over which the town shall have jurisdiction within 30 days of submittal unless the time is extended in agreement with the subdivider. Failure of the board to act within the time limit shall be deemed to constitute approval. When the dedications are conditionally approved or rejected, the conditions applied or the reasons for rejection shall be communicated to the department in writing. Any conditions applied shall be satisfied prior to the recordation of the map. If the dedications are approved, the subdivider shall enter into any surety bond or other performance contract required by the town or county prior to recording.

C. Recording the Certified Survey Map. The certified survey map shall be submitted to the register of deeds for recording within 6 months of the date of approval by the committee or department. Prior to recording, the subdivider shall obtain the signatures on the accompanying certificates as required by Wis. Stat. ch. 236.34. The certificate of approval by the department shall be the last signature obtained prior to recording. (Ord. 153-31, Sec.10 & 11, 2010; Ord. 146-59, Sec. 4, 2002; Ord. 146-05, Sec. 2, 2002; Ord. 146-02, Sec. 16, 2002; Ord. 145-83, Sec. 4, 2002; Ord. 144-74, 2001; Ord. 143-84, Sec. 9, 1999; Ord. 138-88, Sec. 2, 1995; Ord. 81-82/213 Sec.5, 6, 1981; Ord. 80-81/286 Sec.2(part), 1981).

## Chapter 18.79

### PRELIMINARY PLAT

#### Sections:

- [18.79.010](#) Plat data.
- [18.79.020](#) Additional information.

18.79.010 Plat data. A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and prepared on tracing cloth or paper of good quality at a scale of not more than 100 feet to the inch. The preliminary plat shall include the following:

- A. Name of the proposed subdivision;
- B. Location of the proposed subdivision by: government lot, quarter section, township, range, county and state date, scale and north point;
- C. Name and address of the owner, subdivider, and land surveyor preparing the plat;
- D. The area contiguous to the proposed plat owned or controlled by the subdivider shall be indicated on the preliminary plat even though only a portion of the plat is proposed for subdivision development;
- E. Approximate length of the exterior boundaries of the subdivision and the total acreage encompassed thereby;
- F. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, and other significant features within the tract being subdivided or immediately adjacent thereto;
- G. Location, right-of-way width and name of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto;
- H. Location and names of any adjacent subdivision, parks, or cemeteries, and the owners of record of abutting unplatted lands;

- I. Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations;
- J. Location, size and invert elevation of any existing sanitary or storm sewers, culvert and drain pipes, manholes, catchbasins, hydrants, electrical and communication facilities, whether overhead or underground and the location and size of any existing water or gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewer or water mains are located on or adjacent to the tract, any such service within 1,320 feet of the plat shall be noted;
- K. Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto;
- L. Existing zoning on and adjacent to the proposed subdivision;
- M. Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets at vertical intervals of not more than 2 feet;
- N. High water elevation of all ponds, streams, lakes, flowages and wetlands located within the boundaries of the plat references to mean sea level datum;
- O. Flood protection elevation. If the regional floodplain elevation has not been determined, the department may require the developer to cause those calculations to be made by a registered engineer. Methodology and calculations shall be submitted with the plat as accompanying data.
- P. For lots not served by public water and sewer facilities, one soil boring meeting the requirements of Wis. Admin. Code Comm 83, for private onsite sanitary systems shall be identified on every lot to be created.
- Q. Location, width, and proposed names of all streets and public-rights-of-way such as alleys and easements;
- R. Approximate dimensions of all lots together with proposed lot and block numbers;
- S. Location and approximate dimensions of any site proposed to be reserved or dedicated for parks, playground, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other public or quasipublic use;
- T. Approximate radii of all curves;
- U. Location and dimensions of any proposed lake or stream access;
- V. Any proposed lake or stream improvement or relocation and notice of application for approval by the DNR, Division of Environmental Protection where applicable. (Ord. 143-84, Secs. 10-11, 1999; Ord. 128-74 Secs.21,22, 1985; Ord. 80-81/286 Sec.2(part), 1981).

18.79.020 Additional information.

- A. The committee, upon determining from a review of the preliminary plat that the soil, slope, vegetation and drainage characteristics of the site may require substantial cutting, clearing, grading, and other earthmoving operations, or otherwise constitute a severe erosion hazard, may require the subdivider to provide erosion and sedimentation control plans and specifications prepared by a registered engineer, to be approved by the land conservation commission or its designee.
- B. On a majority vote, the committee may require the subdivider to submit other reasonable and pertinent information necessary to review the plat. (Ord. 126-69 Sec.1, 1983; Ord. 80-81/286 Sec.2(part), 1981).

Chapter 18.80

FINAL PLAT

Sections:

- 18.80.010 Generally.
- 18.80.020 Additional information.
- 18.80.030 Surveying and monumenting.
- 18.80.040 Certificate.
- 18.80.050 Recording.

18.80.010 Generally. A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Wis. Stat. § 236.20. (Ord. 80-81/286 Sec.2(part), 1981).

18.80.020 Additional information. The final plat shall show correctly on the face of the plat or as accompanying documents, the following information in addition to that required by Wis. Stat. § 236.20:

- A. Additional building setback lines or yards required by the committee which are more restrictive than the zoning district in which the plat is located or which are proposed by the subdivider and are to be included in recorded protective covenants;
- B. Normal high-water elevation, date of survey information, and the contour line lying at a vertical distance of 2 feet above the elevation of the 100 year recurrence flood. If the elevation of the 100 year flood has not been determined, the subdivider shall cause those calculations to be made by a registered engineer. Methodology and calculations shall be submitted with the plat as accompanying data;
- C. Provisions and plans for the use and maintenance, including a schedule for construction, and performance bonds or other guarantee instruments required by the committee for all property reserved for common use of all property owners in the subdivision;
- D. Special restrictions required by the committee and any other approving or objecting agency relating to access control, the provision of planting strips, or shorelands and floodplains;
- E. Any other information required by the committee;
- F. Bonds and contracts required by Chapter 18.84 to guarantee the installation of improvements. (Ord. 80-81/286 Sec.2(part), 1981).

18.80.030 Surveying and monumenting. All final plats shall meet all the surveying and monumentation requirements of Wis. Stat. § 236.15. (Ord. 80-81/286 Sec.2(part), 1981).

18.80.040 Certificate. All final plats shall contain the certificates required by Wis. Stat. § 236.21; and in addition, the surveyor shall certify that he has fully complied with all the provisions of this subtitle. (Ord. 80-81/286, Sec. 2 (part), 1981).

18.80.050 Recording. A subdivision plat shall only be recorded with the Eau Claire County Register of Deeds after certification by the department, surveyor, the town board and all other approving agencies are placed on the face of the plat. (Ord. 143-98, Sec. 7, 2000; Ord. 80-81/286 Sec.2(part), 1981).

## Chapter 18.81

### CERTIFIED SURVEY MAP

#### Sections:

<a href="#">18.81.010</a>	Generally.
<a href="#">18.81.020</a>	Preliminary.
<a href="#">18.81.025</a>	Final.
<a href="#">18.81.030</a>	Certificates.
<a href="#">18.81.035</a>	Reconfigurations.
<a href="#">18.81.040</a>	Recording.

18.81.010 Generally. All certified survey maps shall be prepared by a land surveyor registered in the state and comply in all respects to Wis. Stat. § 236.34. Certified survey maps shall comply with Chapters 18.76, 18.77, and 18.81 through 18.85. (Ord. 80-81/286 Sec.2(part), 1981).

18.81.020 Preliminary. A preliminary certified survey map shall be based upon a survey by a registered land surveyor and prepared on paper of good quality at an appropriate scale. The preliminary certified survey map shall show correctly on the face of the map the following information in addition to that required by Wis. Stat. § 236.34:

- A. Date of map, graphic scale and name and address of owner, subdivider and surveyor;
- B. All existing buildings with their referenced location and identity, watercourses, drainage ditches, fences, other apparent ownership interest or other divisions pertinent to proper subdivision;
- C. Names and location of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages and wetlands;
- D. Additional building setback lines or yards required by the committee which are more restrictive than the regulations of the zoning district in which the plat is located or are proposed by the subdivider and are to be included in recorded protective covenants;
- E. All lands reserved for future public acquisition;
- F. If particular problems are posed by topography or drainage, the committee may require the subdivider to furnish topographic information at two-foot contours for part or all of the certified survey;

G. Location, size, and invert elevations of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, electrical and communication facilities, whether overhead or underground, and water or gas mains within the boundaries of the map or immediately adjacent thereto. If no sewers or water mains are located on or adjacent to the tract, any such service within 1,320 feet of the map shall be noted;

H. Existing zoning on and adjacent to the proposed certified survey;

I. Flood protection elevation. If the regional flood elevation has not been determined, the department may require the developer to cause the calculations to be made by a registered engineer. Methodology and calculations shall be submitted with the certified survey map;

J. For lots not served by public water and sewer facilities, one soil boring meeting the requirements of Wis. Admin. Code chs. Comm 83 and Comm 85 for private onsite wastewater treatment systems shall be identified on every lot to be created or exempted as provided in 18.81.020 K. Where a residence(s) is on a lot and the lot does not meet the criteria as outlined above, a holding tank system can be accepted for the division of the residence(s). The land Use Controls Supervisor may waive this requirement where a lot is served by an existing POWTS and there is an approved soil test on file with the city-county health department.

K. Nonbuildable lots: Certified survey maps which contain lots not designed for building purposes, shall note on the face of the survey map:

This lot is not approved for building purposes. No land use or sanitary permits for habitable structures shall be issued until this lot meets all the criteria for a building lot as defined by Titles 8, 17 and 18.

L. Where the committee finds it needs additional information relative to a particular problem presented by a proposed development to review the certified survey map, it shall have the authority to request in writing such information from the subdivider. (Ord. 153-31, Sec. 14, 2010; Ord. 144-53, Sec. 18, 2000; Ord. 143-84, Sec. 12 - 13, 1999; Ord. 129-74 Sec.17, 1986; Ord. 128-74 Secs. 23-25, 1985; Ord. 81-82/213 Sec.7, 1981; Ord. 80-81/286 Sec.2(part), 1981).

18.81.025 Final. The final certified survey map shall be a survey by a registered land surveyor and prepared on media of recordable material at an appropriate scale. The final map shall show correctly on the face of the map what is required by Wis. Stats. § 236.34 and the details outlined in 18.81.020 A., B., C., E., I., and major electrical and communication facilities, whether overhead or underground, and/or gas mains within the boundaries on the map and 18.81.020 K., if applicable. (Ord. 153-31, Sec. 15, 2010).

18.81.030 Certificates. The surveyor shall certify on the face of the map, that he has fully complied with all the provisions of this subtitle. The department shall certify its approval on the face of the map. Dedication of streets and other public areas shall require in addition, the owner's certificate, mortgagee's certificate and certification of approval by the town board in substantially the same form as required by Wis. Stat. § 236.21(2)(a). (Ord. 80-81/286 Sec.2(part), 1981).



18.81.035 Reconfigurations.

A. Existing parcels may be reconfigured in accordance with Wis. Stat. § 236.34. A CSM may be used to reconfigure no more than four (4) lots or outlots within a recorded subdivision, assessor's plat, or CSM, provided that the reconfiguration:

1. Does not result in a subdivision as defined by Wis. Stat. § 236.03(12);
2. Creates parcels that comply with local ordinances, Wis. Stat. Ch. 236 minimum layout requirements, and, if served with private sewerage facilities, Wis. Admin. Code SPS 383 & 385;
3. Does not change areas previously dedicated to the public; or
4. Does not change a restriction or easement placed on the platted land.

B. All reconfigurations shall be detailed on a Certified Survey Map. Reconfigurations are subject to review by the Eau Claire County Department of Planning and Development.(Ord. 159-24, Sec. 3, 2015)

18.81.040 Recording. The certified survey map shall only be recorded with the county register of deeds after certifications of the department, surveyor, and if dedications are made, the town board, are placed on the face of the map. (Ord. 80-81/286 Sec.2(part), 1981).

Chapter 18.82

DESIGN STANDARDS

Sections:

- [18.82.010](#) Street arrangement.
- [18.82.020](#) Limited access highway and railroad right-of-way treatment.
- [18.82.030](#) Street design standards.
- [18.82.040](#) Street intersection standards.
- [18.82.050](#) Block standards.
- [18.82.060](#) Lot standards.
- [18.82.070](#) Easements.
- [18.82.080](#) Planned unit development design.

18.82.010 Street arrangement.

A. In any new subdivision, the street, block, and lot layouts shall conform to the arrangement width and location indicated on an official map or comprehensive plan component adopted by the county or town board. In areas where no such plan exists, the street layout shall recognize the functional classification system and shall be developed in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land and to the most advantageous development of adjoining property. The subdivision shall be so designed to provide each lot with satisfactory access to a public street.

B. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless the committee finds that such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.

C. Whenever a proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access and separation of through traffic shall be provided by reversed frontage lots. Provisions for screen plantings, nonaccess reservations, and frontage roads shall be used to protect the integrity of the arterial street or highway.

D. Reserve strips shall not be provided on any plat to control access to streets, except where control of such strips is placed with the town or county under conditions approved by the committee to protect the integrity of a highway or street.

E. Alleys shall be provided in industrial and commercial districts for off-street loading and service access, but alleys in residential districts and dead-end alleys shall be prohibited.

F. Street names shall be approved by the town board and shall not duplicate or be similar to existing street names. New streets which are projections of existing streets shall have the same name as the existing street.

G. The range of addresses that can be assigned on all new streets or other new public right-of-ways shall be determined as part of the final approval of a subdivision plat. The subdivider shall contact the agency responsible for assigning addresses in the municipality where the subdivision plat is located to determine the range of addresses for the streets and public right-of-ways. The subdivision plat may also indicate the addresses assigned to each lot. (Ord. 143-98, Sec. 8, 2000; Ord. 80-81/286 Sec.2(part), 1981).

18.82.020 Limited access highway and railroad right-of-way treatment. Whenever a proposed subdivision contains or is adjacent to a limited access highway as defined in this subtitle, or railroad right-of-way, the design shall provide the following treatment:

A. When lots within a proposed residential subdivision back upon the right-of-way of an existing or proposed limited access highway or railroad, a planting strip at least 30 feet in depth in addition to the normal lot depth shall be provided. The strip shall be a part of the platted lots, but shall have the following restriction lettered on the face of the plat:

“This strip reserved for the planting of trees and shrubs and the building of all structures, except for public and private utility structures, hereon is prohibited.”

B. Plats within commercial and industrial districts shall have provided, on each side of the limited access highway or railroad, service or frontage streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between the limited access street or railroad and the service street. (Ord. 80-81/286 Sec.2(part), 1981).

18.82.030 Street design standards.

A. Generally. Street layouts shall conform to the arrangement, width and location indicated on any applicable official map or comprehensive plan of a municipality, or county. Streets shall be designed considering the topography and bearing capacity of the land and potential for erosion and obstruction to flow of surface water, and least disturb the existing terrain, flora, fauna and water regimen. Care should be taken to insure adequate provisions for public services such as access for police and fire vehicles, snowplowing, and for pedestrian traffic.

B. Width. Unless specified by a comprehensive plan or official map, town roads shall have a right-of-way width of 66 feet. The committee shall have the option of requiring greater right-of-way widths for arterial or collector roads or roads designed to serve industrial or commercial areas.

C. Alignment. When a continuous street centerline deflects at any point by more than 10°, a circular curve shall be introduced having a centerline radius of 200 feet. A tangent at least 100 feet in length shall be provided between reverse curves.

D. Permanent Cul-de-sacs. Maximum length shall be 1,000 feet with minimum turn around distance of 60 feet.

E. Temporary Cul-de-sacs. Temporary cul-de-sacs may be required by the committee to insure continuity of the road pattern between adjoining subdivisions; maximum length and turnaround dimensions and design shall be determined by the committee.

F. Half Streets. The platting of half streets shall not be permitted. However, where an existing dedicated or platted half street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider.

G. Elevations. Streets passing through floodplain areas shall be situated at least 2 feet above the 50-year recurrence flood level. Such streets shall be constructed in a manner that will not impede the flow of floodwaters.(Ord. 80-81/286 Sec.2(part), 1981).

#### 18.82.040 Street intersection standards.

A. Streets shall intersect each other at as nearly right angles as topography and other limiting factors permit.

B. No more than two streets shall converge at an intersection.

C. The number of street intersections along arterial, and collectors roads shall be held to a minimum. Whenever practical, the distance between such intersections shall not be less than 1,325 feet. (Ord. 153-31, Sec. 16, 2010; Ord. 80-81/286 Sec.2(part), 1981).

#### 18.82.050 Block standards.

A. Generally. The width, length and shape of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access control and safety or street traffic and topography.

B. Length. Blocks in residential areas shall not be shorter than 600 feet nor longer than 1,500 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

C. Width. Blocks shall have sufficient width to allow two tiers of lots of appropriate depth except where greater depth is required to separate residential development from through traffic, public parks, cemeteries, railroad rights-of-way, bulkhead lines, shorelines or waterways, or extreme topography.

D. Pedestrian Ways. In blocks over 900 feet long, the committee may require paved pedestrian ways through blocks as deemed necessary for access to streams, lakeshores, public parks, schools or other public and quasipublic areas. (Ord. 80-81/286 Sec.2(part), 1981).

#### 18.82.060 Lot standards.

A. Generally. The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

B. Size. Lot area shall conform to the provisions of Title 18 except within unzoned towns, outside of the shoreland overlay district, the minimum lot area shall be 1.5 acres.

C. Side lot lines shall generally be at right angles to street lines or radial to curved streets or cul-de-sacs.

D. Double frontage lots shall be prohibited except when necessary to provide separation from heavily traveled streets or to overcome specific disadvantages of topography and orientation.

E. Access. No lot, land division or parcel shall be created or sold unless it fronts on a public or in a planned unit development approved private street for the minimum lot width required by Title 18 or if in an unzoned town, the minimum lot width and minimum lot frontage shall be 100 feet. Lots located on cul-de-sacs shall have the full lot frontage within 50 feet of the road right-of-way line.

F. Depth. Lots shall have a minimum average depth of 100 feet. Excessive depth in relation to width shall be avoided. For lots less than 5 acres, the ratio of depth to width shall not exceed 3:1. For lots greater than 5 acres, the ratio of depth to width shall not exceed 4:1 inclusive of the road right-of-way.

G. Corner lots with an interior angle of less than 135°, when located in a zoning district which permits lot widths of 100 feet or less, shall be platted with at least 15 feet of width over the minimum required for the zoning district.

H. Whenever a tract is divided into lots of 5 acres or less in area and more than twice the minimum required for the zoning district in which it is located, the committee may require such lots to be arranged and dimensioned so as to allow resubdivision.

I. In any plat or certified survey abutting a lake or stream, lands lying between the meander line and the water's edge and any otherwise unplattable land which lies between the proposed subdivision and the water's edge shall be included as parts of lots, or public dedications.

J. Size, depth and width of parcels designed for commercial or industrial use shall be adequate to provide for off-street parking and loading.

K. Flag lots. Flag lots shall be prohibited except where necessary to address topographic challenges, respond to existing development patterns, to preserve agricultural land or to minimize land use conflicts.

L. Environmentally Sensitive Areas. Environmentally sensitive areas shall be identified, legally described and monumented on all subdivision plats and certified surveys. No development or land disturbance activity shall be allowed within any environmentally sensitive area except after issuance of a permit from the county, such permit only to be issued if the owner demonstrates the proposed development or land disturbance activity is expressly allowed under any of the following:

1. Chapter 17.05, Storm Water Management and Erosion Control.
2. Title 18, Zoning.

M. Contiguous Buildable Area. In lieu of monumenting environmentally sensitive areas as required in L. above, the surveyor may choose to identify, legally describe and monument a contiguous buildable area as required in 18.77.080 A. on lots created in a subdivision plat or in a certified survey. Areas not included in the contiguous buildable area would not be available for development unless an amendment is reviewed and approved by the committee and a correction affidavit is filed in the register of deeds office. Each lot shall have a driveway access that connects the contiguous buildable area to a public or private road from which the lot takes access. (Ord. 155-19, Sec. 12-14, 2011; Ord. 153-31, Sec. 17-19, 2010; Ord. 147-90, Sec. 7, 2004; Ord 131-28 Sec.1, Ord. 130-19 Sec.1, 1986; Ord. 128-74 Secs. 26,27, 1985; Ord. 80-81/286 Sec.2(part), 1981).

18.82.070 Easements. The committee may require easements for electric power, and communication facilities, storm and sanitary sewers, gas, water and other utility lines. Easements shall be of sufficient width for the proposed use and shall be placed wherever feasible along lot lines. All easements shall be noted on the final plat followed by a reference to the use or uses for which they are intended. (Ord. 80-81/286 Sec.2(part), 1981).

18.82.080 Planned unit development design.

A. Generally. With the approval of the committee, the subdivider may elect to apply for approval of a plat employing a planned unit development design. Under such a plan, dwelling units may be grouped on lots below the minimum size specified in Titles 17 and 18 and the remaining land in the tract shall be reserved for common open space or recreational uses.

B. Standards for Planned Unit Development Design.

1. The maximum number of lots or dwellings permitted in the development shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot sizes required by Titles 17 and 18.

2. The remaining lands not proposed to be used for lots or for streets or other public facilities, shall be committed to remain in open space or recreational uses. This may be accomplished by conveyance in common to the owners of lots in the subdivision with the creation of a legally constituted homeowners' association to manage such land, or by dedication and acceptance by a local governing body. Dedication of such lands to the lot owners in common shall name the county as a beneficiary with enforcement powers pursuant to Wis. Stat. § 236.293.

3. Water supply and sewage disposal plans for the subdivision shall meet the standards of Title 8, NR 812 and Comm 83 and other applicable county codes and state law and administrative rule.

4. Plats submitted under this section shall be reviewed by the committee and shall be approved if found to conform to applicable standards of the code of general ordinances and state law, and effect on the carrying capacity of the land and water, impact on neighboring land, and ability of the design to accommodate sewage disposal. (Ord. 80-81/286 Sec.2(part), 1981).

Chapter 18.83

REQUIRED IMPROVEMENTS

Sections:

- 18.83.010 Survey monuments.
- 18.83.020 Road design standards.
- 18.83.030 Road construction.
- 18.83.040 Erosion Control and Storm Water Management.
- 18.83.050 Water supply facilities.
- 18.83.060 Sanitary sewer facilities.
- 18.83.070 Other utilities.

18.83.010 Survey monuments. The subdivider shall install all survey monuments in accordance with Wis. Stat. § 236.15, and the code of general ordinances. (Ord. 80-81/286 Sec.2(part), 1981).

18.83.020 Road design standards. In order to provide for roads of suitable location, width and improvement and to accommodate anticipated traffic and afford satisfactory access to police, firefighting, snow removal, sanitation, and road maintenance equipment, the following design standards are required. Road classification shall be determined by the committee, if not indicated on an official map or plan adopted by the town or county. The following design standards shall apply:

Design Standards for Roads

<u>Improvement</u>	<u>Residential</u>		<u>Commercial/Industrial</u>	
	<u>With C/G</u>	<u>Without C/G</u>	<u>With C/G</u>	<u>Without C/G*</u>
<u>Minimum R.O.W. (in feet)</u>	66	66	66	66

Minimum Width of Base Coarse (in feet)

Local	30	28	32	32
Collector	32	32	40	50
Arterial	40	34	40	50

Minimum Width of Pavement (in feet)

Local	30	22	32	32
Collector	32	22	40	40
Arterial	40	24	40	40

\*With curb/gutter--Without curb/gutter

Maximum Grade (percent)

Local**	10	10	8	8
Collector**	8	8	6	6
Arterial**	6	6	6	6

\*\*Minimum Grade .5

Minimum Radius of Curve (in feet)

Local	100	100	200	200
Collector	100	100	200	200
Arterial	300	300	400	400

Corner Radius at Intersections (in feet)

15	30	15	30
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Minimum Length of Vertical Curve (in feet)

Local--100', but not less than 20' for each algebraic difference in grade  
 Collector--200', but not less than 50' for each 1%  
 Arterial --300', but not less than 50' for each algebraic difference in grade

Minimum Length of Tangents

Between Reverse Curves (in feet)

Local	100	100	200	200
Collector	100	100	200	200
Arterial	200	200	300	300

		Residential		Commercial/Industrial	
<u>Improvement</u>		<u>With C/G</u>	<u>Without C/G</u>	<u>With C/G</u>	<u>Without C/G*</u>

Minimum Sight Distance (in feet)

Local	200	200	250	250
Collector	240	240	250	250
Arterial	275	275	300	300

\*With curb/gutter--Without curb/gutter

Design Speed (miles per hour)

Local	30	30	30	30
Collector	35	35	35	35
Arterial	40	40	40	40

CUL-DE-SACS (permanent)

Maximum Length

Maximum length of cul-de-sacs--1,000 feet

Minimum R.O.W. Radius (in feet)

Local	60	60	60	60
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Minimum Base Coarse Radius (in feet)

Local	40	48	40	48
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Minimum Pavement Radius (in feet)

Local	40	40	40	40
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Roadway Width: For residential subdivisions, the following roadway width standards shall apply:

	<u>With C/G</u>	<u>Without C/G</u>	
Streets:Width of base coarse	32'	28'	
Width of surfaced area		32'	22'
Cul-de-sacs (permanent):			
Radius of base coarse			
Radius of surfaced area	30'	40'	

\*With curb/gutter--Without curb/gutter  
(Ord. 80-81/286 Sec.2(part), 1981).

18.83.030 Road construction. The subdivider shall grade all roadways to subgrade and ditches to the gradient shown on approved plans. Cut and fill lands shall be graded to a maximum slope of 1:4 or the soils angle of repose whichever is less. All unpaved graded areas shall be sodded or seeded and mulched with appropriate permanent vegetation.

A. Road construction including type and depth of base coarse and paving material shall be subject to town board approval. The town board shall have the power to inspect material for conformance to standards contained in its applicable ordinances.

B. The town board may require the subdivider to construct concrete curb and gutters in accordance to the plans and standard specifications approved by the town board. (Ord. 80-81/286 Sec.2(part), 1981).



18.83.040 Erosion Control and Storm Water Management.

A. Drainage systems shall use maximum infiltration into the soil and efficient, soil conserving run-off facilities and shall use natural watercourses whenever possible.

B. If the development is located where it can practically be served by an existing storm sewer system, the subdivider shall cause an extension of the system to adequately drain the development. The size of the system to be installed shall be determined by the committee taking into account the extent of the watershed, existing drainage patterns, existing and planned land uses and zoning. Costs for the extension shall be borne by the developer. However, if an area larger than the development is to be served by the extension, and larger facilities required, the cost of excess capacity shall be borne either by the sanitary district or assessed by the governmental unit against the additional territory for which the excess capacity is required.

C. Plans for the storm sewer facilities shall be approved by the town board and the governmental agency with jurisdiction over the sewer system.

D. A storm water permit must be submitted to the land conservation division for plan approval for compliance with Chapter 17.05:

E. Maintenance Agreement.

1. The maintenance agreement required for storm water management measures and erosion control shall be an agreement between the county or town and the developer. The agreement shall be recorded with the register of deeds so that it is binding upon all subsequent owners of land served by the storm water management measures.

2. All best management practices necessary to meet requirements shall be maintained consistent with the maintenance standards contained in the current "Wisconsin Construction Site Best Management Practice" handbook. The applicant and any subsequent landowner shall be made responsible for maintaining the best management practices during the period of land disturbing activity and land development activity on the site in a satisfactory manner to ensure adequate performance and to prevent offsite damage.

3. The maintenance agreement shall contain the following provisions:  
a. Identification of property owner(s), organization(s) or municipality responsible for maintenance of the storm water management measures.

b. The property owner, organization or municipality shall maintain the storm water management practices in accordance with the storm water practice maintenance provisions provided in the approved storm water management plan submitted to comply with this code;

c. The county is authorized to access the property to conduct inspections of storm water practices as necessary to ascertain that the practices are being maintained and operated in accordance with the approved storm water management plan.

d. A schedule for regular maintenance of each aspect of the property's storm water management system;

e. If the county notifies the party designated under the maintenance agreement of maintenance problems which require correction, the specified corrective action shall be taken within a reasonable time frame as set by the county.

f. Identification of the structural storm water measures, design components, and designation of the drainage area serving the measures.

F. Plan Approvals. No work may commence without department approval of the erosion control and storm water management plans.(Ord. 150-42, Sec. 10-11, 2007; Ord. 150-42, Sec. 9, 2007; Ord. 147-90, Sec. 7, 2004; Ord. 143-98, Sec.9,2000; Ord. 80-81/286 Sec.2(part), 1981).

18.83.050 Water supply facilities.

A. When a public water system is available to a subdivision, the subdivider shall construct all water main laterals and appurtenances necessary for the provision of adequate water service to each lot.

B. The size of the facilities to be installed shall be determined by the committee taking into account the water system service area adopted water plans, existing and planned land use, and zoning. Cost for the extension shall be borne by the subdivider. However, if an area larger than the subdivision is to be served by the extension, and larger facilities required, the cost of excess capacity shall be borne either by the town or water district or assessed by the governmental unit against the additional territory for which the excess capacity is required.

C. Plans for water facilities shall be reviewed by the town board and the governmental agency with jurisdiction over the water extension. (Ord. 80-81/286 Sec.2(part), 1981).

18.83.060 Sanitary sewer facilities.

A. When public sanitary sewer facilities are available to the subdivision, the subdivider shall construct sanitary sewer facilities so as to make adequate sewer available to each lot.

B. The size of the facilities to be installed shall be determined by the committee taking into account the sewer system service area, adopted sewer plans, existing and planned land use and zoning. Costs for the extension shall be borne by the subdivider. However, if an area larger than the subdivision is to be served by the extension and larger facilities required, the cost of excess capacity shall be borne either by the town or sanitary district or assessed by the governmental unit against the additional territory for which the excess capacity is required.

C. Plans for sewer facilities shall be reviewed by the town board and the governmental agency with jurisdiction over the sewer extension. (Ord. 80-81/286 Sec.2(part), 1981).

18.83.070 Other utilities.

A. The subdivider shall cause electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot.

B. All new electrical or communication lines shall be installed underground within all newly platted subdivisions containing 5 or more lots unless the committee shall find that the location, soil, vegetation, or other physical barriers would make underground installation unreasonable or that the lots can be served directly from existing overhead facilities. Associated equipment and facilities such as substations, padmounted sectionalizing switches and pedestal-mounted terminal boxes may be located aboveground.

C. Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to serve the subdivision shall be approved by the department. (Ord. 80-81/286 Sec.2(part), 1981).

Chapter 18.84

SUBDIVISION IMPROVEMENT GUARANTEES

Sections:

<a href="#"><u>18.84.010</u></a>	Intent.
<a href="#"><u>18.84.020</u></a>	Commencement.
<a href="#"><u>18.84.030</u></a>	Improvement guarantees.
<a href="#"><u>18.84.040</u></a>	Time limits.
<a href="#"><u>18.84.050</u></a>	Inspection and certification.

18.84.010 Intent. It is the intent of this chapter to insure that all improvements required by the committee or the town are installed in a timely fashion at the expense of the subdivider. (Ord. 80-81/286 Sec.2(part), 1981).

18.84.020 Commencement. No construction or installation of improvements shall commence and no land use permit shall be issued until the final plat has been approved by all reviewing authorities and recorded in the office of the register of deeds. (Ord. 80-81/286 Sec.2(part), 1981).

18.84.030 Improvement guarantees. At the time of final certified survey map and plat approval, the committee shall, upon advice of the corporation counsel, approve an instrument guaranteeing the installation of the required improvements or, in the alternative, accept a letter from the town board of the town in which the land is located indicating that an instrument guaranteeing installation of the required improvements has been filed with and approved of by the town. The instrument shall be in the form of one or more of those listed below for an amount sufficient to cover the cost of improvements as estimated by the subdivider and approved by the committee. The duration of the guarantees shall be until the installation is completed and accepted by the town and county.

A. Surety Performance Bond. The subdivider may obtain a security bond from a surety bonding company authorized to do business in the state. The bond shall be payable to the county.

B. Escrow Account. The subdivider may deposit cash or other instruments readily convertible to cash at face value, including real estate, either with the county treasurer or in an approved bank escrow account. The use of any instrument other than cash shall be subject to the approval of the committee when its value is insufficient or unsubstantiated. In the case of an escrow account, the subdivider shall file with the department an agreement between the bank or county treasurer and subdivider guaranteeing that funds in or from the account will be held in trust until released by the committee and may not be pledged by the subdivider as security in any other matter during that period. In the case of failure on the part of the subdivider to complete required improvements, the bank or county treasurer shall immediately make the funds available to the county for use in the completion of the required improvements. Any unused funds shall be returned to the subdivider.

C. Letter of Credit. The subdivider shall provide, from a bank or other reputable institution or individual subject to the approval of the committee, a letter of credit and shall execute and file with the department documents guaranteeing the following:

1. The creditor guarantees funds in the amount equal to the cost of completing all required improvements;
2. In case of failure on the part of the subdivider to complete the specified improvements within the required time period, the creditor shall pay to the county treasurer and without further action, such funds as are necessary to finance the completion of improvements up to the limit of credit stated in the letter;
3. The letter of credit may not be withdrawn or reduced in amount, until released by the committee. (Ord. 81-82/213 Sec.8, 1981; Ord. 80-81/286 Sec.2(part), 1981).

18.84.040 Time limits. The subdivider and the committee shall agree upon a deadline for the completion of all required improvements not exceeding two years from the date of final plat approval. Extensions may be made only upon mutual agreement between the subdivider and the committee. (Ord. 80-81/286 Sec.2(part), 1981).

18.84.050 Inspection and certification.

A. Upon completion of any work required within the subdivision, the subdivider shall notify the department. The subdivider shall submit an as-built plan prepared by a registered engineer which identifies that the improvements have been constructed according to the approved plans for the improvement or other requirement made by the committee. If the work has been completed in a satisfactory manner, the committee or the town shall release any performance guarantees placed on the subdivision.

B. If upon the completion date, improvements have not been installed or have been installed in an unsatisfactory manner, the committee shall cause the security to be forfeited. Upon forfeiture of these securities, the department shall use them, or receipts from their sale, to finance the construction or correction of required improvements. Unused portions of these securities shall be returned to the subdivider, bonding company or crediting institution, as appropriate. (Ord. 143-98, Sec. 10, 2000; Ord. 80-81/286 Sec.2(part), 1981).

## Chapter 18.85

### FEES

#### Sections:

<a href="#"><u>18.85.010</u></a>	Payment of fees.
<a href="#"><u>18.85.020</u></a>	Subdivision plat, replats, and certified survey map review fees.
<a href="#"><u>18.85.030</u></a>	Legal, engineering and inspection fees.
<a href="#"><u>18.85.040</u></a>	Soil boring review fee.
<a href="#"><u>18.85.050</u></a>	Stormwater management plan review fee

[18.85.010 Payment of fees.](#) The subdivider shall pay to the county treasurer all fees as required in this subtitle at the time specified. (Ord. 80-81/286 Sec.2(part), 1981).

[18.85.020 Subdivision plat, replats, and certified survey map review fees.](#) The subdivider shall pay the fees required by 4.35.110. In addition, the per lot mapping fee required by 4.35.110 will be charged for lots created under this subtitle. (Ord. 146-59, Sec. 5, 2002; Ord. 145-83, Sec. 5, 2002; Ord. 143-84, Sec. 14, 1999; Ord. 80-81/286 Sec.2(part), 1981).

[18.85.030 Legal, engineering and inspection fees.](#) The subdivider shall pay to the county treasurer at the times specified by the committee, a fee equal to the actual cost of any extraordinary legal, engineering or inspection expenses incurred by the county in conjunction with plat review. Engineering work shall include preparation or review of plans or specifications; legal work shall include the review of contracts between the county and the subdivider; review of improvement guarantees; and review of covenants and easements. Inspection work shall include any extraordinary inspections required to insure compliance with this subtitle. (Ord. 80-81/286 Sec.2(part), 1981).

[18.85.040 Soil boring review fee.](#) The subdivider shall pay the per lot fee required by 4.35.110 to the health department for review of soil analysis for preliminary subdivision plats. The department may require the same fee for certified survey maps or replats for review of soil borings submitted. (Ord. 146-59, Sec. 6, 2002; Ord. 144-53, Sec. 19, 2000).

[18.85.050 Stormwater management plan review fee.](#) The subdivider shall pay the fee required by 4.35.110 for each preliminary plats and for certified survey maps or replats where public roads are created for review of stormwater management plans and onsite inspections for compliance. (Ord. 146-59, Sec. 7, 2002; Ord. 145-83, Sec. 6, 2002).

## SUBTITLE IV. NONMETALLIC MINING RECLAMATIONS

### Chapter 18.90

#### INTRODUCTION

##### Sections:

<a href="#">18.90.010</a>	Authority
<a href="#">18.90.020</a>	Purpose
<a href="#">18.90.030</a>	Definitions
<a href="#">18.90.040</a>	Applicability
<a href="#">18.90.050</a>	Exempt activities

18.90.010 Authority. Wis. Stat. § § 295.13 and 59.02 grant the county the authority to establish a nonmetallic mining ordinance. (Ord. 145-12, 2001).

18.90.020 Purpose. Nonmetallic mining is recognized as an important industry which contributes to the county's economic and social well-being. However, the long-term damage to the physical environment and tax base that can be caused by nonmetallic mining must be reduced. It is the purpose of this chapter to establish regulations for nonmetallic mining site reclamation that will restore the site to a purposeful and acceptable landscape appearance and use. (Ord. 145-12, 2001).

##### 18.90.030 Definitions.

A. The following definitions shall apply in this title unless the context dictates otherwise:

1. "Board of land use appeals" means the Eau Claire County Board of Land Use Appeals as defined in 18.31.020.

2. "Department" means the Eau Claire County Department of Planning and Development.

3. "DNR" means the Wisconsin Department of Natural Resources.

4. "Enlargement" means any vertical or horizontal increase beyond dimensions of the original application for the project site.

5. "Environmental Pollution" means the contaminating or rendering unclean or impure the air, land, or waters of the State or making the same injurious to public health, harmful for commercial or recreational use or deleterious to animal, or plant life.

6. "Highwall" means a vertical or nearly vertical face in solid rock or a slope of consolidated or unconsolidated material that is steeper than 3:1.

7. "Licensed professional geologist" means a person who is licensed as a professional geologist pursuant to Wis. Stat. § 470.

8. "Modification" means any vertical or horizontal decrease within the dimensions of the original application for the project site.

9. "Nonmetallic mineral" means a product, commodity or material consisting principally of naturally 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.

10. "Nonmetallic mining" means operations or activities for the extraction from the earth of mineral aggregates and nonmetallic minerals and related operations or activities, including, but not limited to, excavation, grading, or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes including, but not limited to, stockpiling, crushing, screening, scalping, dewatering, and blending. It does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic mining minerals such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

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

12. "Nonmetallic mining refuse" means waste soil, rock, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mining operation. This term does not include merchantable by-products resulting directly from or displaced by the nonmetallic mining operation that are to be removed from the nonmetallic mine prior to completion of the reclamation of the mine or incorporated into the post mine land use specified in the approved reclamation plan.

13. "Nonmetallic mining site, project site, or site" means the location where a nonmetallic mining operation is proposed or conducted including all surface areas from which minerals are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited and areas disturbed by the nonmetallic mining operation and by activities, including but not limited to, the construction or improvement of roads or haulage ways.

14. "Operator" means any person or business entity engaged in nonmetallic mining—who/which applies for or holds a nonmetallic mine reclamation permit issued under a nonmetallic mining reclamation ordinance whether individually, jointly, or through subsidiaries, agents, employees, contractors, or subcontractors.

15. "Permit" means any permit which may be required under this chapter of an operator as a condition precedent to commencing or continuing nonmetallic mining at a project site.

16. "Person" means an individual, owner, operator, corporation, limited liability company, partnership, association, county, municipality, interstate agency, state agency or federal agency.

17. "Registered Professional Engineer" means a person who is registered as a professional engineer pursuant to Wis. Stat. § 443.04 and 443.09.

18. "Replacement of topsoil" means the replacement or redistribution of topsoil or topsoil substitute material to all areas where topsoil was actually removed or affected by nonmetallic mining for the purpose of providing adequate vegetative cover and stabilization of soil conditions needed to achieve the approved post mining land use and as required by the reclamation plan approved pursuant to this Subtitle.

19. "Topsoil" means that material (normally the A and upper part of the B horizon) which, based upon the official national cooperative soil survey, is acceptable for respreading on the surface of regraded areas to provide a medium which sustains a dense plant growth and soil stability needed to achieve the approved post mining land use specified in the reclamation plan approved under this chapter.

20. "Topsoil substitute" means soil or other unconsolidated material either used alone or mixed with other beneficial materials and which can provide the plant growth, site stability and other attributes necessary to meet the success standards approved in the reclamation plan.

21. "Unreclaimed acre" or "unreclaimed acres" means those unreclaimed areas in which nonmetallic mining has occurred after August 1, 2001 and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed. However, the term does not include any areas described below:

a. Those areas where reclamation has been completed and certified as reclaimed.

b. Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1, 2001.

c. Those portions of nonmetallic mining sites which are included in a nonmetallic mining reclamation plan approved pursuant to this chapter but are not yet affected by nonmetallic mining.

d. Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining.

e. For purposes of fees under Chapter 18.95, those areas within a nonmetallic mining site which the department has determined to have been successfully reclaimed on an interim basis in accordance with 18.92.020 F.6. (Ord. 151-003, Sec. 1, 2007; Ord. 145-12, 2001).

#### 18.90.040 Applicability.

A. The requirements of this chapter apply to all operators of nonmetallic mining sites within Eau Claire County operating on or commencing to operate after August 1, 2001 except as exempted in 18.90.050 and for nonmetallic mining sites located in a city, village or town within Eau Claire County that has adopted an ordinance pursuant to Wis. Stat. § 295.14 and Wis. Admin. Code § NR 135.32(2). This chapter does not apply to nonmetallic mining sites where nonmetallic mining permanently ceases before August 1, 2001. This chapter applies to nonmetallic mining conducted by or on behalf of the state of Wisconsin, by or on behalf of a municipality or for the benefit or use of the state or any state agency, board, commission or department, except for the waiver of financial assurance in Chapter 18.96.



B. This chapter is applicable to a site located in more than one county if it is less restrictive than or equally as restrictive as the adjacent county's nonmetallic mining reclamation ordinance, or if the other county has no nonmetallic mining reclamation ordinance and shall apply to the entire site.

C. It is the responsibility of the operator to obtain all applicable local, state, and federal permits or approvals. (Ord. 145-12, 2001).

18.90.050 Exempt Activities. This chapter does not apply to the following activities:

A. Excavations or grading by a person solely for domestic use at their residence or farm operation.

B. Excavation or grading conducted for highway construction purposes within the highway or railroad right-of-way, excavating or grading done within the boundary of an airport or other transportation facility or for highway safety in or adjacent to a vision clearance triangle and where a reclamation plan is in place meeting the requirements of the Wisconsin Department of Transportation.

C. Preparing a construction site for a project which has been issued a building or zoning permit or is consistent with applicable zoning ordinances or restoring land following a flood or natural disaster.

D. Excavations for building construction purposes on the construction site for a project which has been issued a building or zoning permit.

E. Nonmetallic mining at nonmetallic mining sites where less than one acre of total affected acreage occurs on a parcel over the life of the mine.

F. Any mining operation, the reclamation of which is required in a permit obtained under Wis. Stat. ch. 293.

G. Any activities conducted at a solid or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under Wis. Stat. chs. 289 or 291. This chapter applies to activities related to solid or hazardous waste disposal which are conducted at a nonmetallic mining site separate from the solid or hazardous waste disposal facility, such as activities to obtain nonmetallic minerals to be used for lining, capping, covering, or constructing berms, dikes, or roads.

H. Any nonmetallic mining site or portion of a site which is subject to permit and reclamation requirements of the DNR under Wis. Stat. § § 30.19, 30.195 and 30.20 and complies with Wis. Admin. Code § ch. NR 340.

I. Nonmetallic mining conducted to obtain stone, soil, sand or gravel for construction, reconstruction, maintenance or repair of a highway, railroad, airport, or any other transportation facility or part thereof, if the nonmetallic mining is subject to the requirements of the Wisconsin Department of Transportation concerning the restoration of the nonmetallic mining site.

J. This exemption only applies to a nonmetallic mining operation with limited purpose and duration where the Wisconsin Department of Transportation actively imposes reclamation requirements and the operator reclaims the nonmetallic mining site in accordance with these requirements. The duration of the exemption shall be specific to the length of the Wisconsin Department of Transportation contract for construction of a specific transportation project.

K. If a nonmetallic mining site covered under I. and J. is used to concurrently supply materials for projects unrelated to the Wisconsin Department of Transportation project, the exemption in this paragraph still applies, provided that the site is fully reclaimed under Wisconsin Department of Transportation contract and supervision.

L. Dredging for navigational purposes, to construct or maintain farm drainage ditches and for the remediation of environmental contamination and the disposal of spoils from these activities.

M. Excavations subject to the permit and reclamation requirements of Wis. Stat. §§ 30.30 or 30.31. (Ord. 151-003, Sec. 2,3,4, 2007; Ord. 145-12, 2001).

## Chapter 18.91

### PERMITS

#### Sections:

<a href="#">18.91.010</a>	Effective Date
<a href="#">18.91.020</a>	Nonmetallic Mining Reclamation Permit Application Required
<a href="#">18.91.030</a>	Local Transportation Site Permits
<a href="#">18.91.040</a>	Applications
<a href="#">18.91.050</a>	Project Site Modification and Transfer of Permits

18.91.010 Effective Date. Effective June 1, 2001, no new nonmetallic mine shall be opened prior to obtaining a nonmetallic mining permit and no existing mines shall operate after September 1, 2001 without meeting the requirements of this Subtitle. (Ord. 145-12, 2001).

18.91.020 Nonmetallic Mining Reclamation Permit Application Required. No person may engage in nonmetallic mining or in nonmetallic mining reclamation without possessing a nonmetallic mining reclamation permit issued pursuant to the applicable reclamation ordinance unless the activity is specifically exempted in 18.90.050.

- A. Permit requirements.
1. A permit application by the department.
  2. The fees as specified in this title.
  3. A reclamation plan conforming to this title.
  4. A certification that the operator will provide, as a condition of the reclamation permit, provide financial assurance as required by Chapter 18.96 upon granting of the reclamation permit and before mining commences.
  5. To avoid duplication, the permit application and submittals required under this subsection may, by reference, incorporate existing plans or materials that meet the requirements of this title. (Ord. 152-4, Sec. 32, 2008; Ord. 151-003, Sec. 5 & 6, 2007; Ord. 145-12, 2001).

18.91.030 Local Transportation Site Permits. A permit shall be issued under this section for any nonmetallic mine that meets the following conditions:

A. The mine will be opened and reclaimed under contract with a municipality within a period not exceeding 36 months.

B. The mine is intended to provide stone, soil, sand or gravel for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility or other transportation facility under contract with the municipality. Municipality has the meaning defined in Wis. Stat. § 299.01(8).

C. The mine is regulated and will be reclaimed under contract with the municipality in accordance with the requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites.

D. The mine is not a commercial source of nonmetallic minerals.

E. All applicable zoning requirements have been met.

F. The applicant shall provide the following information:

1. A copy of the contract which outlines the terms and conditions of the reclamation of the borrow site.

2. A scaled drawing that identifies the area that will be impacted by the contract. (Ord. 151-003, Sec. 9, 2007; Ord 147-103, Sec. 13, 2004; Ord. 145-12, 2001).

18.91.040 Application. All operators of nonmetallic mining sites shall apply for a reclamation permit from the department. The application for a permit shall be submitted to the department on forms provided by the department. The applicant shall submit 12 complete hard copies, along with 1 digital copy in PDF searchable form, of the application and required documents required by this chapter. The application for a mining reclamation permit shall be signed and dated by the applicant. All applications for reclamation permits under this section shall be accompanied by the following information:

A. General Information.

1. The name, address, and telephone number of the operator, plus fax number and e-mail address if available.

2. Lease. A signed copy of the lease or a letter signed by the owner(s) of record which authorizes the operator to enter upon the lessor's land for the purpose of mining as defined in this chapter. The expiration date of the lease or agreement shall clearly be indicated thereon.

3. Legal Description. A legal description and general location map of the tracts of land to be involved and affected by the proposed operation and the approximate total number of acres involved.

4. A description of the nature of the deposit and the mining methods that will be used to extract and process the material.

5. The names, addresses and telephone numbers of all persons or organizations who are owners or lessors of the property on which the nonmetallic mining site is located.

6. A certification by the operator of his or her intent to comply with the statewide nonmetallic mining reclamation standards established by this chapter..

B. Reclamation Permit Application Contents. The operator of any nonmetallic mine site shall submit an application that meets the requirements specified below to the Department prior to beginning operations.

1. The information required by 18.91.040 A.
2. The plan review and annual fees required by Chapter 18.95.
3. A reclamation plan conforming to 18.91.040 C.
4. A certification that the operator will provide, as a condition of the reclamation permit, financial assurance as required by 18.91.040 E. upon granting of the reclamation permit and before mining begins.
5. To avoid duplication, the permit application and submittals required under this subsection may, by reference, incorporate existing plans or materials that meet the requirements of this chapter.

C. Reclamation Plan. All operators who conduct or plan to conduct nonmetallic mining shall submit a reclamation plan to the department that meets all of the following requirements and complies with the reclamation standards of Chapter 18.92 and provide four copies of the required site information on maps drawn at a scale of no less than 1 inch equals 200 feet. The reclamation plan shall include site information sufficient to describe the existing natural and physical conditions of the site, including, but not limited to:

1. The extent of the deposit and the property boundaries of the operator's owned or leased land and the location of other owners' property boundaries at the point where they abut the boundary of the project site.
2. Topography of affected lands at contour intervals no greater than 10 feet.
3. Location and names of all streams, lakes, other water features and roads on or within 300 feet of the project site.
4. The aerial extent with the boundaries of the nonmetallic mining site shown.
5. The geologic composition and depth of the nonmetallic mineral deposit.
6. Indicate the distribution, thickness, and type of topsoil.
7. Identify the drainage patterns on a contour map.
8. The approximate elevation of ground water, as determined by existing hydro geologic information. In specific instances where the existing hydro geologic information is insufficient for purposes of the reclamation plan, the applicant may supplement the information with the opinion of a licensed professional geologist or hydrologist.
9. Information available to the mine operator on biological resources, plant communities, and wildlife use at and adjacent to the proposed or operating mine sites.
10. Location of all man-made features on or adjacent to the site and the purpose for which each man-made feature and the adjoining land is used.
11. For proposed nonmetallic mining sites that include previously mined areas, a plan view drawing showing the location and extent of land previously affected by nonmetallic mining, including the location of stockpiles, wash ponds and sediment basins.
12. Location and description of mining site boundary stakes, which delineate the permit area and a permanent reference point.
13. Location of phase boundary stakes if the site will be mined in phases.
14. Location and description of the permanent reference point with all horizontal and vertical measurements.

15. Topsoil or topsoil substitute material, if required to support revegetation needed for reclaiming the site to approved post-mining land use, can be identified using county soil surveys or other available information, including that obtained from a soil scientist or the University of Wisconsin soil science extension agent or other available information resources.

D. Reclamation Measures.

1. A description of the proposed reclamation and post-mine land use including methods and procedures to be used and a proposed timetable for completion of various stages of reclamation of the nonmetallic mining site including provisions for interim reclamation.

2. A plan drawing showing the location of erosion control practices necessary during reclamation including final slope angles, high wall reduction, benching, terracing and other structural slope stabilization measures; including a description of anticipated topography, water impoundments, artificial lakes and anticipated post-mining land use. If necessary a specific engineering analysis performed by a registered professional engineer as provided by 18.92.060.

3. Description of the volume of topsoil or topsoil substitute and other earth materials that will be necessary to complete the proposed reclamation, and the methods for stripping, storage, stabilization, reapplication and conservation methods that will be used during replacement. If off-site material will be used in site reclamation, a description of the source, nature and volume of material.

4. A statement from the applicable planning or zoning authority that the proposed post-mine land use is consistent with zoning and land use plans in effect at the time the application is submitted, unless a change in the zoning or land use plan is proposed.

5. Description of plans for disposition of man-made features and related facilities after cessation of mining unless they serve to support the post-mine land use.

6. The estimated cost of reclamation for each stage of the project or the entire site if staging is not planned.

7. A seeding plan which shall include methods of seed bed preparation, seeding rates, mulching, netting and/or other techniques needed to accomplish soil and slope stabilization.

8. A timetable of the commencement, duration, and cessation of reclamation activities.

9. Quantifiable standards for revegetation adequate to show that a suitable stand of vegetation has been established which will support the post-mine land use. Standards for revegetation may be based on the percent of vegetative cover, productivity, plant density, diversity or other applicable measures.

E. Certification of Reclamation Plan.

1. The operator shall provide a signed certification that reclamation will be carried out in accordance with the reclamation plan. The landowner and lessee, if different from the operator, shall also provide signed certification that they concur with the reclamation plan and will allow its implementation, except as provided in 2.

2. For the following situations, the landowner and lessee if different from the mine operator, are not required to submit a written certification in accordance with 1. For these situations, the operator shall provide written evidence that the landowner and lessee, if different from the operator, have been provided with a written copy of the reclamation plan.

a. The mine operator has a nonmetallic mine reclamation permit in compliance with this Subtitle or has applied for a permit for an existing mine in accordance with 18.91.030.

b. The operator has submitted a reclamation plan for a new or reopened mine which is located on land for which a lease agreement or memorandum of lease between the landowner and the applicant was recorded prior to August 1, 2001.

F. Other Information. The department may require the submittal of such other information as may be necessary to determine the feasibility of the proposed reclamation. (Ord. 156-8, Sec. 12; Ord. 151-003, Sec. 9 & 10, 2007; Ord. 145-12, 2001).

18.91.050 Project Site Modification and Transfer of Permits.

A. Site Modification. An operator may apply in writing for a modification or cancellation of a permit or for a change in the reclamation plan for a project site. The application for permit or plan modification shall be acted on using the standards and procedures of Chapter 18.91.

B. Transfer of Permit. When one operator succeeds to the interest of another in an uncompleted site, the department shall release the first operator of the responsibilities imposed by the permit only if:

1. Both operators are in compliance with the requirements and standards of this chapter.

2. The new operator assumes the responsibility of the former operator to complete the reclamation of the entire project site by a written, witnessed document.

3. Site enlargement. Any proposed enlargement shall be reviewed by the department and shall be approved only if it meets all of the standards and procedures of Chapter 18.91.

4. The new operator shows proof of financial responsibility. (Ord. 151-003, Sec. 9, 2007; Ord. 145-12, 2001).

Chapter 18.92

RECLAMATION STANDARDS

Sections:

<a href="#">18.92.010</a>	Generally
<a href="#">18.92.020</a>	General Standards
<a href="#">18.92.030</a>	Surface Water and Wetland Protection
<a href="#">18.92.040</a>	Groundwater Protection
<a href="#">18.92.050</a>	Topsoil Management
<a href="#">18.92.060</a>	Final grading and Slopes
<a href="#">18.92.070</a>	Revegetation and Site Stabilization
<a href="#">18.92.080</a>	Assessing Completion of Successful Reclamation
<a href="#">18.92.090</a>	Intermittent Mining
<a href="#">18.92.100</a>	Maintenance

18.92.010 Generally. All nonmetallic mining sites subject to this chapter shall be reclaimed in conformance with the standards contained below. (Ord. 145-12, 2001).

18.92.020 General Standards.

A. Refuse and Other Solid Wastes. Nonmetallic mining refuse shall be reused in accordance with a reclamation plan. Other solid waste shall be disposed of in accordance with applicable rules of the DNR adopted pursuant to Wis. Stat. chs. 289 and 291.

B. Area Disturbed and Contemporaneous Reclamation. Nonmetallic mining reclamation shall be conducted, to the extent practicable, to minimize the area disturbed by nonmetallic mining and to provide for reclamation of portions of the site while nonmetallic mining continues on other portions of the site.

C. Public Health Safety and Welfare. All nonmetallic mining sites shall be reclaimed in a manner so as to comply with federal, state and local regulations governing public health, safety and welfare.

D. Habitat Restoration. When the land use required by the reclamation plan approved pursuant to this chapter requires plant, fish or wildlife habitat, it shall be restored, to the extent practicable, to a condition at least as suitable as that which existed before the lands were affected by nonmetallic mining operations.

E. Compliance With Environmental Regulations. Reclamation of nonmetallic mining sites shall comply with any other applicable federal, state and local laws including those related to environmental protection, zoning or land use control.

F. Standards Applied to All Permits.

1. Right of Access. The filing of an application shall grant the department the right of access onto the site and contiguous lands owned or leased by the applicant for any purposes relative to this chapter.

2. **Boundary Staking.** All excavation and phase boundaries shall be staked or otherwise marked and the operator shall notify the department that the site is staked at least 2 workdays prior to commencing operations on a site. Stakes shall be made of steel, fiberglass or other material acceptable to the department. Stakes may be removed after reclamation is completed and accepted. Painted wood lath may be used for operations of one year or less. Staking may be waived with department approval if an operation boundary is the same as an existing fence line or other easily identifiable feature.

3. **Conflicts with Other Regulations.** The operator shall obtain any local, state and federal permits or approvals. Copies of these permits must be provided before a county nonmetallic mine reclamation permit will be issued.

4. **Compliance with Reclamation.** The operator shall comply with contemporaneous and final reclamation plans for the site.

5. **Notification of Completion of Reclamation.** The operator shall notify the department in writing that interim or complete reclamation has been completed. All stages within a site shall also comply with the notification requirements above. When a stage is complete, the operator shall notify the department for approval of the reclamation before entering the next stage.

6. Once a nonmetallic mining site or a portion of a nonmetallic mining site has been certified as reclaimed, no fees shall be assessed for the area reclaimed and the financial assurance for the area reclaimed shall be released or reduced.

7. Unless permitted under State or Federal authority, no solid or hazardous waste shall be stored, buried, or deposited in or on any nonmetallic mining site.

8. **Other Standards.** The department may apply such other requirements as are reasonably necessary to ensure progressive and final reclamation in a manner consistent with this chapter and to limit environmental pollution including but not limited to the financial assurance provisions of this chapter. (Ord. 145-12, 2001).

18.92.030 Surface Water and Wetlands Protection. Nonmetallic mining reclamation shall be conducted and completed in a manner that assures compliance with the DNR's water quality standards for surface waters and wetlands contained in Wis. Admin. Code chs. NR 102 to NR 105. Before disturbing the surface of a nonmetallic mining site and removal of topsoil, all necessary measures for diversion and drainage of runoff from the site to prevent pollution of waters of the state shall be installed in accordance with the reclamation plans approved pursuant to this chapter. Diverted or channelized runoff resulting from reclamation may not adversely affect neighboring properties. (Ord. 145-12, 2001).

18.92.040 Groundwater Protection.

A. **Groundwater Quantity.** A nonmetallic mining site shall be reclaimed in a manner that does not cause a permanent lowering of the water table that results in adverse effects on surface waters of a significant reduction in the quantity of groundwater reasonably available for future users of groundwater.

B. **Groundwater Quality.** Nonmetallic mining reclamation shall be conducted in a manner which does not cause groundwater quality standards in Wis. Admin. Code ch. NR 140, to be exceeded at the point of standards application. (Ord. 152-4, Sec. 33, 2008; Ord. 145-12, 2001).



18.92.050 Topsoil Management.

A. Removal. Topsoil and topsoil substitute material shall be provided as specified in the reclamation plan approved pursuant to this chapter in order to achieve reclamation to the approved post-mining land use. Removal of onsite topsoil and topsoil substitute material removal, when specified in the reclamation plan, shall be performed, prior to any mining activity associated with any specific phase of the mining operation.

B. Volume. The operator shall obtain the volume of soil required to perform final reclamation by removal of on-site topsoil or topsoil substitute material or by obtaining topsoil or substitute material as needed to make up the volume of topsoil as specified in the reclamation plan approved pursuant to this chapter.

C. Storage. Once removed, topsoil or topsoil substitute material shall, as required by the reclamation plan approved pursuant to this chapter, either be used in contemporaneous reclamation or stored in an environmentally acceptable manner. The location of stockpiled topsoil or topsoil substitute material shall be chosen to protect the material from erosion or further disturbances or contamination. Runoff water shall be diverted around all locations in which topsoil or topsoil substitute material is stockpiled.

D. Topsoil Redistribution For Reclamation. Topsoil or topsoil substitute material shall be redistributed in accordance with the reclamation plan approved pursuant to this chapter in a manner which minimizes compaction and prevents erosion. Topsoil or topsoil substitute material shall be uniformly redistributed except where uniform redistribution is undesirable. Topsoil or topsoil substitute material redistribution may not be performed during or immediately after a precipitation event until the soils have sufficiently dried. (Ord. 151-003, Sec. 11, 2007; Ord. 145-12, 2001).

18.92.060 Final Grading and Slopes.

A. All areas affected by mining shall be addressed in the approved reclamation plan, pursuant to 18.91.040 C, to provide that a stable and safe condition consistent with the post mining land use is achieved. The reclamation plan may designate highwalls or other unmined and undisturbed natural solid bedrock as stable and safe and not in need of reclamation or designate other areas affected by mining including slopes comprised of unconsolidated materials that exceed a 3:1 slope, whether or not graded, as stable and safe. For slopes designated as stable under this subsection, the regulatory authority may require that either: a site-specific engineering analysis be performed by a registered professional engineer to demonstrate that an acceptable slope stability factor is attainable at a steeper slope, or the operator perform a field test plot demonstration to demonstrate that a stable and safe condition will be achieved and that the post-mining land use specified in the reclamation plan will not be adversely affected.

B. Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline, unless found acceptable through one or more of the following: alternative requirements are approved pursuant to Wis. Adm. Code §. NR 135.26; steeper slopes are shown to be stable through a field plot demonstration approved as part of an approved reclamation plan; or stable slopes can be demonstrated based on site-specific engineering analysis performed by a registered professional engineer. All areas in the nonmetallic mine site where topsoil or topsoil substitute material is to be reapplied shall be graded or otherwise prepared prior to topsoil or topsoil substitute material redistribution to provide the optimum adherence between the topsoil or topsoil substitute material and the underlying material.

C. When the approved post-mining land use includes a body of water, the approved final grade at the edge of a body of water shall extend vertically 6 feet below the lowest seasonal water level. A slope no steeper than 3:1 shall be created at a designated location or locations, depending on the size of the water body to allow for a safe exit. (Ord. 151-003, Sec. 12, 2007; Ord. 145-12, 2001).

18.92.070 Revegetation and Site Stabilization. Except for permanent roads or similar surfaces identified in the reclamation plan approved pursuant to this chapter, all surfaces affected by nonmetallic mining shall be reclaimed and stabilized by revegetation or other means. Revegetation and site stabilization shall be in accordance with the approved reclamation plan and shall be performed as soon as practicable after mining activity has permanently ceased in any part of the mine site. (Ord. 145-12, 2001).

18.92.080 Assessing Completion of Successful Reclamation.

A. The criteria for assessing when reclamation is complete and, therefore, when the financial assurance may be released shall be specified in the reclamation plan approved pursuant to this chapter. Criteria to evaluate reclamation success shall be quantifiable.

B. Compliance with the revegetation success standards in the approved reclamation plan shall be determined by:

1. On-site inspections by department staff.
2. Reports presenting results obtained during reclamation evaluations including summarized data on revegetation, photo documentation or other evidence that the criteria approved in the reclamation plan to ascertain success have been met.
3. A combination of inspections or reports.

C. In those cases where the post-mining land use specified in the reclamation plan requires a return of the mining site to a pre-mining condition, the operator shall obtain baseline data on the existing plant community for use in the evaluation of reclamation success pursuant to this section.

- D. Revegetation success may be determined by:
1. Comparison to an appropriate reference area.
  2. Comparison to baseline data acquired at the mining site prior to its being affected by mining.
  3. Comparison to an approved alternate technical standard.

G. Revegetation using a variety of plants indigenous to the area is favored. (Ord. 145-12, 2001).

18.92.090 Intermittent Mining. Intermittent mining may be conducted provided that the possibility of intermittent cessation of operations is addressed in an operator's reclamation permit, no environmental pollution or erosion of sediments is occurring, and financial assurance for reclamation pursuant to Chapter 18.96 is maintained covering all remaining portions of the site that have been affected by nonmetallic mining and that have not been reclaimed. An intermittent mine is a mine where the operator has periods of inactivity greater than one year but has a long-term mining operation plan for the site. Reclamation of the mined area is required. (Ord. 145-12, 2001).

18.92.100 Maintenance. During the period of the site reclamation, after the operator has stated that reclamation is complete, but prior to release of financial assurance, the operator shall perform any maintenance necessary to prevent erosion, sedimentation or environmental pollution, comply with the standards of this chapter, or to meet the goals specified in the reclamation plan approved pursuant to this chapter. (Ord. 145-12, 2001).

## Chapter 18.93

### PUBLIC NOTICE AND RIGHT OF HEARING

#### Sections:

- [18.93.010](#) Public Notice
- [18.93.020](#) Public Hearing

#### 18.93.010 Public Notice.

A. The department shall publish a public notice of application within 30 days of the receipt of a complete application for a nonmetallic mine reclamation permit.

B. The notice shall be published as a class 2 notice pursuant to Wis. Stat. § 985.07(2). The notice shall contain the following:

1. A description of the mining and reclamation planned at the proposed site.
2. The opportunity for a public hearing pursuant to this section.
3. The location at which the public may review the application.

C. Copies of the notice shall be forwarded by the department to the clerk of the municipality in which the proposed site is located, the land conservation division and owners of land within one-half mile of the boundaries of the parcel or parcels of land on which the proposed site is located. (Ord. 156-8, Sec. 13, 2012; Ord. 145-12, 2001).

#### 18.93.020 Public Hearing.

A. Sites Located in Towns Under County Zoning Jurisdiction. If a public hearing is required for a conditional use permit under Chapter 18.28, an opportunity shall be provided to give testimony on reclamation related matters. The department shall consider the reclamation related testimony in deciding on a permit application pursuant to this chapter.

B. Sites Located in Municipalities That Are Independently Zoned. If a public hearing is required by the local zoning authority and if the local zoning authority requests that the department be represented at the public hearing, an opportunity shall be provided for the department to take testimony on reclamation related matters. The department shall consider the reclamation related testimony in deciding on a permit application pursuant to this chapter.

C. All Other Sites. If there was not an opportunity for the department to take testimony under A. or B., an opportunity for a public hearing shall be provided as follows: Any person residing within, owning property within, or whose principal place of business is within 660 feet of the boundary of a parcel or parcels of land in which the nonmetallic mining site is proposed may request a public informational hearing. The request must be made within 30 days of the date of the public notice specified in sub (a). The hearing shall be held no sooner than 30 days nor later than 60 days after being requested. The hearing shall be conducted as an informational hearing for the purpose of explaining and receiving comments from affected persons on the nature, feasibility and effects of the proposed reclamation.

D. The subject matter and testimony at this informational hearing, if it is held separately from any zoning related hearing, shall be limited to the reclamation of the proposed nonmetallic mine site. (Ord. 145-12, 2001).

## Chapter 18.94

### PERMIT DECISIONS AND APPEAL PROCESS

#### Sections:

<a href="#">18.94.010</a>	Municipality Notification
<a href="#">18.94.020</a>	Permit Decisions
<a href="#">18.94.030</a>	Appeals Procedures

18.94.010 Municipality Notification. Upon receipt of a complete permit application or appeal, the department shall notify by mail the clerk of the town in which the operation is located. (Ord. 145-12, 2001).

#### 18.94.020 Permit Decisions.

A. Standard procedure for permit application. Permits shall be granted or denied no sooner than 30 days nor later than 60 days following receipt of a complete application, where the department finds that the provisions of this chapter and the relevant standards have been met unless a public hearing is held per Chapter 18.93. If a public hearing is held, the permit decision shall be made no later than 30 days after the public hearing. One copy of all plans will be stamped "Approved" and returned to the applicant at the time of permit issuance. Failure of the applicant to notify the department within 5 workdays of the receipt of the permit will constitute acceptance of the permit and all conditions and amendments to the application and plans. Permits shall be denied where the provisions of this chapter have not been met or if the applicant has failed or continues to fail to comply in a significant manner with this chapter.

B. Walk-through procedure for permit application. Any person who wishes to obtain a permit more quickly than outlined in the standard procedure above, may request a walk-through appointment with the department. Plans and other pertinent documents will be reviewed at the time of the appointment and if the application is complete, the permit will be granted or denied

within 30 days of the appointment unless a public hearing is required under Chapter 18.93. If a public-c hearing is required a decision shall be made within 10 workdays following the public hearing. All other conditions outlined in A. shall apply.

C. Automatic permits shall be approved within 5 working days if the application meets the standards of 19.91.030. (Ord. 145-12, 2001).

18.94.030 Appeals Procedures.

A. Board of Land Use Appeals. At the written request of any aggrieved person, the operator, or the department, the board of land use appeals shall hold a public hearing.

B. Applicable sections of zoning code. 18.31.020 applies.

C. Appeals and application.

1. A notice of appeal and variances shall be filed with both the board of land use appeals and the department within 30 days after the date of written notice of the decision or the order of the department.

2. All appeals or variances shall be filed on applications provided by the department.

3. A variance shall include:

a. A map drawn to scale of no less than 1 inch equals 200 feet of the mineral deposit the property boundaries of the operators owned or leased land.

b. Topography of affected lands at a contour interval no wider than 2 feet.

c. Location and names of all navigable waters and roads within 500 feet of the project site.

d. Location of all man-made features or structures on or adjacent to the site and their purpose and adjoining land use.

e. Boundaries of previous excavations, stockpiles, sediment basins, wash plants, or other land previously affected by nonmetallic mining on the site.

f. Location and description of mining site boundary stakes which delineate the permit area and a permanent reference point.

g. Location of phase boundaries stakes and a permanent reference point. (Ord. 145-12, 2001).

Chapter 18.95

FEES

Sections:

- [18.95.010](#)      Application and Annual Report Fee
- [18.95.020](#)      Department of Natural Resources Fees
- [18.95.030](#)      Public Notice and Hearing Fees

18.95.010 Application and Annual Report Fee.

A.      An application for a permit shall be accompanied by a reclamation plan review fee. The reclamation plan review fee shall be as follows:

1.      PLAN REVIEW FEES (one-time fee based on the life of the mine)
  - a.      1-10 acres:                      \$1,500,
  - b.      11-25 acres:                      \$3,500,
  - c.      26-50 acres:                      \$8,500,
  - d.      51-100 acres:                      \$12,500,
  - e.      101-200 acres:                      \$15,000,
  - f.      201-400 acres:                      \$18,000,
  - g.      401-600 acres:                      \$21,000,
  - h.      601-800 acres:                      \$23,000,
  - i.      801-1,000 acres:                      \$27,000,
  - j.      1,000 acres or more:                      \$30,000.

\*Fees are established as base rate fees. In addition to the plan review fee, applicants shall be responsible for the payment of all reasonable expenses of the department for retaining outside expert assistance in analyzing the applicant's application and its conformity to the requirements of the Subtitle IV, Nonmetallic Mining Reclamation Ordinance.

2.      A separate plan review fee of \$1000 shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to 18.91.050 A.

3.      Proposed changes to a previously approved reclamation plan shall be subject to plan review fees based on the area affected by the plan changes.

4.      Mine size is in acres rounded to the nearest whole acre. Does not include mines less than 1 acre.

5.      In addition to the stated fees, applicants shall be responsible for the payment of all reasonable expenses of the committee on planning and development for retaining outside expert assistance in determining conformity with the requirements of the Nonmetallic Mining Reclamation Ordinance.

6.      Reclamation plans which include transportation facilities (i.e. railroad spurs/roads) and/or water features, including but not limited to: lined ponds, wetland restorations, and lakes will be charged any additional costs exceeding the plan review fees under sub.(1) to fully process the permit application.

B. The annual report fee shall be paid no later than January 31. The annual report fee is based on the unreclaimed acreage of the nonmetallic mining site from the previous year. A fee of \$100 per acre shall be submitted for each acre rounded to the nearest whole acre not released pursuant to 18.96.060, but the total annual fee shall not be less than \$100.

C. Walk-through and after-the-fact permit fees shall be double the application fees.

D. Fees are not refundable after a permit has been issued.

E. Reduced Fee for Inactive Mines. Any site on which no nonmetallic mining activity has taken place in the previous calendar year shall be assessed a fee as follows:

1. ANNUAL FEES FOR INACTIVE MINES

- |    |                    |        |
|----|--------------------|--------|
| a. | 1-5 acres:         | \$100, |
| b. | 6-10 acres:        | \$200, |
| c. | 11-15 acres:       | \$300, |
| d. | 16-25 acres:       | \$400, |
| e. | 26-50 acres:       | \$500, |
| f. | 51-100 acres:      | \$600, |
| g. | 101-200 acres:     | \$700, |
| h. | 201 acres or more: | \$800. |

2. For nonmetallic mining sites at which no nonmetallic mining has taken place in the previous calendar year, the share for the Wisconsin Department of Natural Resources shall be \$15. (Ord. 158-19, Sec. 1-4, 2014; Ord. 155-22, Sec. 19, 2011; Ord. 151-003, Sec. 15, 2007; Ord. 145-12, 2001).

18.95.020 DNR Fee. In addition to the fee listed in 18.95.010 the operator shall submit to the department an annual permit fee which shall be paid to the DNR as set forth in Wis. Admin. Code § NR 135.39(3). (Ord. 151-003, Sec. 16, 2007)

18.95.030 Public Notice and Hearing Fees.

A. Public Notice Fee. A public notice fee of \$800.00 shall accompany applications which require a public notice under this chapter.

B. Public Informational Hearing Fee. A public informational hearing fee of \$300.00 shall be paid by the applicant when a public information hearing is required under this chapter.

C. All requests for a public hearing before the board of land use appeals shall be accompanied by a fee as set forth in Chapter 4.35. This fee is in addition to any other fee required by this chapter. (Ord. 159-18, Sec. 22, 2015; Ord. 156-8, Sec. 14, 2012; Ord. 155-22, Sec. 20, 2011; Ord. 151-003, Sec. 17, 2007; Ord. 145-12, 2001).

Chapter 18.96

FINANCIAL ASSURANCE

Sections:

<a href="#"><u>18.96.010</u></a>	Notification
<a href="#"><u>18.96.020</u></a>	Bond Requirements
<a href="#"><u>18.96.030</u></a>	Alternate Financial Assurance
<a href="#"><u>18.96.040</u></a>	Financial Assurance Reevaluation
<a href="#"><u>18.96.050</u></a>	Financial Assurance on Multiple Projects
<a href="#"><u>18.96.060</u></a>	Multiple Jurisdictions
<a href="#"><u>18.96.070</u></a>	Financial Assurance Release
<a href="#"><u>18.96.080</u></a>	Cancellation
<a href="#"><u>18.96.090</u></a>	Changing Methods of Financial Assurance
<a href="#"><u>18.96.100</u></a>	Bankruptcy Notification

18.96.010 Notification. The department shall review the proposed financial assurance level submitted by the operator and determine the required financial assurance level of the project site and shall notify the applicant. Following approval of the permit, and as a condition of the permit, except for governmental units and local transportation projects, the department shall require a financial assurance to be filed with the department equal to the estimated cost of fulfilling reclamation. Upon notification of financial assurance levels by the department, but prior to commencing nonmetallic mining, the operator shall file with the department financial assurance conditioned on faithful performance of all requirements of this chapter, and the reclamation plan. Upon notification by the department of bonding or deposit approval and conformance with permit conditions, the operator may commence nonmetallic mining and reclamation operations. (Ord. 145-12, 2001).

18.96.020 Bond Requirements.

A. Bonds shall be issued by a surety company licensed to do business in Wisconsin. At the option of the operator, a performance bond or a forfeiture bond may be filed. Surety companies may have the opportunity to complete the reclamation in lieu of cash payment to the department.

B. Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days notice to the department, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90-day notice of cancellation, the operator must deliver to the department a replacement bond or approved alternate financial assurance in absence of which all nonmetallic mining shall cease.

C. The bond shall be payable to "Eau Claire County, Wisconsin".



D. Bond may be provided to the department for phases of a site, but in no instance shall the bond be for an area less than ½ acre. Nonmetallic mining shall be limited to the phases which have bonds approved for them. (Ord. 145-12, 2001).

18.96.030 Alternate Financial Assurance.

A. An operator may deposit cash, irrevocable letters of credit, irrevocable trusts, established escrow accounts, negotiable certificates of deposit or negotiable government securities with the department in lieu of a bond or may demonstrate financial responsibility by meeting net worth requirements as outlined in Wis. Stat. § 289.41. Certificates of deposit shall be automatically renewed or replaced with an alternate security before the maturity date. Any interest earned by the financial assurance will be paid to the operator. Interest will be paid on cash bonds annually according to county procedures.

B. Alternate Financial Assurance may be provided to the department for stages of a site but in no instance shall such assurance be for an area of less than ½ acre or for less than a one month supply of material whichever is larger. Excavation and reclamation activities shall be limited to the stage(s) which have financial assurance approved for them. (Ord. 145-12, 2001).

18.96.040 Financial Assurance Reevaluation.

A. The department may reevaluate and adjust accordingly the amount of the project financial assurance. Reclaimed areas may be released from the bond coverage and the amount of the bond may be lowered proportionately.

B. The operator shall notify the department in writing at the time he or she determines that reclamation of a portion of the site or the entire site is complete.

C. The department shall notify the operator in writing within 60 days of receipt of the notification whether or not the reclamation is complete, unless weather conditions or snow cover make a determination impractical. (Ord. 145-12, 2001).

18.96.050 Financial Assurance on Multiple Projects. Any operator who obtains a permit from the department for two or more project sites may elect, at the time the second or subsequent site is approved, to post a single financial assurance in lieu of separate financial assurance on each site. Any single financial assurance so posted shall be in an amount equal to the estimated cost to the county for reclaiming all sites the operator has under project permits. When an operator elects to post a single financial assurance in lieu of separate financial assurance previously posted on individual sites the separate financial assurance shall not be released until the new bond or deposit has been accepted by the department. (Ord. 145-12, 2001).

18.96.060 Multiple jurisdictions. In cases where more than one regulatory authority has jurisdiction, a cooperative financial security arrangement may be developed and implemented by the regulatory authorities to avoid requiring the permittee to prove financial assurance with more than one regulatory authority for the same mining site. Financial assurance is required for each site and two or more sites of less than one acre by the same operator, except that governmental units are not required to obtain financial assurance. (Ord. 145-12, 2001).

18.96.070 Financial Assurance Release. The department shall release the operator's financial assurance if it finds, after inspection of the project site and review of documentation provided by the operator, that the operator has fully carried out and completed reclamation of the project site in accordance with the reclamation plan, and has otherwise complied with this chapter. (Ord. 145-12, 2001).

18.96.080 Cancellation. The financial assurance shall provide that it may not be canceled by the surety or other holder or issuer except after no less than 90-day notice to the department in writing by registered or certified mail. Not less than 30 days prior to the expiration of the 90-day notice of cancellation, the operator shall deliver to the department a replacement financial assurance. In the absence of this replacement financial assurance, all mining shall cease until the time it is delivered and in effect. (Ord. 151-003, Sec. 18, 2007; Ord. 145-12, 2001).

18.96.090 Changing Methods of Financial Assurance. The operator of a nonmetallic mining site may change from one method of financial assurance to another. This may not be done more than once a year unless required by an adjustment imposed pursuant to this chapter. The operator shall give the department at least 60 days notice prior to changing methods of financial assurance and may not actually change methods without the written approval of the department. (Ord. 145-12, 2001).

18.96.100 Bankruptcy Notification. The operator of a nonmetallic mining site shall notify the department by certified mail of the commencement of voluntary or involuntary proceedings under bankruptcy code, 11 USC, et seq., naming the operator as a debtor, within 10 days of commencement of the proceedings. (Ord. 145-12, 2001).

## Chapter 18.97

### ADMINISTRATION AND ENFORCEMENT

#### Sections:

<a href="#">18.97.010</a>	Inspections
<a href="#">18.97.020</a>	Annual Operator Reporting
<a href="#">18.97.030</a>	Enforcement
<a href="#">18.97.040</a>	Waiver of Liability
<a href="#">18.97.050</a>	Penalties

#### 18.97.010 Inspections.

A. Department staff may enter the premises of a nonmetallic mining site in the performance of their official duties or pursuant to a special inspection warrant issued under Wis. Stat. § 66.122, in order to inspect those premises and to ascertain compliance with this chapter and permit or to investigate an alleged violation.

B. Each active project site shall be inspected by department personnel at least once annually to ensure that the site is in conformance with the operator's permit and shall make a report of the inspection. The report of the inspection shall contain a map or diagram which illustrates the area that has been affected by nonmetallic mining, the area that has been reclaimed and the unreclaimed area and shall document any activity that is inconsistent with the terms of the permit for the site. The operator shall be provided a copy of the information obtained during the inspection.

C. The department shall retain the inspection reports for a period of 10 years and shall make the information available to the DNR upon request.

D. The department shall inspect a nonmetallic mining site for which an operator has submitted a report under 18.92.020 F.5. of the completion of reclamation or interim reclamation within 60 days of receipt of the report and make a determination in writing. If it is determined that interim or final reclamation is complete, including revegetation meeting the quantifiable standard as specified in the reclamation plan approved under 18.91.040 C., the department shall issue the mine operator a written certification of completion. (Ord. 151-35, Sec. 7, 2007; Ord. 145-12, 2001).

18.97.020 Annual Operator Reporting. Annual operating reports that satisfy the requirements of this section shall be submitted by the operator of nonmetallic mining sites.

A. Contents. The annual report shall include the following:

1. The name and address of the operator.
2. The parcel identification number.
3. The nonmetallic mine reclamation permit number.
4. The acreage currently affected by nonmetallic mining and not yet reclaimed.
5. The amount of acreage that has been reclaimed to date, on a permanent basis and the amount reclaimed on an interim basis.
6. A plan, map, or diagram, drawn to scale, accurately showing the acreage described in 4. and 5.
7. The following certification signed by the operator:  
"I certify that this information is true and accurate, and that the nonmetallic mining site described herein complies with all conditions of the applicable nonmetallic mine reclamation permit and Wis. Admin. Code NR 135."

B. Deadline. The annual report shall cover the activities for a calendar year and be submitted within 60 days following the end of the year.

C. Annual reports shall be submitted by an operator for all active and intermittent mining sites to the department for each calendar year until the nonmetallic mine reclamation is complete and a notice as specified in 18.97.020 F.5. is filed with the department. (Ord. 151-003, Sec. 19, 2007; Ord. 145-12, 2001).

18.97.030 Enforcement.

A. The department may issue a compliance order, field directive, suspension order or termination order to assure compliance with a permit or the provisions of this chapter.

B. Special orders. The department may issue a special order as set forth in Wis. Stat. § 295.19(1)(b) and (c). To enforce Wis. Stat. ch. 295, subch. I, Wis. Admin. Code ch. NR 135, or this Subtitle, a permit issued pursuant to this Subtitle or a reclamation plan required by 18.91.040 shall be considered a violation of Wis. Stat. ch. 295, subch. I and Wis. Admin. Code ch. NR 135 or this Subtitle until the necessary permits are obtained.

C. Review of Orders. A person holding a reclamation permit who is subject to an order pursuant to this section shall have the right to review the order in a contested case hearing under Wis. Stat. § 68.11. Notwithstanding the provisions of Wis. Stat. §§ 68.001, 68.03(8) and (9), 68.06, and 68.101(b). (Ord. 151-35, Sec. 8, 2007; Ord. 145-12, 2001).

18.97.040 Waiver of Liability.

A. In carrying out any of the provisions of this chapter or in exercising any power or authority granted to them thereby, there shall be no personal liability upon the department, its agents and employees.

B. In such matters, it is understood that they act as agents and representatives of the county.

C. In performing their duties, department staff, in so far as practical, shall conform to safety rules governing mining sites. (Ord. 145-12, 2001).

18.97.050 Penalties. Any operator who fails to comply with any provisions of this chapter or who fails to comply with any field directive, compliance order, suspension order or termination order issued by the department shall be subject to the penalties as directed in 18.31.060 B. with the exception that forfeitures of not less than \$500 or more than \$2500 per day shall be imposed. (Ord. 145-12, 2001).