

GRANT COUNTY COMPREHENSIVE ZONING ORDINANCE

Approved 6/20/2017

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The Grant County Board of Supervisors, State of Wisconsin, do ordain as follows:

GRANT COUNTY COMPREHENSIVE ZONING ORDINANCE

Being Chapter 3 of the Revised Ordinances of Grant County.

Section 3.01 PREAMBLE

- (1) Findings of Fact: The increase in population, leisure time and family income throughout the county coupled with the proximity of Grant County to urban metropolitan areas, its unique beauty and its abundant recreational and scenic resources have recently resulted in a rapid increase in the construction of rural residential and vacation homes and rural businesses and industries. Certain problems in addition to those usually concerned in zoning which are unique to Grant County have developed as a result thereof, among these unique problems being the development of sites unsuitable for the particular use, the concentration of commercial areas along highways with resulting traffic congestion and hazards, the installation of septic tanks on soil types unable to absorb their effluent, the construction of structures and improvements in flood plains and flood ways where they are periodically endangered or damaged by floods, the lowering of the water table, the destruction of unique and irreplaceable areas of scenic beauty and the construction of structures of types that cannot be adequately protected from fire in their location.
- (2) Statement of Purpose: The purpose of this ordinance is to protect and to promote the public health, safety, morals, prosperity and general welfare, to preserve aesthetic values, to guide development throughout the county and particularly in Flood plain areas consistent with nature's demands and land use needs to provide a reasonable degree of flood protection as a part of the initial development and redevelopment of land and subsequently to reduce flood damage, inconvenience and expense to the tax paying residents of the county: to prevent and control water pollution, protect spawning grounds, fish and aquatic life, preserve shore cover and natural beauty and maintain safe and healthy conditions within the shore lands and flood plains of the county.
- (3) Statement of Intent: It is the intent of this ordinance to promote the public health, safety and general welfare by determining, establishing, regulating and restricting where business and recreation may be conducted, where residences may be located, and where structures and business can be located in relation to bodies of water, It is also the intent of this ordinance to regulate the location of trailer camps, schools, roads, mobile home parks, motels, tourist camps, and manufactured homes. It has become necessary for the county to regulate the uses of property, structures as well as the height, number of stories, size and set back of structures.

SECTION 3.02 GENERAL PROVISIONS

(1) Authorization and Jurisdiction:

- (a) These regulations are adopted under the authority granted by Sections 59.69 and 87.30 of the Wisconsin Statutes.

- (b) The jurisdiction of this ordinance includes all unincorporated lands and waters within the boundaries of Grant County, Wisconsin except those extraterritorial lands and waters specifically exempt or excluded as a result of a municipality's exercise of its extraterritorial zoning power, and then only to the extent of such specific exemption or exclusion.

(2) Abrogation and Greater Restriction:

- (a) It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restriction, agreements, rules, regulations, or permits previously adopted or issued pursuant to laws. However, wherever this Ordinance or any amendment thereto imposes greater restriction, the more restrictive shall prevail.

(3) Interpretation, Severability, and Repeal

- (a) In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- (b) If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- (c) All other ordinance or parts or ordinances of the County inconsistent or in conflict with this Ordinance are hereby repealed to the extent of such conflict or inconsistency, but only to that extent.

(4) Title and Effective Date:

- (a) This Ordinance shall be known as, referred to, or cited as the "Grant County Comprehensive Zoning Ordinance" Being Chapter Three of the Revised Ordinances of Grant County, Wisconsin.
- (b) This amended ordinance shall be effective in towns in Grant County as provided in Wisconsin Statutes Section 59.69 and after passage and publication.

(5) Use Restriction:

- (a) Permitted Uses: Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district:
 1. Accessory uses and structures including incidental repairs, garages and parking facilities, gardening, laborer's and watchman's quarters not for rent, minor storage facilities, private swimming pool and emergency shelters, shelters for pets, fences and the like, may be permitted in any district but not until their principal structure is present or under construction, provided such accessory use in a residential district shall not involve the conduct of any business, trade or industry.

- (b) Conditional uses are considered as special uses or unusual uses which would conform to the purpose and intent of this Ordinance and the provisions of the particular district if subjected to certain special conditions. A conditional use is not a permitted use as it must be approved by the Conservation, Sanitations and Zoning (CSZ) Committee.
- (c) Unclassified or unspecified uses similar in character to the principal uses permitted in the particular district may be permitted only if approved by the CSZ Committee. This subparagraph (c) does not apply to property zoned exclusive agricultural as the CSZ Committee cannot approve any unclassified or unspecified uses for exclusive agricultural property and said unclassified and unspecified uses are not allowed on exclusive agricultural property.
- (d) Temporary uses such as real estate field offices, offices and shelters for materials and equipment being used in the construction of a permanent structure, and the like, may be permitted by the Zoning Administrator subject to such limitation as may be imposed.
- (e) Reduction of Joint Use. No lot, yard, parking area, floor area, setback, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance as it applies to the particular area or dimension, nor shall any part of any lot, yard, parking space or other space required by a particular structure or use be assigned or devoted to or used by any other structure or use.
- (f) Standards. All uses in all districts shall comply with the standards specified by this Ordinance, which are applicable to such uses.

(6) Site Requirements:

- (a) A particular lot shall be designated as the site for each principal structure and only one principal structure shall be located, constructed, erected, or placed on a particular lot except as otherwise specifically authorized by a provision of this Ordinance or by the CSZ Committee.
- (b) All lots shall abut upon or have irrevocable recorded access to a public road, street, or highway. Abutting lots shall have a frontage as required by this Ordinance but not less than forty (40) feet. All lots or parcels on which a single family residence is built or is to be built shall abut upon or have irrevocable recorded access to a public road, street, or highway. Abutting lots/parcels shall have a frontage as required by this ordinance of not less than forty (40) feet. Such recorded access shall have width of not less than four (4) rods or sixty-six (66) feet unless a narrower recorded access existed prior to the municipality first adopting the Grant County Zoning Ordinance.
 - (1) If the recorded access is a private road, it shall serve no more than four (4) single family dwellings. If a recorded access is a private road and already serves four (4) single family dwellings, no zoning permits shall be granted for construction of an additional single family dwelling or dwellings until the private road has been converted to a public road pursuant to procedures set forth in the Wisconsin Statutes. A private road shall not serve a multiple family dwelling or dwellings or

commercial or industrial structures. All lots or parcels on which a multiple family dwelling, commercial structure, or industrial structure is built or is to be built shall abut upon a public road, street or highway and shall have a frontage of not less than forty (40) feet.

- (2) If the private road is located in a Planned Unit Development with a registered homeowner's association, condominium association, private road commission, or the like, that is tasked with the construction, operation, and maintenance of that private road, zoning permits for more than 4 single family dwellings may be granted for construction pending the following criteria;
 - i. The road must be constructed to meet township design standards to ensure longevity until the private road has been converted to a public road pursuant to procedures set forth in the Wisconsin Statutes. This road must attach to a public road, street, or highway in Grant County.
 - ii. All parties, including township and Grant County, must agree that there is adequate access for emergency vehicles and school buses without undue hardship.
 - iii. The private organization will be required to sign a "Private Road Maintenance Agreement" that is filed with the township.
- b. No Zoning Permit shall be issued for a lot which abuts upon a public road, street, or highway dedicated to only a portion of its proposed width if such a lot is located on the side thereof from which the required dedication has not been secured.
- c. No Zoning Permit shall be issued for a lot abutting a U.S. Numbered Highway, State Trunk Highway, County Trunk Highway, or Town Road if any part of such lot is required for highway purposes and a statement thereto is filed with the Zoning Administrator before the end of the thirty (30) day period following receipt of the application for such zoning permit. Such restriction shall expire upon acquisition of the required right-of-way or sixty (60) days from the date such zoning permit is denied unless a jurisdictional offer has been served on the lot owner within said period of time.
- d. No Zoning Permit shall be issued for any structure designed to use on-site sewage disposal facilities if existing municipal or central station disposal facilities are available to such site, or if such facilities can be constructed or installed at a comparable cost. This subparagraph (e) does not apply to lands zoned exclusive agricultural or property subject to a farmland preservation agreement.
- e. The width and area of all lots for which public or central station sewerage service is not available or feasible shall be sufficient to permit the use of an on-site disposal system designed in accordance with the Grant County Private Sewage System and Sanitation Ordinance, any applicable flood plain and shoreland district provisions of this ordinance and any applicable provisions of the Grant County Shoreland Zoning Ordinance and the Grant County Flood Plain Ordinance.
- f. The lot and the structures and facilities to be placed or constructed thereon, shall be monumented and/or staked out on the ground prior to issuing a zoning permit

- g. All lots shall have an average width of not less than thirty (30) percent of their respective average depth. Any portion of such lots having a width of less than thirty (30) feet shall not be considered in determining conformity with the minimum area or width-to-depth relationship.
- h. In the event an owner or developer wishes to apply for a zoning permit to construct a townhouse or condo or other multi-family residential structure where the units are owned by different owners and the units are connected to each other and are not separated by an alley or other space, said owner or developer must meet the setback requirements contained in this ordinance for the zoning district in which the property is located with the exception that they need not meet any setback requirement between the units as the units are connected. However, the setback requirements must be met as set forth in this ordinance on all four sides surrounding the structure which houses the units” Said multi-family structures can only be constructed after the issuance of a zoning permit and only in districts allowing multi- family units.

(7) Manufactured Housing:

- (a) No Zoning Permit shall be issued for any manufactured housing unit, which does not meet Federal Housing Authority (FHA) construction, quality and safety standards. A valid manufacturer’s certification must be presented by the permit applicant at the time of application. Modifications to any existing manufactured housing unit, which would void the FHA certification, are grounds for non-issuance of a zoning permit.
- (b) A manufactured housing unit shall not be joined with another manufactured housing unit or units to form larger structures unless specifically designed and certified for that purpose by the original manufacturer and certified by the FHA.
- (c) No Zoning permit shall be issued for any manufactured housing or any dwelling to be constructed or installed upon any property, which is not owned by the owner(s) of the planned dwelling or manufactured housing. Likewise, the landowner(s) or vendee (land contract) of that parcel must own any dwelling or manufactured housing erected or placed on any particular parcel of land. A single mobile home on an operating farm, regulated mobile parks and campgrounds and multi-family dwellings are exempt for this provision. Additionally, this paragraph is not intended to prevent the establishment and operation of properly regulated condominium developments.
- (d) A manufactured house must have a minimum width of 24 feet regardless of the method of manufacture in order to receive a zoning permit. The length of the structure must exceed the width along the entire width dimension.

Section 3.03 ZONING DISTRICTS

ZONING MAPS AND DISTRICT BOUNDARIES

(1) **Primary Zoning Districts:** The unincorporated lands of Grant County are hereby divided into following zoning districts:

- 3.05 Farmland Preservation FP
- 3.06 Agriculture A-1
- 3.07 Agriculture A-2
- 3.08 Residential R-1
- 3.09 Residential R-2
- 3.10 Residential R-3
- 3.11 Commercial C-1
- 3.12 Commercial C-2
- 3.13 Industrial M-1
- 3.14 Industrial M-2
- 3.15 Conservancy-Forestry-Recreation CFR

(2) **Overlay Zoning Districts:** Certain, limited, lands in the unincorporated areas of Grant County are hereby divided into the following overlay districts. Regulations, restrictions and special provisions set forth for the particular overlay district shall supplement and be in addition to the regulations, restrictions and provisions set forth for the underlying primary district. Said overlay districts are:

- 3.17 Highway Interchange
- 3.18 Forest Fire Protection
- 3.19 Floodplain
- 3.20 Shoreland

(3) **Zoning District Boundaries:** The location and boundaries of the County's Zoning districts are shown on the "Official Zoning Map" for each zoned township in Grant County and on detailed property tax parcel/zoning maps for each Section in each zoned Township. These maps together with all-explanatory materials and regulations thereon are an integral part of this ordinance. In the event of a conflict between zoning district boundaries shown on the "OFFICIAL ZONING MAP" and the tax parcel map, the latter shall govern and prevail. District boundaries are normally lot lines, section and quarter section on sixteenth lines; recorded survey lines: center of streets, roads, highways, railroads or such lines extended; unless otherwise noted on the zoning map. Distances not specifically indicated on the tax parcel map shall be determined by the scale of the tax parcel/zoning map. In accordance with Section 59.69 (4) & (5) of Wisconsin Statutes, zoning district boundaries shall be decided by the County Board. It shall be the policy of the Grant County CSZ Committee to consult with individual township boards in decisions regarding district boundaries before making recommendations to the county board. The Grant County CSZ Committee shall decide disputes regarding exact location of district boundaries. Decisions may be reviewed on appeal to the Grant County Board of Adjustment as provided for in Section 3.27.

Flood plain district boundaries shall be interpreted to be the landward limits of those lands which have been or will be inundated by a regional flood when such flood has been determined by the U.S. Army Corps of Engineers, the State Department of Natural Resources or other officially designated agency; otherwise, the landward limits of frequently flooded soils and such occasionally flooded soils as may be included and so delineated due to their unique and contiguous location.

Floodways shall be interpreted to be the channel of the river or stream and that portion of the adjoining flood plain required to carry and discharge the flood waters of flood flows associated with a regional flood when such flood has been determined and delineated on the official zoning map.

Shoreland overlay district boundaries shall parallel the normal high water mark of navigable waters at a distance and will include all shorelands within one thousand feet of a lake, pond or flowage and within three hundred feet of a river or stream or to the landward side of the flood plain where such exceeds said three hundred feet, for which a flood plain has been delineated on the official zoning map.

In any case in which a zoning district boundary is disputed, the following procedures shall be observed: Boundaries of primary districts, other than a flood plain district, shall be determined on the basis of evidence provided by registered land surveyors. Flood plain district boundaries shall be established by flood maps, flood elevations, or flood profiles for the point in question. Shoreland Overlay District boundaries shall be established by an accurate measurement of the prescribed distance from the ordinary high water mark, which shall be determined on the basis of evidence provided by a designated and competent technician.

The FEMA Flood Plain Maps and Profiles, the DNR Wisconsin Wetlands Inventory Maps, and the DNR High Water Profiles are hereby adopted and made a part of this Ordinance.

(4) ZONING MAP

- (a) A certified copy of the zoning maps shall be adopted and approved with the text and made a part of this ordinance. These maps shall be certified by the Chairman of the County Board and attested by the County Clerk. Any changes affecting zoning district boundaries or explanatory matter and regulations shall be recorded on the applicable maps. All such changes shall be made in accordance with provisions of Wisconsin Statutes, Chapter 59.69. Changes thereafter to the districts shall not be effective until entered and attested on this certified copy.

Section 3.04 GENERAL SETBACKS AND DIMENSIONAL REQUIREMENTS

PRIMARY ZONING DISTRICTS	SIDE YARD	REAR YARD	MIN FRONT YARD	MIN LOT AREA	MIN FLOOR AREA	MIN LOT WIDTH	MIN DWELLING WIDTH	STRUCTURE HEIGHT	MIN AREA IN DISTRICT
Farmland Preservation - FP	30 ft	30 ft	30 ft	Majority use as agriculture	800 sq ft		24 ft	40 ft	
Agricultural A-1	30 ft	30 ft	30 ft	3 acres	800 sq ft		24 ft	40 ft	
Agricultural A-2	30 ft	30 ft	30 ft	1 acre	800 sq ft	200 ft	24 ft ₁	40 ft	
Residential R-1	12 ft ₂	50 ft	30 ft	6000 sq ft	1200 sq ft ₃	90 ft	24 ft	35 ft	
Residential R-2	10 ft ₄	45 ft	25 ft	5000 sq ft ₅	400 sq ft ₆	60 ft ₇	24 ft	35 ft	
Residential R-3	8 ft ₈	40 ft	20 ft	4000 sq ft ₉	300 sq ft ₁₀	50 ft ₁₁	24 ft	35 ft	
Conservancy Forestry-Recreation - CFR	40 ft	40 ft	40 ft	4 acres	300 sq ft ₁₂	200 ft	24 ft	40 ft	
Residential R-1/R-2/R-3 With Public Sewer	Notes 2, 4, 8	30 ft	Respective Residential District	Respective Residential District	Respective Residential District	Respective Residential District	Respective Residential District	Respective Residential District	
Commercial C-1	Note 13	30 ft ₁₄	20 ft ₁₅	Note 16	2000 sq ft	Note 17		35 ft	1 acre
Commercial C-2	50 ft ₁₈	50 ft ₁₈	50 ft ₁₈	Note 19	400 sq ft	Note 17		45 ft	1 acre
Light Industrial M-1	40 ft ₂₀	40 ft ₂₀	40 ft ₂₀	10000 sq ft ₂₁	2000 sq ft			50 ft	1 acre
Heavy Industrial M-2	40 ft ₂₂	40 ft ₂₂	40 ft ₂₂	20000 sq ft ₂₃	1000 sq ft			60 ft	2 acre

Note (1) = A single manufactured housing unit on an operating farm is exempt from the twenty-four (24) foot minimum dwelling width requirement.

Note (2) = 6 feet plus an additional 6 feet for each floor above grade including the first of such floors.

Note (3) = 6000 square feet plus an area equal to 6 times the floor area of the principal structure.

Note (4) = 5 feet plus an additional 5 feet for each floor above grade including the first of such floors.

Note (5) = 5000 square feet plus an area equal to 5 times the floor area of the principal structure.

Note (6) = 400 square feet plus an additional 600 square feet for each dwelling unit including the first such unit.

Note (7) = 60 feet plus an additional 20 feet per dwelling unit including the first such unit.

Note (8) = Four (4) feet plus an additional four (4) feet for each floor above grade.

Note (9) = Four thousand (4000) square feet plus an area equal to four (4) times the floor area of the principal structure.

Note (10) = Three hundred (300) square feet plus an additional five hundred (500) square feet for each dwelling unit.

Note (11) = Fifty (50) feet plus an additional twenty (20) feet for each permanent dwelling unit.

Note (12) = Three hundred (300) square feet plus three hundred (300) square feet for each dwelling unit.

Note (13) = Side yards abutting a residential district shall comply with the side yard requirements set forth for the abutting residential district. Otherwise the minimum side yard shall be six (6) feet plus two (2) feet for each floor above grade except that such side yards may be omitted between adjacent commercial structures sharing a common wall (or having separate abutting wall without windows), entries or exits.

Note (14) = Twenty-five (25) feet plus five (5) feet for each floor above grade.

Note (15) = Fifteen (15) feet plus five (5) feet for each floor above grade.

Note (16) = Three (3) times the floor area devoted to commercial activities plus four (4) times any such floor area devoted to residential use.

Note (17) = The width of the proposed structure plus the combined width of all required side yards.

Note (18) = The minimum front, rear and side yard shall be fifty (50) feet except that side yards between abutting commercial uses may be reduced to eight (8) feet plus two (2) feet for each floor above grade, and further provided that side yards may be omitted between adjacent commercial structures sharing a common wall or having abutting walls without windows, entries or exits.

Note (19) = Two (2) times the floor area devoted to commercial activities plus three (3) times any such floor area devoted to residential use but not less than six thousand (6000) square feet.

Note (20) = Except as otherwise provided, no front yard, rear yard or side yard shall be less than forty (40) feet nor less than one hundred (100) feet where abutting a residential district.

Note (21) = Three (3) times the floor area in the principal structure(s) but not less than ten thousand (10,000) square feet.

Note (22) = No front yard, rear yard or side yard shall be less than forty (40) feet, nor less than two hundred (200) feet where abutting a residential or commercial district, nor less than the dimensions specifically set forth for the particular use.

Note (23) = Three (3) times the floor area in the principal structure(s) but not less than twenty thousand (20,000) square feet.

3.05 FARMLAND PRESERVATION DISTRICT

The intent of this district is to maintain highly productive agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural development and minimizing land use conflicts among incompatible uses and including meeting tax credit eligibility.

A. DEFINITIONS The following definitions are specific to the farmland preservation zoning district:

- (1) **ACCESSORY USE:** Any of the following land uses on a farm:
 - (a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
 - (b) An activity, or a business operation that is an integral part of, or incidental to, an agricultural use.
 - (c) A farm residence.
 - (d) A business, activity, or enterprise, whether, or not associated with an agricultural use, that is conducted by the owner, or operator of a farm, that requires no buildings, structures, or improvements other than those described in paragraphs (a), or (c), that employs no more than 4 full-time employees annually, and that does not impair, or limit the current, or future agricultural use of the farm, or of other protected farmland.
 - (e) Or any other use that the DATCP, by rule, identifies as an agricultural use.
- (2) **AGRICULTURAL USE:** Any of the following activities conducted for the purpose of producing an income, or livelihood:
 - (a) Crop, or forage production
 - (b) Keeping livestock
 - (c) Beekeeping
 - (d) Nursery, sod, or Christmas tree production
 - (e) Floriculture
 - (f) Aquaculture
 - (g) Fur farming
 - (h) Forest management
 - (i) Enrolling land in a federal agricultural commodity payment program, or a federal, or state agricultural land conservation payment program.
 - (j) Or any other use that the DATCP, by rule, identifies as an agricultural use.
- (3) **AGRICULTURE-RELATED USE:** Any of the following:
 - (a) An agricultural equipment dealership, facility providing agricultural supplies, facility for storing, or processing agricultural products, or facility for processing agricultural wastes.
 - (b) Or any other use that the DATCP, by rule, identifies as an agriculture-related use.
- (4) **CONTIGUOUS:** Adjacent to, or sharing a common boundary.
 - (a) Contiguous land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation, or transmission right-of-way. Parcels are not “contiguous” if they meet only at a single point.
- (5) **CONDITIONAL USE:** A use allowed under a conditional use permit pursuant to this section.
- (6) **FARM:** All land under common ownership that is primarily devoted to agricultural use.
- (7) **FARM ACREAGE:** Size of a farm in acres.

- (8) **FARMLAND PRESERVATION AGREEMENT:** Any of the following agreements between an owner of land and the DATCP under which the owner agrees to restrict the use of land in return for tax credits:
- (a) A farmland preservation agreement, or transition area agreement entered into under s. 91.13, 2007, or s. 91.14, 2007 Wis. Stats.
 - (b) An agreement entered into under s. 91.60(1), Wis. Stats.
- (9) **FARMLAND PRESERVATION AREA:** An area that is planned primarily for agricultural use, or agriculture-related use, or both, and that is one of the following:
- (a) Identified as an agricultural preservation area, or transition area in a farmland preservation plan described in s. 91.12(1), Wis. Stats.
 - (b) Identified under s. 91.10(1) (d) in a farmland preservation plan described in s. 91.12(2), Wis. Stats.
- (10) **FARMLAND PRESERVATION PLAN:** A plan for the preservation of farmland in a county, including an agricultural preservation plan under sub ch. IV of ch. 91, 2007 Wis. Stats.
- (11) **FARM RESIDENCE:** Any of the following structures located on a farm:
- (a) A single-family residence that is the only residential structure on the farm.
 - (b) A single-family residence that is occupied by any of the following:
 - 1 - An owner, or operator of the farm
 - 2 - A parent, or child of an owner, or operator of the farm
 - 3 - An individual who earns > 50 percent of his, or her gross income from the farm
 - (c) A migrant labor camp that is certified under s. 103.92 Wis. Stats.
- (12) **GROSS FARM REVENUE:** Gross receipts from agricultural uses, less the cost, or other basis of livestock, or other agricultural items purchased for resale which are sold, or otherwise disposed of during the taxable year.
- (a) Gross farm revenue includes receipts accruing to a renter, but does not include rent paid to the land owner.
- (13) **LIVESTOCK:** Includes the following; bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.
- (14) **NONFARM RESIDENCE:** A single family, or multi family residence other than a farm residence.
- (15) **NONFARM RESIDENTIAL ACREAGE:** The total number of acres, of all parcels on which nonfarm residences are located.
- (16) **OWNER:** A person who has an ownership interest in land.
- (17) **OPEN SPACE PARCEL:** A parcel on which no buildings, other than hunting blinds, or small sheds, have been constructed, or approved for construction.
- (18) **PERSON:** An individual, corporation, partnership, limited liability company (LLC), trust, estate, or other legal entity.
- (19) **PERMITTED USE:** A use that is allowed without a conditional use permit, special exception, or other special zoning permission.
- (20) **PRIME FARMLAND:** Includes all of the following:
- (a) An area with a class I, or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
 - (b) Land, other than land described in par (a), which is identified as prime farmland in the county's certified Farmland Preservation Plan.
- (21) **PRIOR NONCONFORMING USE:** A land use that does not comply with the Farmland Preservation Zoning Ordinance, but which lawfully existed prior to the application of this Ordinance.

- (22) **PROTECTED FARMLAND:** Land that is located in the farmland preservation zoning district, is covered by a farmland preservation agreement, or is otherwise legally protected from nonagricultural development.

B. GENERAL LAND USE IN FARMLAND PRESERVATION ZONING DISTRICT

Only the following land uses are allowed in a farmland preservation zoning district:

- (1) Uses allowed under Section C without a conditional use permit.
- (2) Uses allowed under Section D with a conditional use permit.
- (3) Prior nonconforming uses, subject to [choose s. 59.69(10), 60.61(5), or 62.23(7) (h), Wis. Stats. as applicable]
- (4) Farmland Preservation District Zoning must follow setbacks prescribed under A1 and A2 Zoning.
- (5) Non-Metallic Mineral Extraction must follow setbacks prescribed under section 3.04, General Setbacks and Dimensional Requirements.

C. PERMITTED USES

The following land uses are allowed without a conditional use permit in a Farmland Preservation zoning district:

- (1) Agricultural Uses
- (2) Accessory Uses
- (3) Agriculture-related Uses
- (4) Undeveloped natural resource and open space areas
- (5) Transportation, utility, communication, or other uses that are required under state, or federal law to be located in a specific place, or that is authorized to be located in a specific place under a state, or federal law that preempts the requirement of a special use permit for that use.
- (6) Other uses identified by DATCP rule

D. PROHIBITED USES

The following uses are not allowed in a Farmland Preservation FP District.

- (1) Any use not listed as a permitted or conditional use in this district.

E. CONDITIONAL USES

The Grant County CSZ Committee may issue a conditional use permit for a proposed land use identified in this section and shall determine in writing that the proposed land use will meet the applicable conditions under this section. The Grant County CSZ Committee may issue the permit subject to any additional conditions which the Grant County CSZ Committee deems necessary to carry out the purposes of this Ordinance.

- (1) Transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:
 - (a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - (b) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state, or federal law.
 - (c) The use is reasonably designed to minimize conversion of land at and around the site of the use from agricultural use, or open space use.
 - (d) The use does not substantially impair, or limit the current, or future agricultural use of

- surrounding parcels of land that are zoned for, or legally restricted to agricultural use.
- (e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (2) Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:
- (a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - (b) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state, or federal law.
 - (c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use from agricultural use, or open space use.
 - (d) The use does not substantially impair, or limit the current, or future agricultural use of surrounding parcels of land that are zoned for, or legally restricted to agricultural use.
 - (e) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- (3) Nonmetallic mineral extraction, if all of the following apply:
- (a) The operation complies with Subchapter I of Chapter 295, Wisconsin Statutes, and rules promulgated under that subchapter, with applicable provisions of local Ordinances under Wis. Stat. § 295.13, or Wis. Stat. § 295.14 (including all applicable provisions of this Ordinance), and with any applicable requirements of the department of transportation concerning the restoration of nonmetallic mining sites.
 - (b) The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - (c) 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.
 - (d) The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use, or open space use.
 - (e) The operation does not substantially impair, or limit the current, or future agricultural use of surrounding parcels of land that are zoned for, or legally restricted to agricultural use.
 - (f) The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.
- (4) Oil and gas exploration, or production that is licensed by the department of natural resources under Subchapter II of Chapter 295, Wisconsin Statutes.

F. REZONING LAND OUT OF A FARMLAND PRESERVATION ZONING DISTRICT

Except as provided in subsection (2), the Grant County CSZ Committee may not rezone land out of a Farmland Preservation district unless the Grant Co. CSZ Committee finds all of the following in writing, after public hearing, as part of the rezoning official record:

- (1) Principles guiding the Grant Co. CSZ Committee rezoning decisions.
 - (a) The rezoned land is better suited for a use not allowed in the Farmland Preservation district.
 - (b) The rezoning is consistent with the Grant County Comprehensive Plan.
 - (c) If the request to rezone the land is not consistent with the Grant County Comprehensive Plan does the Town approve of amending the Comprehensive Plan Map to allow the

rezoning?

- (d) The rezoning is substantially consistent with the Grant County Farmland Preservation Plan, which is in effect at the time of the rezoning.
 - (e) If the rezoning is not consistent with the Grant County Farmland Preservation Plan, does the county approve of amending the plan to allow the land to be rezoned?
 - (f) The rezoning will not substantially impair, or limit current, or future agricultural use of other protected farmland.
- (2) Subsection (1) does not apply to any of the following:
- (a) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Ch. 91, Wis. Stats.
 - (b) A rezoning that makes the Farmland Preservation Zoning Ordinance Map more consistent with the Grant County Farmland Preservation Plan Map, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
- (3) By March 1st of each year the Grant County Conservation, Sanitation & Zoning Dept. shall provide to the Wisconsin Department of Agriculture, Trade and Consumer Protection a report of the number of acres that Grant County has rezoned out of the farmland preservation zoning district under subsection (1) during the previous year and a map that clearly shows the location of those acres.

Section 3.06 AGRICULTURAL A-1 DISTRICT

The Agricultural A-1 district consists of and includes the predominantly rural lands of Grant County where soil or site characteristics limit the use of such lands. It is therefore intended that activities and land uses permitted in this district shall be conservative in nature and in accordance with such limitation.

- (1) Permitted Uses:** The following uses shall be permitted to promote an area for land uses of an agricultural nature on lands best suited for agriculture:
- (a) Cropping, floriculture, gardening, grazing, horticulture, nurseries, orchards, managed forestry, viticulture and the like: provided all permanent non-residence structures are not less than one-hundred (100) feet from any neighboring dwelling.
 - (b) Breeding, feeding and raising of livestock, dairying, general farming, paddocks, poultry raising, stables and the like and all structures and yards for housing, feeding or confinement of livestock, all manure storage and disposal sites, and all heavy or noisy machinery, are not less than two-hundred (200) feet from any neighboring dwelling nor less than one-hundred (100) feet from any property line.
 - (c) Specialized animal husbandry such as the raising, propagation, or boarding of dogs, foxes, mink, pheasants, quails, rabbits and the like: provided the particular lot or property is not less than four (4) acres in area, and all structures and yards for the housing, feeding, exercise or confinement of such birds and animals, all manure storage or disposal sites, and all heavy or noisy machinery, are not less than two-hundred (200) feet from any neighboring dwelling nor less than one-hundred (100) feet from any property line.
 - (d) Farm homes on a single farmstead such as a dwelling for the farm operator or owner, one additional dwelling for his or her parents or children, and a single mobile home on an operating farm. Existing farm homes and dwellings may be rented for residential use throughout the properly maintained life of the structure provided such structure generally complies with the provisions of the Residential R-1 District.
 - (e) Accessory structures such as carports, garages, grain bins, machine sheds, silos, and the like, and a single roadside stand for the sale of farm products produced on the premises: provided there is a principal structure present on the tract of land and all permanent structures and stands comply with the yard and setback requirements of this ordinance.
 - (f) Public and Semi-public uses including historic sites and monuments: parks and playgrounds: utilities: telephone and power transmission services, substations, relay stations and equipment housing, radio and television transmission and relay towers, and appurtenant facilities, provided such uses comply with the provisions of this ordinance including the permissible modification set forth in Section 3.16.

- (2) **Conditional Uses:** The following uses may be permitted upon issuance of a conditional use permit as provided in Section 3.27 of this ordinance; provided all conditions set forth or specified are complied with.
- (a) Agri-business activities such as the commercial raising, propagation or boarding of fowl or livestock, cow pools, stockyards, and the like by non-resident operators; sawmills; the creation, establishment, extension or enlargement of facilities, plants and operations for the storage, processing, display or distribution of farm products, supplies and equipment: provided the particular lot or property is not less than four (4) acres in area and all principal structures and uses are not less than three-hundred (300) feet from any neighboring dwelling nor less than one-hundred fifty (150) feet from any property line nor less than one-hundred (100) feet from any dwelling on the same premise.
 - (b) Single family dwellings on separate lots or in new subdivisions: provided such separate lots are not less than three (3) acres in area and one (1) mile or more from any existing public water supply or sewage collection and disposal system. Separate lots within one (1) mile of existing public water or sewerage services shall comply with the provisions of the Residential R-3 District.
 - (c) The opening or establishment of new underground mine workings or the extension or enlargement of the same onto lands contiguous to, but not owned by or leased to the particular mine operator or mining company on the effective date of this ordinance; provided all surface features, structures, housings and installations are so remote or screened by plantings as to be substantially hidden from any adjoining property or public right-of-way, and further provided that all lease agreements adequately insure the maintenance of water supply and waste disposal systems and the structural support of all structures so undermined.
 - (d) Incinerators, sanitary landfills, sewage treatment and disposal facilities, dumps and solid waste disposal areas: provided such uses are not less than four hundred (400) feet from any property line nor less than two hundred (200) feet from any dwelling on the same premise.
 - (e) Underground mining or mineral extraction operations and the extension or enlargement of the same within the confines of those properties owned by or leased to the mining or extracting company; provided no surface installation, structure, housing or other surface facility is or will be required, and further provided that such mining or extraction will not adversely affect the water supply and waste disposal systems and the structural support of all existing structures so undermined.

- (f) Single family dwellings on lots in a subdivision of record on the effective date of this ordinance; provided such lots comply with the provisions of this ordinance and the dwelling to be built thereon complies with the provisions of this section.
- (g) Open pit mines, quarries, digs or excavations for sand, gravel and other minerals; the extension or enlargement of such operations onto lands not owned by or leases to the particular mining, extracting, quarrying or excavating firm at the time of adoption of this ordinance; and such related operations and activities not otherwise permitted in this district provided all principal structures and uses are not less than four hundred (400) feet from any property line and so remote or screened by plantings as to be substantially hidden from any adjoining property or public right of way.
- (h) Any residential dwelling that is less than 800 square feet provided such dwellings comply with the provisions of this ordinance.
- (i) Accessory structures such as carports, garages, grain bins, machine sheds, silos, and the like, and a single roadside stand for the sale of farm products produced on the premises: provided there is currently not a principal structure present on the tract of land and all permanent structures and stands comply with the yard and setback requirements of this ordinance.
- (j) A single non-agricultural related mobile home on a separate lot provided such separate lot is one (1) mile or more from any existing public water supply or sewage collection and disposal system. Separate lots within one (1) mile of existing public water or sewerage services shall comply with the provisions of the Residential R-3 District.

(3) Area and Dimensional Requirements: Except as heretofore provided, no lot or parcel of land shall be used, nor shall any structure be constructed, erected or installed in this district unless the same complies with the following provisions in sections 3.04 and 3.23

Section 3.07 AGRICULTURE A-2 DISTRICT

The Agricultural A-2 District consists of and includes the predominantly rural lands of Grant County. Such lands are generally suitable for anticipated land uses and this district is, therefore, intended to accommodate and act as a transition zone from urban to rural lands.

(1) Permitted Uses:

The following uses shall be permitted promote an area for land uses of an agricultural nature on lands best suited for agriculture:

- (a) Any use permitted in the Agricultural A-1 District shall be permitted in the Agricultural A-2 District.
- (b) Commercial raising, propagation or boarding fowl or livestock, cow pools, stockyards, and the like by non-resident farm operators: provided the particular lot or property is not less than four (4) acres in area and all principal structures and uses are not less than three hundred (300) feet from any neighboring dwelling nor less than one-hundred fifty (150) feet from any property line nor less than one-hundred (100) feet from any dwelling on the same premise.
- (c) Single family dwelling in an approved Planned Unit Development, and a single family dwelling on a separate lot provided such separate lot is one (1) mile or more from any existing public water supply or sewage collection system.

(2) Conditional Use:

The following uses may be permitted in the Agricultural A-2 District upon issuance of a conditional use permit as provided in Section 3.27 of this ordinance; provided all conditions set forth or specified are complied with.

- (a) Any use set forth as a conditional use in the Agricultural A-1 District and not heretofore permitted shall be considered a conditional use in this district.
- (b) Cemeteries, including mausoleums and crematories, provided the site meets Wis. Stats. § 157.128 and all principal structures are not less than 200 feet from any property line.
- (c) Churches, public and private schools, hospitals and clinics, service trade businesses, nursing and convalescent homes, sanitariums, charitable institutions for the sick or infirm, penal and correctional institutions, and the like; provided the proposed site contains at least 4 acres of land, and all principal structures are not less than two-hundred (200) feet from any property line or private dwelling on the same premise.
- (d) Airports, air strips, and landing fields including the addition of runways and the extension of existing runways; provided the site contains at least twenty (20) acres of land per runway. Generally, no proposed airport shall be permitted within ten (10) miles of an existing or approved airport or within two (2) miles of any municipality unless the same is endorsed by the State Department of Transportation or one of its agents.

- (e) Dumps, operations and facilities for the disposal or reduction of garbage, offal, rubbish, sewage or other unstable organic substance; provided such use is not less than thirteen-hundred (1300) feet from the nearest dwelling or place of public gathering, nor less than one-thousand (1000) feet from any property line.
 - (f) The creation, establishment, or introduction of any mineral processing plant or operation; concrete or concrete products manufacturing operation; bituminous mixing or proportioning operation; and the extension or enlargement of the same onto lands contiguous to, but not owned by or leased to the particular operator on the effective date of this ordinance; provided all principal structures, excavations and uses are not less than six-hundred (600) feet from any neighboring dwelling nor less than four-hundred (400) feet from any property line.
 - (g) Single family dwellings on separate lots within one (1) mile of existing public water supply or sewage collection systems; provided it would be impractical to zone the property or area for residential use and it is determined that public water or sewerage service will not be available within the next five (5) years.
 - (h) Plants and operations for the manufacture, packing or processing of foods from natural agricultural products, except rendering plants, slaughter houses, pea vines and the like; provided the particular lot or property is not less than three (3) acres in area and all principal structures and uses are not less than two-hundred (200) feet from any neighboring dwelling nor less than one-hundred (100) feet from any property line.
 - (i) Agri-business activities such as the processing, storage, dispensing or retailing of agricultural products, supplies and machinery; provided the particular lot or property is not less than three acres in area and all principal structures and uses are not less than two-hundred (200) feet from any neighboring dwelling nor less than one-hundred (100) feet from any property line.
 - (j) Planned unit residential developments as provided for in Section 3.21 of this ordinance.
- (3) Area and Dimensional Requirements:** Except as heretofore provided, no lot or parcel of land shall be used, nor shall any structure be constructed, erected or installed in this district unless the same complies with the following provisions in sections 3.04 and 3.23

Section 3.08 RESIDENTIAL R-1 DISTRICT

This district is intended to accommodate low-density residential development. As such, the primarily permitted use is single family residential (multi-family residential is excluded). Parcels or lots contained in this district can be divided into two or more lots only if public sewer and water utilities have been extended to this area and a only if each of the lots created by the division can meet the minimum lot area for this district as required by the zoning ordinance. In addition, any structures which are constructed on the lots created by the division after obtaining a zoning permit must meet the minimum floor area, minimum dwelling width, minimum lot width, minimum front yard, minimum rear yard, minimum side yard, maximum structure height, and minimum highway setback requirements for this district as contained in the zoning ordinance.

Moreover, if the lot or parcel proposed to be divided is subject to Grant County's Subdivision Ordinance, the owner or developer must first comply with Grant County's Subdivision Ordinance and obtain the necessary approvals required by said Subdivision Ordinance before any division can occur.

(1) Permitted Uses: The following uses shall be permitted in the R-1 District.

- (a) Single family dwellings.
- (b) Accessory structures, including private garages and other structures clearly incidental to an existing residential use of the particular property, provided there is a principal structure present and no such accessory structure shall be used as a separate dwelling unit.
- (c) Parks, playgrounds and recreation areas, including swimming pools, golf courses, athletic fields, bathing beaches and the like on public lands, and neighborhood parks and playgrounds on lands in common ownership.
- (d) Governmental and cultural structures and uses except sewage treatment or disposal plants, garbage incinerators, storage yards, and structures, or yards for the repair or storage of construction or maintenance equipment and machinery.
- (e) Gardening and farming of plants, grains and the like, provided such activity does not involve any animals or fowl.
- (f) Grazing or pasturage of farm animals, provided such activity is an extension of an abutting permitted use; does not penetrate the perimeter of any existing residential development; is separated from such residential development by stock proof fencing; and the concentration of such activity does not exceed four (4) animals per acre of land so used.
- (g) Home occupation, provided such occupation is incidental to the residential use of the premise; does not occupy more than twenty (20) percent of the floor area; does not involve any external alteration that would significantly change the residential character of the structure; and no article is sold or offered for sale that is not produced on the premises by such home occupation.

(h) Professional offices, provided such office is conducted solely by a member or members of the resident family entirely within and incidental to the resident use of the premise; and further provided such office does not occupy more than twenty (20) percent of the floor area of the principal structure.

(2) Conditional Uses: The following uses may be permitted upon issuance of a conditional use permit as provided in Section 3.27 of this ordinance provided all conditions set forth or specified are complied with:

(a) Churches; public, private and parochial elementary or secondary schools; provided the area of the particular lot is not less than two (2) acres and all principal structures are not less than fifty (50) feet from any lot line.

(b) Utilities and essential services such as telephone exchanges, unit substations, pumping or lift stations, and the like including appurtenant equipment, structures and housing, provided all principal structures are not less than fifty (50) feet from any lot line.

(c) Underground mine workings provided all such operations are governed by written agreements, which insure the maintenance of all water supplies, waste disposal systems, and the structural support of all structures so undermined.

(d) Planned unit developments as set forth in Section 3.21 of this ordinance

(e) Accessory structures, including private garages and other structures clearly incidental to an existing residential use of the particular property, provided there is currently not a principal structure present on the tract of land and no such accessory structure shall be used as a separate dwelling unit.

(4) Area and Dimensional Requirements: Except as heretofore provided, no lot or parcel of land shall be used, nor shall any structure be constructed, erected or installed in this district unless the same complies with the following provisions in sections 3.04 and 3.23

Section 3.09 RESIDENTIAL R-2 DISTRICT

This district is intended to accommodate medium density residential development, including multiple family dwellings. It is expected that this district would be designated in areas where public water and sewer is available or is expected to be available in the near future. Parcels or lots contained in this district can be divided into two or more lots only if public sewer and water utilities have been extended to this area and only if each of the lots created by the division can meet the minimum lot area for this district as required by the zoning ordinance. In addition, any structures which are constructed on the lots created by the division after obtaining a zoning permit must meet the minimum floor area, maximum structure height, minimum lot width, minimum front yard, minimum rear yard, minimum side yard, and minimum highway setback requirements for the district as contained in the zoning ordinance. Moreover, if the lot or parcel proposed to be divided is subject to Grant County's Subdivision Ordinance, the owner or developer must first comply with Grant County's Subdivision Ordinance and obtain the necessary approvals required by said Subdivision Ordinance before any division can occur.

(1) Permitted Uses: The following uses shall be permitted in the Residential R-2 District:

- (a) Any use permitted in the Residential R-1 District.
- (b) Boarding homes.
- (c) Multiple family dwellings.

(2) Conditional Uses: The following uses shall be permitted upon issuance of a conditional use permit as set forth in Section 3.27 of this ordinance; provided that all conditions set forth or specified are complied with:

- (a) Any use listed as a conditional use in the Residential R-1 District.
- (b) Clubs, lodges, social and recreational centers, and structures devoted to professional offices, provided such structures are not less than forty (40) feet from any residential property line.

(3) Area and Dimensional Requirements: Except as heretofore provided, no lot or parcel of land shall be used, nor shall any structure be constructed, erected or installed in this district unless the same complies with the following provisions in sections 3.04 and 3.23

Section 3.10 RESIDENTIAL R-3 DISTRICT

The intent of this district is to provide a transition district from urban development to rural. Provision is made for lots to be so designed that they can be divided into two or more lots at such time as public sewer and water utilities are extended into this area. This district is intended to accommodate low density residential initially and medium density ultimately. It is expected that the extraterritorial areas surrounding incorporated municipalities would be designated Residential R-3 Districts.

(1) Permitted Uses: The following uses shall be permitted in the Residential R-3 District:

- (a) Any use permitted in the Residential R-1 District.
- (b) Multiple family dwellings and lodging houses or lodge-type dwellings wherein not more than five (5) persons not members of the occupant family are housed by pre-arrangement for definite periods of time.
- (c) A single mobile home on any separate lot provided such home is occupied by the owner thereof or his or her parents or children.

(2) Conditional Uses: The following uses may be permitted upon issuance of a conditional use permit as provided hereinafter under Section 3.27 of the ordinance; provided all conditions set forth or specified are complied with:

- (a) Any use listed as conditional use in the Residential R-2 District.
- (b) Lodging houses, lodge-type dwellings, clubs, fraternities, dormitories and the like, wherein more than five (5) persons are housed by pre-arrangement for definite periods of time provided such uses are not less than twenty-five (25) feet from any lot line.
- (c) Neighborhood convenience stores and establishments displaying, storing and/or selling only new merchandise such as, bakery goods, confections, fruits, gifts, groceries, meats, magazines, vegetables and the like, provided such uses generally comply with the area and dimensional requirements of the Commercial C-1 District.
- (d) Planned Unit Developments.
- (e) Mobile Home Parks

(3) Overlay Requirements: Lots for uses requiring private on-site sewage disposal facilities shall comply with the lot area and width requirements of the particular overlay district.

(4) Area and Dimensional Requirements: Except as heretofore provided, no lot or parcel of land shall be used, nor shall any structure be constructed, erected or installed in this district unless the same complies with the following provisions in sections 3.04 and 3.23

Section 3.11 COMMERCIAL C-1 DISTRICT

This district is intended primarily to provide for shopping centers and commercial areas for convenience foods and services. This district is orientated toward commercial uses having little outdoor storage and generating relatively lower traffic.

- (1) Permitted Uses:** The following uses shall be permitted in the Commercial C-1 District provided all driveways from county trunk, state trunk or U.S. numbered highways are approved by the appropriate highway agency.
- (a) Retail establishments displaying, dispensing or selling new merchandise such as automotive parts, appliances, bakery goods, books, structure supplies, clothing, crockery, confections, cosmetics, dry goods, electrical supplies, feed, seeds, fish, flowers, fruits, furniture, groceries, hardware, heating supplies, jewelry, magazines, meats, office supplies, optical supplies, paints, pet supplies, photographic supplies, plants, plumbing supplies, shoes, sporting goods, tobacco, tools, vegetables and the like and including arcades, convenience stores, delicatessens, department stores, food lockers, gift shops, hobby shops, music stores, pharmacies, supermarkets, upholstery shops, variety stores and the like.
 - (b) Retail establishments displaying, dispensing or selling used or secondhand products and merchandise such as appliances, antiques, books, crockery, furniture, office, optical and photographic supplies, sporting goods, tools, and the like provided such establishments supplement existing commercial enterprises within the particular district.
 - (c) Services trades and offices such as banks, barber shops, beauty shops, business offices, caterers, clothing repair shops, clubs, coffee shops, financial institutions, furniture repair shops, medical and dental clinics, newspaper offices and press rooms, personal service establishments, printing and publishing offices, professional offices, radio and television broadcast studios, restaurants, soda fountains, trade and contractors offices, mini warehouses, and the like.
 - (d) Public and semi-public uses including community centers; fire and police stations; emergency shelters; first aid stations; governmental offices; libraries; museums; parking lots; post offices; transportation terminals except airports, airstrips and landing fields; utility structures and offices except storage yards or structures; and the like provided all principal structures are not less than fifty (50) feet from any residential district boundary.
 - (e) Schools and churches and all principal structures are not less than fifty (50) feet from any lot line.
 - (f) Funeral homes provided all principal structures are not less than forty (40) feet from any lot line.
 - (g) Residential uses clearly associated with and accessory to a permitted commercial use, provided such residential uses comply with the provisions of the Residential R-3 District.

(h) Accessory structures for the assembly, fabrication, production or storage of products and merchandise provided such use is clearly incidental to the conduct of an existing commercial use and located on the same premises.

(i) Nursing and convalescent homes provided that the setback provisions of this district are met.

(2) Conditional Uses: The following uses may be permitted upon issuance of a conditional use permit as provided hereafter under Section 3.27 of this ordinance, and driveway approval and screen planting conditions and such other conditions set forth or deemed necessary are complied with:

(a) Highway oriented uses including all drive-in type establishments whereby business is transacted without leaving one's vehicle or where facilities are available for the consumption of food or beverage products in a vehicle, provided the tract of land has at least five (5) acres and all principal structures are not less than forty (40) feet from any lot line or existing or proposed highway right-of-way.

(b) Hotels and motels catering to transient guests, places of entertainment, commercial recreation halls, skating rinks, theatres, gymnasiums and the like, provided the tract of land has at least five (5) acres and all principal structures are not less than forty (40) feet from any lot line or existing or proposed highway right-of-way.

(c) Vehicle sales and services lots provided the tract of land has at least five (5) acres and all principal structures including gas pumps are not less than forty (40) feet from any lot line or existing or proposed highway right-of-way.

(d) Establishments displaying, dispensing, selling or serving intoxicating beverages such as bars, cocktail lounges, taverns, packaged liquor stores, night clubs, saloons and the like, provided the tract of land has at least three (3) acres and all principal structures and uses are not less than three-hundred (300) feet from any residential district boundary and not less than forty (40) feet from any lot line or existing or proposed highway right-of-way.

(e) Underground mine workings provided all such operations are governed by written agreements, which insure the maintenance of all water supplies, waste disposal systems, and the structural support of all structures so undermined provided the tract of land has at least five (5) acres.

(f) Laundry and dry cleaning establishments the tract of land has at least two (2) acres

(g) Planned Unit Commercial Developments.

(h) Long term storage or mini storage structures.

(3) Area and Dimensional Requirements: Except as heretofore provided, no lot or parcel of land shall be used, nor shall any structure be constructed, erected or installed in this district unless the same complies with the following provisions in sections 3.04 and 3.23

Section 3.12 COMMERCIAL C-2 DISTRICT

This district is intended primarily to provide for highway (automobile) oriented commercial areas and those commercial uses requiring open storage. It is intended that such districts would be located with access to major highways and serve as a regional type shopping area.

- (1) **Permitted Uses:** The following uses shall be permitted in the Commercial C-2 District provided all driveways from County Trunk, State Trunk or U.S. numbered highways are approved by the appropriate highway agency:
- (a) Highway oriented business such as confectioneries, drug stores, gift shops, restaurants and the like and including drive-in establishments whereby business is transacted or products are available without leaving one's vehicle.
 - (b) Commercial recreation facilities such as dance halls, gymnasiums, skating rinks, theaters and the like, except those displaying, dispensing, selling or serving intoxicating beverages, provided all principal structures and uses are not less than three-hundred (300) feet from any residential property line.
 - (c) Vehicle sales and service establishments including parking lots for the temporary storage of vehicles, equipment and/or machinery, provided no wrecked, junked or scrapped vehicles, equipment, machinery or parts thereof are displayed on the premises or visible from abutting properties or public rights-of-way.
 - (d) Hotels, motels, tourist homes and the like.
 - (e) Long term storage or mini storage structures.
 - (f) Any use which is permitted in the Commercial C-1 District provided such use supplements existing commercial activities within the particular district.
- (2) **Conditional Uses:** The following uses may be permitted upon issuance of a conditional use permit as provided hereafter in Section 3.27 of this ordinance provided all conditions set forth or specified are complied with:
- (a) Establishments displaying, dispensing, selling or serving intoxicating beverages such as bars, cocktail lounges, night clubs, package liquor stores, saloons, taverns and the like, provided all principal structures and uses are not less than three-hundred (300) feet from any residential lot line.
 - (b) Planned Unit commercial developments.
 - (c) Underground mine workings provided all such operations are governed by written agreements, which insure the maintenance of all water supplies, waste disposal systems, and the structural support of all structures so undermined.

(3) Area and Dimensional Requirements: Except as heretofore provided, no lot or parcel of land shall be used, nor shall any structure be constructed, erected or installed in this district unless the same complies with the following provisions in sections 3.04 and 3.23

Section 3.13 INDUSTRIAL M-1 DISTRICT

This district is intended to provide an area for the less offensive industrial type uses. Such districts, commonly called “light” industrial, are permitted near residential areas provided sufficient screening or other buffer areas are provided.

- (1) Permitted Uses:** The following uses shall be permitted in the Industrial M-1 District provided all driveways from County Trunk, State Trunk or U.S. numbered highways are approved by the appropriate highway agency.
- (a) Manufacture, fabrication, packing, packaging, processing, assembly and/or storage of products from furs, glass, grains, leather, metals, paper, plaster, plastics, textiles and wood; the making, manufacture, processing, packing, packaging, or assembly, fabrication, finishing, storage or repair of appliances, beverages, confections, cosmetics, electrical and electronic devices, feed, seeds, jewelry, meats and meat products, optical devices, photographic equipment, pharmaceuticals, tobacco, toiletries, and the like; and the making and bottling of non-alcoholic beverages; provided all such operations and activities are conducted within an appropriate structure and all resulting odors, noise, smoke, dust, gas, glare, refuse matter, vibration, polluting effluent or other contaminative emission is confined to the particular district in which such use is located and no hazardous, harmful or annoying quality is detectable beyond the boundaries of said district.
 - (b) Commercial establishments such as air conditioning, service and repair shops, automotive body repair and upholstery services, carpentry shops, cleaning, pressing and dyeing establishments, commercial bakeries, electrical service and repair shops, greenhouses, farm machinery sales and services, food locker plants, furniture repair shops, heating service and repair shops, laboratories, laundries, machine shops, printing shops, printing and publishing establishments, sheet metal shops, trade and contractors offices, fire repair and recapping concerns, warehouses, wholesale businesses and the like provided such establishments are compatible with such above listed manufacturing and/or industrial activities as may be in existence in the particular district.
 - (c) Parking lots, repair facilities, storage garages, storage yards, and the like, and commercial service facilities including restaurants and fueling stations; provided such facilities are physically and/or sales-wise oriented toward the industrial district users and employees; and further provided that such uses are compatible with and supplemental to the manufacturing and/or industrial plants in existence in the particular district.
 - (d) Public and Semi-public uses such as fire and police station; emergency shelters; incinerators; sewage treatment and disposal plants; sanitary land fill operations; communication and power transmission services, substations, relay stations and equipment housings, utilities and the like, provided all resulting odors, noise, smoke, gas, refuse matter, polluting effluent or contaminative emission is confined to the particular district in which such is located.
 - (e) Transportation terminals and trans-shipment depots except airports, airstrips and landing fields provided all principal structures and uses are not less than one hundred (100) feet from any lot line nor less than two hundred (200) feet from any district boundary.

(f) Residential uses in existence at the time of adoption of this ordinance and custodial quarters associated with and clearly incidental to a permitted use, provided such residential or custodial use complies with the provisions of the Residential R-3 District.

(2) Conditional Uses: The following uses may be permitted upon issuance of a conditional use permit as provided hereafter in Section 3.27 of this ordinance, provided that any conditions set forth or specified are complied with:

(a) Manufacturing, fabrication, packaging, processing, bottling, assembly and/or storage of products or goods other than those specifically permitted.

(b) Airstrips and landing fields provided the site area is not less than twenty (20) acres per runway and further provided that such facilities comply with all applicable state and federal rules, regulations and requirements.

(c) Underground mine workings provided all such operations are governed by written agreements which insure the maintenance of all water supplies, waste disposal systems, and the structural support of all structures so undermined.

(d) Planned Unit industrial developments.

(3) Area and Dimensional Requirements: Except as heretofore provided, no lot or parcel of land shall be used, nor shall any structure be constructed, erected or installed in this district unless the same complies with the following provisions in sections 3.04 and 3.23

Section 3.14 INDUSTRIAL M-2 DISTRICT

This district is intended to provide an area for mining, solid waste disposal, junkyards, and other industrial activity of an offensive or dangerous nature. It is intended that such districts would be located in somewhat remote areas away from residential and commercial areas.

(1) Permitted Uses: The following uses shall be permitted in the Industrial M-2 District, provided all driveways from County Trunk, State Trunk and U.S. numbered highways are approved by the appropriate highway agency; all resulting odor, noise, smoke, dust, gas, glare, vibration, refuse matter, polluting effluent, and contaminative emission is confined to the particular district in which such use is located; no hazardous, harmful or annoying quality is detectable beyond the boundaries of such district; and all potentially dangerous or hazardous uses are enclosed in suitable structures or by security fences or otherwise made inaccessible to the general public:

(a) Public and semi-public uses including incinerators, sewage treatment plants, refuse disposal operations, sanitary landfills, emergency structures and facilities, utilities, and transportation terminals and depots except airports, airstrips and landing fields, provided such uses are not less than three hundred (300) feet from any abutting residential or commercial lot lines and screen plantings are established along such residential or commercial lot lines.

(2) Conditional Uses: The following uses may be permitted upon issuance of a conditional use permit as provided hereafter in Section 3.27 of this ordinance; provided any conditions set forth or specified are complied with:

(a) Open pit mines, quarries, digs or excavations for sand, gravel and other minerals; the extension or enlargement of such operations onto lands not owned by or leases to the particular mining, extracting, quarrying or excavating firm at the time of adoption of this ordinance; and such related operations and activities not otherwise permitted in this district.

(b) Mineral processing plants; aggregate crushing, screening, drying and/or stockpiling operations; waste product stockpiles; sludge ponds; effluent holding ponds; and the like; concrete mixing and batching plants; bituminous mixing and proportioning plants; outside storage or manufacturing areas; wrecking or demolition yards; junk and scrap yards; areas for the storage, use, manufacture, or processing of explosive, flammable lethal or toxic products; and related operations and activities not otherwise permitted in this district.

(c) Airstrips and landing fields provided the site area is not less than twenty (20) acres per runway and all principal structures and uses such as hangars, runways, warm up stands, parking lots and the like are not less than three hundred (300) feet from any residential commercial district boundary.

(3) Area and Dimensional Requirements: Except as heretofore provided, no lot or parcel of land shall be used, nor shall any structure be constructed, erected or installed in this district unless the same complies with the following provisions in sections 3.04 and 3.23

Section 3.15 CONSERVANCY-FORESTRY-RECREATION CFR DISTRICT

This multiple-use district is intended to protect, preserve, enhance and provide for the optimum use of those areas which have unique historic, scenic, scientific or natural assets; those areas which have substantial stands of desirable tree species; and those areas where existing soils have severe use limitations and pose special problems in structure construction, sub-soil sewage disposal and erosion control.

- (1) **Permitted Uses:** The following uses shall be permitted in the Conservancy-Forestry- Recreation District, provided the same do not cause or contribute to soil erosion, alter the existing topography, or destroy the natural fauna, flora or water regimen:
- (a) Conservation practices such as development of ground cover and other erosion control devices; improvement of water courses, shorelands and bodies of water; fire prevention; wildlife protection; development of historic, scenic and scientific features; and the construction of feeding stations, observation structures and the like.
 - (b) Outdoor sports and recreation activities such as hunting, fishing, trapping, swimming, wading, boating, skating, skiing, hiking, and riding.
 - (c) Propagation and raising of fish and wildlife; harvesting of wild crops such as berries, ferns, marsh hay, moss, rice, tree fruits and seeds for recreation and reforestation, and related forest management practices.
 - (d) Flora culture, feed and seed production, horticulture, nurseries, orchards and related agricultural uses; managed forestry; commercial harvest of mature trees; and the home use of forest products, provided such activities do not involve dumping or filling of soil or mineral removal.
 - (e) Parks, playgrounds, picnic areas, camp sites, boat rentals, boat landings, refreshment stands, sale of bait and marine fuels, and related uses and activities, provided the same are located on public lands or subject to control by a public agency.
 - (f) Communication and power transmission lines, poles, towers and appurtenant structures; and utility conduits, pipelines, sewers and appurtenances, provided such facilities are designed to minimize their conflict with other permitted uses.
- (2) **Conditional Uses:** The following uses may be permitted upon issuance of a conditional use permit as provided under Section 3.27 of this ordinance provided any conditions set forth or specified are complied with:
- (a) Grading and filling operations, soil or mineral removal, and related activities, which substantially disturb the existing soils or alter the natural features of the particular area.
 - (b) Underground mines, mine workings and mineral extraction operations; provided all polluting effluents and harmful, hazardous or contaminative emissions are confined to or contained on the premises where the same is produced, and such operations are governed by written agreements which insure the maintenance of all water supplies, waste disposal systems, and

the structural support of all structures so undermined.

- (c) Burning of existing trees, shrubs, or vegetation.
 - (d) Building or construction of private roads or trails, dams, dikes, and levees.
 - (e) Beaches, boathouses, boat landings campsites, marinas, refreshment stands, sale of bait or marine fuels, trap and skeet ranges, and related recreational activities on private lands or operated as a commercial enterprise.
 - (f) Cottages for seasonal occupancy, recreation camps and housing facilities for persons acting as proprietors or caretakers.
 - (g) Planned Unit Developments as set forth in Section 3.21 of this ordinance.
 - (h) Single family dwellings on separate lots or in new subdivisions: provided such separate lots are one (1) mile or more from any existing public water supply or sewage collection and disposal system. Separate lots within one (1) mile of existing public water or sewerage services shall comply with the provisions of the R-3 District.
- (3) Area and Dimensional Requirements:** Except as heretofore provided, no lot or parcel of land shall be used, nor shall any structure be constructed, erected or installed in this district unless the same complies with the following provisions in sections 3.04 and 3.23

Section 3.16 PERMISSIBLE MODIFICATIONS

Where unique conditions, the type, character or style of a particular structure, or other extraordinary circumstances preclude a precise compliance with the area and dimensional requirements of the particular district, the Zoning Administrator may permit the proposed use in accordance with the following permissible modifications:

- (1) **Height Modifications:** The height limitations set forth for each primary district may be exceeded but such modification shall be the minimum necessary and in compliance with the following conditions:
 - (a) Public and semi-public facilities, such as schools, churches, hospitals, libraries, monuments, museums, offices, sanitariums, and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased five (5) feet for each floor above the maximum height provision of the particular district.
 - (b) Essential services, utilities, water towers, fire towers, communication and power transmission lines, substations, relay and receiving towers and aerials, related facilities and their mechanical appurtenances, may exceed the height limitations of this ordinance, provided the height of such structure is not more than twice the distance to the nearest lot line and further provided that any such structures exceeding one hundred (100) feet in height shall require the issuance of a Conditional Use Permit.
 - (c) Special structures requiring an elevated location such as cooling towers, gas tanks, grain elevators, scenery lofts, silos, smoke stacks, ventilators, windmills and related mechanical equipment and appurtenances, may exceed the height limitations of the particular district, provided the height of such structure is not more than one and one-half times the distance to the nearest lot line and further provided that any such structure exceeding one hundred (100) feet in height shall require the issuance of a Conditional Use Permit.
 - (d) Architectural projections such as spires, belfries, parapet wall, cupolas, domes, flues, and chimneys may be permitted to a height of one hundred (100) feet above grade.
- (2) **Yard Modifications:** The yard requirements set forth for each primary district may be modified, but such modification shall be in compliance with the following conditions:
 - (a) Essential services and landscaping features such as communication and power transmission lines, security and protective devices, utilities and service facilities, trees, shrubs, hedges and other vegetation, may be exempt from the yard and setback requirements of this ordinance, provided they do not obstruct the use of any public right-of-way and comply with the vision corner requirements as set forth in Section 3.23.
 - (b) Architectural projections such as belt courses, chimneys, decks, eaves, fire escapes, flues, landings, open stairs, ornaments, patios, porches, retaining walls and related structural requirements may project into a required yard, provided such projection does not exceed four (4) feet nor extend within five (5) feet of any lot line.

- (c) Accessory uses and detached accessory structures may be permitted in side and rear yards, provided such structures do not exceed twenty (20) feet in height, do not occupy more than twenty (20) percent of the particular yard area, nor less than five (5) feet from any lot lines.
- (d) Residential fences may be permitted in the yards of residential dwellings, provided such fences do not exceed four (4) feet in height when located in a front yard, do not extend within two (2) feet of any public right-of-way or property line, and comply with the vision corner requirements as set forth in Section 3.23.
- (e) Security fences may be permitted in all districts except residential districts, provided such fences located in a front yard or along a public right-of-way do not exceed ten (10) feet in height, do not extend within two (2) feet of any public right-of-way or property line, and comply with the vision corner requirements as set forth in Section 3.23.

Section 3.17 HIGHWAY INTERCHANGE DISTRICT

The purpose of this district is to promote highway safety by protecting the traffic operations of highway interchanges and to provide for the orderly development of lands adjacent to interchanges.

(1) General Provisions: This overlay district shall apply to any designated highway interchange. All uses within such designated area shall require the issuance of a conditional use permit. The following additional rules shall apply to this district:

- (a) Landscaping, tree planting and removal and screening: In order to maintain the natural beauty and prevent distraction to the traveler, preservation of trees and landscaping of all new commercial and industrial structures shall be required. The lot owner or developer shall submit a sketch of his or her lot or area to be developed to the CSZ Committee and include the following information: Location of all structures, parking areas, topography, trees, ground cover, and any proposed tree cutting or tree planting and landscaping.
- (b) Filling, grading and excavating: Filling, grading and excavating which would result in substantial erosion of soils which adversely affects roads, ditches or adjoining property or adversely affects the scenic beauty is prohibited.
- (c) Planned Unit Development: Industrial and commercial uses will be permitted only under the provisions of the Planned Unit Development contained in Section 3.21 of this ordinance. In addition to the requirements of Section 3.21, the following standards shall be used to evaluate Planned Unit Developments.

- (1) Site design and physical characteristics:
 - (a) Existing topography, drainage patterns, water table and high water level, vegetative cover and the suitability of the proposed use in this regard.
 - (b) Availability of water, sewer, rail and other services and the utility requirements of the proposed use.
 - (c) Adequacy of the proposed internal circulation system, including safety consideration.
 - (d) Preservation of adequate traffic visibility.

- (e) Access to sites from the internal circulation system.
- (2) Site location relative to the interchange area:
 - (a) Need of the use for convenient access to a high volume highway.
 - (b) Visibility from the freeway and the need for visibility.
 - (c) Location to provide access primarily by right hand turning movements.
- (3) Land Use:
 - (a) Compatibility with existing or proposed uses in the area.
 - (b) Relation to any existing land use plan.
 - (c) Relation to existing or proposed development at nearby interchanges.
- (4) Traffic Generation:
 - (a) Amount of daily and peak-hour traffic to be generated relative to site size.
Traffic is to be subclassified as to approach routes.
 - (b) Amount of traffic generated relative to existing and anticipated generated traffic in the interchange area.
 - (c) Expected composition of site-generated traffic by vehicle types.
 - (d) Effect of site-generated traffic on the operation of the interchange.
- (5) Community Effects:
 - (a) Immediate and long-range tax base.
 - (b) Access to market or service area.
 - (c) Relation to scenic or recreational values.
 - (d) Relation to the public interest, the purpose and intent of this ordinance and substantial justice to all parties concerned.
- (6) Other Relevant Factors:

(2) Special Provisions:

- (a) Highway Interchange District Regulations: Access will only be permitted in accordance with state and federal standards for highway interchanges and as designated on the zoning map. Commercial, industrial and other heavy traffic generating uses will not be permitted to have access within two thousand (2000) feet of the interchange. Only directory signs and signs advertising products or services available on premises shall be permitted. General outdoor advertising signs are prohibited.

Section 3.18 FOREST FIRE PROTECTION DISTRICT

The Grant County Board of Supervisors recognizes that certain portions of its jurisdiction have thick stands of coniferous trees and that cabins, dwellings and other structures are situated within these forested areas, and that these structures are very susceptible to loss in the event of forest fires. The Board of Supervisors further recognized that local fire fighting forces cannot give individual attention to every structure involved in a forest fire and that certain precautions taken before a forest fire will lessen the chance of structures being destroyed.

For the purpose of this section the following fire hazard zones are hereby created and the Wisconsin Department of Natural Resources shall prepare and have available a map delineating what land in Grant County is located within these fire hazards zones.

- (a) High fire hazard zone;
- (b) Moderate fire hazard zone.

Existing Developments: Clearance of brush, trees or vegetative growth from structures. Any person, firm, corporation, or business owning, leasing, controlling, operating or maintaining any cabin, dwelling or other structure upon or adjoining any land forested with coniferous trees or located in the above fire zones, and any person, firm, corporation or business owning, leasing or controlling any land adjacent to such structure or property shall at all times:

- (a) Maintain around and adjacent to such cabin, dwelling or structure an effective fire break made by removing and/or mowing away all flammable vegetation for a distance of not less than one hundred (100) feet on each side or to the property boundary thereof. This section shall not apply to broad-leaf trees, ornamental shrubbery or cultivated ground cover such as short mowed lawns, ivy, and succulents provided that they do not form a means of readily transmitting fire from vegetation to any structure.
- (b) Coniferous trees should not be closer than 25 feet from any cabin, structure, or permanent dwelling and must be thinned to 25 feet apart to a distance of 75 feet from any structure.
- (c) Remove any portion of any coniferous tree that extends within 10 feet of the outlet of any chimney.
- (d) Maintain any tree adjacent to or overhanging any structure free of dead wood.
- (e) Maintain the roof and gutter of any structure free of leaves, needles or other dead vegetation.
- (f) Maintain the space under any cabin, home or structure free of any leaves, needles, dead vegetation, stored lumber, firewood or other combustibles.

New Development Construction Standards: Any person, firm or corporation constructing any cabin, dwelling or other structure in the above high fire or moderate fire hazard zones shall comply with the following:

- (a) Driveways shall be at least 18 feet wide with no tree branches or brush extending into the driveway to a height of 15 feet.
- (b) Cul-de-sac roads shall no exceed 1000 feet as measured on the centerline, and shall be terminated by a turn-around of not less than 55 feet in radius to the right-of-way and 45 feet of roadway.

- (c) Dead-end streets and roads without a cul-de-sac shall not be permitted.
- (d) Roads or streets, which end in a cul-de-sac, shall have posted at their junction with a main road a sign indicating they are a dead-end street/road.
- (e) Bridges shall be constructed to support a gross vehicle weight of 40,000 pounds.
- (f) All electric power lines are to be buried.
- (g) Roads and streets shall have their entire right-of-way cleared of trees and brush.
- (h) Streets and road signs of durable and permanent material shall be placed at the intersections.
- (i) Town or county fire numbers shall be placed on all lots prior to construction. These signs shall be so placed as to be readily visible from a public road.
- (j) A subdivision may not be created in a high fire hazard zone if it lies adjacent to any sanitary landfill which has an exemption to burn, or active railroad right-of-way, unless a 100 foot wide firebreak, clear of all flammable material, is created and the land for said firebreak is dedicated to the governing body in perpetuity as a public firebreak.
- (k) Foundations and porches shall be enclosed in a manner which prevents the accumulation of leaves or other combustible material.
- (l) Foundations shall be constructed of a non-combustible material.
- (m) A minimum clearance of 36 inches shall be left between any roof eave and the ground.
- (n) Roof coverings shall be non-combustible or of fire resistant type.
- (o) Chimneys for solid fuel heating shall be equipped with the proper underwriter's laboratory approved spark arresters.

3.19 Flood Plain Districts:

All property located in a flood plain overlay district must also meet the requirements of Grant County's Flood Plain Ordinance.

3.20 Shoreland District:

All property located in a shoreland overlay district must also meet the requirements of Grant County's Shoreland Zoning Ordinance.

Section 3.21 PLANNED UNIT DEVELOPMENTS

The intent of this section is to encourage good community development and a more efficient use of land and of public services by allowing under certain circumstances, a more flexible means of land development than is otherwise permissible under lot by lot restrictions generally. Such development shall be in accordance with the purpose and intent of this Ordinance and shall not be hazardous, harmful, offensive, or otherwise adverse to the environment of the value of the immediate area or the community as a whole.

(1) General Provisions:

- (a) **Official Public Plans and Policies:** Any proposed development shall be in accordance with plans, policies and codes which are adopted by the county or other governmental bodies having jurisdiction.
- (b) **Relation to Public Facilities and Development:** An applicant for a planned unit development permit shall submit plans or other documentation to the Zoning Administrator which shall indicate where the proposed project relates to existing and proposed facilities and development patterns, particularly existing or proposed commercial, residential, industrial, or other development in the immediate area. Plans shall indicate site layout and access. Location of existing and proposed utilities and roads (or streets) shall be shown as well as off street parking areas. Indication shall be made of the existence and adequacy of sewer and water facilities as well as solid waste disposal facilities. State standards regarding air, water or soil pollution shall also be met. Also provision for control of erosion or excessive run-off shall be made.

(2) Application Procedure:

- (a) Any applicant who desires to initiate a planned unit development project shall submit to the Zoning Administrator an application for the approval of such project designating the type of development (one of the types designated in subsections 3.21 (4) to 3.21 (9) of this ordinance proposed to be created. A planned unit development requires a planned unit development permit. An applicant for such a permit must also submit a plan to the Zoning Administrator, which meets the requirements of Subparagraph (I)(b) above.
- (b) An applicant must submit a Preliminary Plat as defined in Chapter 236 of the Wisconsin Statutes to the Zoning Administrator. As a condition of approval of a planned unit development permit, the Grant County CSZ Committee must approve the preliminary plat. However, any proposed development not involving the division of land into parcels of less than one and one-half (1 ½) acres shall be exempt from the requirement in this subparagraph.
- (c) Upon submission of a Preliminary Plat the Zoning Administrator shall make a finding of fact as to whether the preliminary plat meets the requirements of Wisconsin Statutes Chapter 236 and the requirements of this ordinance and the Zoning Administrator shall report to the CSZ Committee indicating the degree of compliance or lack of compliance. If the plat fails to meet the requirements of Wisconsin Statutes Chapter 236 and this ordinance or if the plans and application reflect that the development will not meet the standards in this ordinance, the permit shall be denied.

- (d) Any information regarding the proposed development requested by the Zoning Administrator in processing the applicant's request for a planned unit development permit must be submitted by applicant. If the information is not submitted, the permit shall be denied.
- (e) The preliminary plat submitted by an applicant along with a finding of facts shall be submitted to the Town Board of the Town where the proposed development is located at least 40 days before the CSZ Committee meets to act on the proposed Planned Unit Development.
- (f) A final plat shall be submitted by the applicant to the Zoning Administrator for approval by the CSZ Committee in accordance with Wisconsin Statutes Chapter 236. The final plat must meet the requirements of Wisconsin Statutes Chapter 236 and this Ordinance in order to be approved. If the final plat is not approved, the permit shall not be granted. If the CSZ Committee is going to approve the plat, a ten days prior written notice to the Town Clerk where the proposed development is located shall be sent notifying the town of its intention.
- (g) If a state authority described in Wisconsin Statutes Section 236.12 rejects a preliminary or final plat, the permit shall not be granted.

(3) Required Design Principles:

- (a) Streets: Cul-de-sac or loop streets are desirable to discourage through traffic on local streets. Tee intersections for residential areas are also preferred to reduce accidents. No street is to exceed 10% grade unless it can be shown undesirable, impractical or cause undue hardship. All streets shall be provided with a smooth, hard and dense surface, which shall be durable and well drained under normal use and weather conditions. Off street parking and setbacks from roads or highways will be as required in Sections 3.23 and 3.24 of this Ordinance.
- (b) Sidewalks and Pedestrian Way: Pedestrian circulation system need not parallel the street system but the following criteria must be observed:
 - (1) A sidewalk shall be provided on at least one side of a public street except where it can be demonstrated that such a sidewalk is not desirable.
 - (2) Pedestrian circulation systems must be provided as convenient, safe, and attractive links between residential grouping, open space areas, recreational areas, schools, and local shopping areas.
 - (3) The width of any sidewalk must be at least four (4) feet.
- (c) Utility Placement: Utilities, including electrical and telephone lines, should be placed underground wherever feasible. However, existing watercourses are desirable for storm drainage.
- (d) Site Characteristics: Pre-existing site conditions have considerable importance in establishing the character of a development. A flexible and positive response to the natural assets or the site is encouraged. Specific site assets which should be considered are:
 - Trees: Of 6-inch diameter and larger are to be protected and saved wherever possible, particularly where grouping of such trees exists.

Contours: The location of ridges, rock outcroppings, slopes, and hills all require that special consideration be given to the siting of structures.

Water: Existing site water, in the form of water courses, streams, marshes, wet lands and ponds should be considered as possible resources for the establishment of recreation areas or storm drainage courses. Excess surface water or storm water shall be drained in a safe, efficient manner.

Orientation: The siting of development should be assessed in terms of terrain, views, sun, prevailing winds, water resources, soil characteristics, ease of access and the functional relation to adjacent areas or structures.

Open Space: All of the above considerations should be coordinated with the view towards developing pleasant and usable open space patterns, particularly in residential, recreational and resort developments.

(4) **Planned Residential Development:** Planned Residential development may be permitted in Residential R-1, R-2, R-3 and Agriculture A-2 districts.

- (a) Use Regulations: Same as specified in the primary use district except that in the Agriculture A-2 district, a single family dwelling only is permitted.
- (b) Land Area Requirements: Minimum of ten (10) acres.
- (c) Density Permitted: Same as primary districts except in Agriculture A-2 district. In A-2, density shall not exceed 2 dwelling units per acre.
- (d) Site Planning: The plan shall also provide for the layout and design of residential structures, usable building sites, and screening or other separation from neighboring objectionable use (such as commercial and industrial activities). No building site shall front on a state or federal highway.
- (e) Location: Such development shall not be proposed within 2,000 feet of any existing dump, salvage yard, or junkyard. If the proposed development is adjacent to commercial or industrial activities, a buffer or screening shall be provided. Such a development shall be located in an area where adequate public and private water and sewage facilities and services are available or are to become available by the time the development reaches the stage where they will be required.

(5) **Planned Commercial Development:** Planned commercial development may be permitted in commercial C-1, C-2, Residential R-3 and Flood Plain districts where planned shopping centers will serve areas not already conveniently and adequately provided with commercial and service facilities of the kind proposed.

- (a) Use Regulations: Same as specified in the primary use district except uses permitted in Commercial C-1 and C-2 are also permitted in the Residential R-3 district.

- (b) Land Area Requirement: Minimum of five (5) acres.
 - (c) Land Occupancy by Structures: Total land occupancy by all structures shall not exceed 30% of the lot area.
 - (d) Site Planning: Location of structures and signs shall also be shown on the plan. Also access points shall be indicated on the plan. If there are adjacent residential areas the type and location of screening or buffer zone shall be indicated on the plan.
- (6) **Planned Industrial Development:** Planned industrial development may be permitted in Industrial M-1, M-2 and Residential R-3 districts, and Flood Plain (flood fringe), provided any adjacent residential areas are not adversely affected. In the Residential R-3 District, a Planned Industrial Development is not permitted within 500 feet of an existing residential area.
- (a) Use Regulations: Same as specified in the Industrial M-1 district.
 - (b) Land Area Regulations: Minimum of the (10) acres.
 - (c) Land Occupancy by Structures; Total land occupied by all structures shall not exceed 30% of the lot area.
 - (d) Site Planning: Location of major structures shall also be shown on the plan as well as access. Location of existing and proposed utilities, transportation facilities and off street loading and parking areas shall be shown on the plan. If there are adjacent residential areas, the type and location of screening or buffer zone shall be indicated on the plan. In an R-3 Residential district, no structures shall be located within 100 feet of the perimeter of the proposed Planned Industrial Development.
 - (e) Private Covenants: Any private restrictions controlling odor, noise, pollution, signs or required screening or landscaping shall be reflected on the plan. These will be evaluated in determining if the general intent of this district and the general provisions are being met. Adequate provisions for enforcing these restrictions shall be included in the plan.
 - (f) Flood Plain: Will also require a conditional use permit.
- (7) **Planned Resort Development:** Planned resort development may be permitted in C.F.R., Flood Plain and Shoreland districts subject to the general requirements and according to the procedures specified herein.
- (a) Use Regulations: Cottages, marinas and water oriented recreational activities are the primary uses permitted. Accessory uses including the convenience store and bait shops are permitted. Accessory uses, however, shall not occupy more than 10% of the gross usable area.
 - (b) Land Area Requirements: Minimum of ten (10) acres.
 - (c) Density Permitted: 6 units/gross usable acre, indicated for residential use. Lesser density,

in accordance with soil type, will be required if private sewage systems are used.

- (d) **Site Planning:** The plan shall provide for the layout of access roads and parking as well as areas designated for cottages, marinas or other uses. If the proposed development is in a flood plain area, provision shall be made for flood conditions in accordance with the requirements of that district.

(8) Planned Mobile Home Parks: Mobile home parks may be permitted in the Residential R- 3 district only.

- (a) **Use Regulations:** Year round mobile homes are permitted and accessory uses including convenience stores and laundering area. However, such uses shall not exceed 5% of the gross usable area of the proposed park.

- (b) **Land Area Requirements:** Minimum of (10) acres.

- (c) **Density Permitted:** 6 units/gross usable acre. Mobile homes shall be separated from each other and from other structures by at least 15 feet.

- (d) **Site Planning:** The plan shall provide for the layout of access roads and parking as well as the location of the mobile homes. No exposed ground surface will be permitted, where feasible vegetative growth capable of preventing soil erosion and eliminating dust is required.

(e) **Required Recreation Areas:**

- (1) In all parks accommodating or designed to accommodate 25 or more mobile homes, there shall be one or more recreation areas, which shall be easily accessible to all park residents.
- (2) The size of such recreation areas shall be based upon a minimum of 100 square feet for each lot. No outdoor recreation area shall contain less than 2,500 square feet.
- (3) Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.

(f) **Required Setbacks, Buffer, Strips and Screening:**

- (1) All mobile homes shall be located at least 25 feet from any park property line abutting upon a public street or highway and at least 15 feet from other park property boundary lines.
- (2) There shall be a minimum distance of 10 feet between the mobile home stands and the abutting park street.
- (3) All mobile home parks located adjacent to industrial or commercial land uses shall be provided with screening such as fences or natural growth along the property boundary line separating the park and such adjacent nonresidential uses.

(g) Park Street System:

- (1) General Requirements: All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways or other means.
- (2) Park Entrance: Entrances to mobile home parks shall be designated to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of 100 feet from its point of beginning, unless the park entrance is at least 34 feet wide.
- (3) Internal Streets: Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:
 - (a) All streets, except minor streets (from back of curb to back of curb)-24 feet wide.
 - (b) Minor streets (acceptable is less than 500 feet long and serving less than 25 mobile homes or any length if mobile home lots abut on one side only.) 18 feet wide.
 - (c) Dead end streets shall be limited in length to 1,000 feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 60 feet.
- (h) Utilities and Refuse: Particular attention should be given to these. A less density will be required if a private sewer system is provided. Adequate provisions shall be made for solid waste disposal at an approved site and reflected in the plans.
- (i) Private Covenants: Any private restrictions controlling odor, noise, pollution, signs or required screening or landscaping shall be indicated on the plan. These will be evaluated in determining if the general intent of this district and the general provisions are being met. Adequate provisions for enforcing these restrictions shall be included in the plans.
- (j) Planned unit development mobile home parks in the Residential R-3 are exempt from the minimum dwelling width of twenty-four (24) feet.

(9) Planned Trailer Parks and Campgrounds:

- (a) Trailer parks and campgrounds may be permitted in C.F.R., Shoreland, and Flood Plain districts.
- (b) Use regulations: Trailer or camp sites as seasonable uses only. No trailer or campsite is permitted over 30 days. Accessory uses including convenience stores and laundry areas are permitted. However, accessory uses shall not occupy more than 10% of the gross usable area.
- (c) Land area requirements: Minimum of ten (10) acres.
- (d) Density permitted: 10 units/gross usable acre.
- (e) The plan shall provide for the layout of access roads and parking as well as areas designated for campsites and accessory uses. If the proposed development is in a flood plain, provisions shall be made for flood conditions in accordance with the requirements of the district.

Section 3.23 HIGHWAY RELATED REQUIREMENTS AND RESTRICTIONS

The following provisions apply to lands abutting a public road, street or highway so as to lessen conflicts and congestion and to promote the safety and efficiency of such transportation facilities.

(1) Classification of Highways: The public roads, streets, and highways of Grant County are hereby divided into the following three (3) zoning classifications

Zoning Classification

- i. Federal & State Highways
- ii. County Highways
- iii. Town, Village, and City Highways

(2) Minimum Highway Setback: All structures and other objects shall be set back from abutting public highways so as to comply with the following minimum requirements, or as otherwise permitted or modified by the approval of the plat of a legal subdivision or the approval of a Planned Unit Development or a particular provision of this ordinance.

(a) Setbacks from public highways shall be not less than the horizontal distances set forth in this subsection and measured from the centerline of the abutting roadway or the centerline of the near pair of travel lanes whichever is more restrictive.

ZONING CLASSIFICATION	SETBACK FROM CENTERLINE
Federal & State Highways	110 FT
County Highways	70 Ft
Town, Village, and City Highways	50 Ft

(b) The above listed highway setback requirements are subject to the following conditional modifications. Where such conditions occur, the Zoning Administrator may permit a setback modified in accordance with the particular condition but such modification shall not exceed twenty (20) feet where applied to a listed centerline setback.

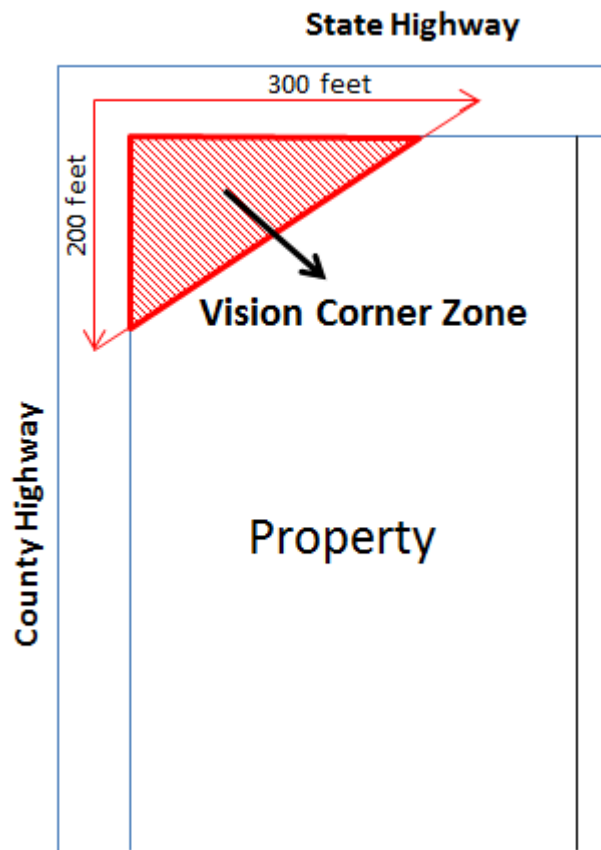
(1b) Where existing principal structures front on the same side of the abutting highway and within two-hundred (200) feet on both sides of the subject site, the highway setback may be modified to the average of the setbacks existing on the two abutting properties.

(2b) Where two (2) or more principal structures front on the same side of the abutting highway and within four-hundred (400) feet in one direction from the subject site, the highway setback may be modified to the average of the setback on the near existing structures.

(3) Vision Corners: In each quadrant of every at-grade intersection of a public road, street or highway with another public road, street or highway or with a mainline railroad, there shall be a vision corner consisting of a triangular area within which no structure, vegetation or other fixed object shall be permitted if the same would obstruct the highway users' view across such vision corner or otherwise restrict said users' ability to perceive an on-coming vehicle.

- (a) All such vision corners shall be bounded by the centerlines of the intersecting roads, streets, highways or railroad tracks, on a straight line connecting points on said centerlines and at the following horizontal distances from their point of intersection. In the case of a multi-lane or divided highway or a multi-track railroad, said center line shall be construed to be the centerline of the near pair of travel lanes or the near pair of rails.

ZONING CLASSIFICATION	DISTANCE FROM INTERSECTION
Federal & State Highways	300 FT
County Highways	200 FT
Town, Village, and City Highways	150 FT



(4) Access Restrictions: No direct private access shall be permitted to the right-of-ways of any public road, street or highway except in compliance with the following provisions:

If the township has a driveway permit process, the following will apply:

- (a) No direct private access shall be permitted to the right-of-way of any Federal or State Highway; to the right-of-way of any ramp or turning or acceleration or deceleration lane of any interchange on a Federal or State Highway; nor to any public road, street, or highway intersecting or interchanging with an interchange, unless said access is included in the construction plans for the particular highway or subsequently permitted by the issuance of a conditional use permit.
- (b) No direct private access shall be permitted to the right-of-ways of two intersecting public roads, streets or highways within the following horizontal distances as measured from the point of intersection of the two right-of-way lines and along the right-of-way abutting the subject site.

ZONING CLASSIFICATION	RESTRICTED DISTANCE
Federal & State Hwy	500 FT
County Hwy	300 FT
Town, Village, City Hwy	100 FT

- (c) Lots and parcels of land requiring direct private access to the right-of-way of any public road, street, or highway shall have a frontage along such right-of-way of not less than the following minimum distance.

ZONING CLASSIFICATION	MINIMUM FRONTAGE
Federal & State Hwy	400 FT
County Hwy	200 FT
Town, Village, City Hwy	Lot Width

- (d) Vehicular entrances and exits serving drive-in establishments which generate traffic volumes in excess of one-hundred (100) vehicles per day, shall be not less than one-hundred (100) feet from any pedestrian entrance or exit serving a school, church, hospital, park, playground or other place of public assembly.

(5) Exceptions to Highway Requirements and Restrictions: The following structures and uses are excepted from the above listed highway setbacks, vision corner and access regulations:

- (a) Signs placed by or under the direction of the appropriate highway agency for the guidance, direction, control or warning of traffic, including construction barricades and safety devices.
- (b) The planting and harvesting of field crops, flowers, shrubs, hedges and the like and the use of open fences, equipment and machinery commonly associated with such planting or harvesting, provided the same shall be subject to such trimming, pruning, cropping or control as may be deemed necessary by the highway agency having jurisdiction over the abutting highway.
- (c) Communication and power transmission lines, poles and appurtenant structures, and underground structures provided the same are not capable of being used as a foundation for prohibited above-grade structure.
- (d) Lots of record as of the effective date of this ordinance may be excepted where such exception is necessary or essential to the proper use of such lot.
- (e) Temporary use of the above restricted areas or temporary access to the above restricted right-of-ways may be permitted but such temporary permit shall be revocable, subject to conditions, and limited to not more than twelve (12) consecutive months.

Section 3.24 OFF-STREET PARKING AND LOADING REQUIREMENTS

(1) Parking Requirements: In all primary districts, off-street parking space shall be provided at the time a principal structure is constructed, erected, installed, enlarged, extended or converted.

- (a) The quantity of such off-street parking to be provided shall comply with the following minimum requirements:

Type of Use

Single-family dwellings and mobile homes on separate lots.	2.0 stalls per dwelling unit.
Mobile homes in mobile home court.	2.0 stalls per dwelling unit, with 500 ft.
Multi-family dwellings	1.5 stalls per dwelling unit.
Hotels, motels, tourist homes, lodging houses, resorts, camp sites and the like.	1.0 Stalls per guest room and/or rental
Clubs, lodges, fraternities, sororities, dormitories and the like.	0.5 stalls per tenant and/or occupant.

Hospitals	1.5 stalls per bed.
Sanitariums, rest or nursing homes	0.3 stalls per bed or per patient housed.
Medical and dental clinics, professional offices and the like.	4.0 stalls per doctor, dentist and/or other professional occupant.
Churches, theatres, auditoriums, community centers, funeral homes and other places of public assembly.	0.2 stalls for each available seat.
Jr. High and elementary schools	1 stall per employee
High Schools	0.2 stalls per student
College and universities	0.4 stalls per student
Drive-in food services, eating stands, beverage stands and the like	5.0 stalls per person employed to serve customers.
Vehicle service stations	3.0 stalls for each gas pump and/or grease rack
Restaurants, bars, taverns, night clubs and places of entertainment	1.0 stalls per 100 square feet of floor area devoted to patrons and/or patron services.
Retail business and service establishments	1.0 stall per 200 square feet of floor area devoted to the display of merchandise.
Financial institutions, business and governmental offices.	1.0 stall per 300 square feet of floor area devoted to patron, client or customer services.
Museums, art galleries	1.0 stalls per 400 square feet of display area
Furniture or appliance stores: automotive, machinery or equipment sales & service.	2.0 stalls per salesman, mechanic and/or other person employed to serve customers.
Manufacturing, processing and packaging plant, laboratories, warehouses & other industrial uses.	0.5 stalls per employee on the main shift at maximum employment.
Bowling alleys	5.0 stalls per lane.
Golf courses	2.0 stalls per hole
Athletic fields, ballparks, & the like	0.2 stalls for each seat available to spectators.

- (b) The size of each parking stall shall be adequate for the vehicle to be parked thereon but not less than one hundred and eighty (180) square feet exclusive of the area required for ingress and egress.
- (c) The location of all required parking stalls shall be within six hundred (600) feet of the structure to be served by such parking space.
- (d) Adequate access to a public road, street or highway shall be provided for each parking stall and all aisles or driveways shall be at least ten (10) feet wide where serving a one or two family dwelling; at least fifteen (15) feet wide where providing one-way access to other uses; and at the least twenty (20) feet wide where providing two-way access to other uses.
- (e) All off street parking areas shall be graded, have a dust free surface, be properly drained, and usable when needed. Any parking area serving more than ten (10) vehicles shall have its stalls and aisles clearly marked.
- (f) No parking stall or aisle or driveway except in residential districts shall be less than ten (10) feet from any residential district boundary. Where necessary, curbs or barriers shall be installed so as to prevent parked vehicles from extending over any abutting lot line.
- (g) Combinations of any of the above listed uses shall be provided with off street parking of a quantity equal to the total number of stalls required for each individual use. Any use not specifically named shall be provided with off street parking of a quantity equal to that required by a similar use as determined by the Zoning Administrator subject to appeal to the Board of Adjustment.
- (h) No stalls shall be placed in the vision corner and the setback shall be 10 (ten) feet to the right-of-way.

(2) Loading Requirements: In all primary districts and in association with all continuing and/or principal uses in said districts, off street areas shall be provided so that pickup, delivery and service vehicles may be loaded, unloaded and maneuvered in compliance with the following provisions:

- (a) In all primary districts, sufficient areas shall be provided on the premises so that pickup, delivery and service vehicles may be loaded, unloaded and maneuvered off street without intruding into the right of way or backing onto the roadway of any Highway.
- (b) In all commercial and industrial districts, sufficient area shall be provided on the premises so that pickup, delivery and service vehicles may be loaded, unloaded and maneuvered off street without intruding into any public right of way and without backing onto any public roadway.
- (c) The required off street loading, unloading and maneuvering areas shall be provided at the time a principal structure which requires pickup, delivery or service vehicle accessibility is constructed, erected, installed, enlarged, extended, or converted.

Section 3.25 SIGN REGULATIONS:

In order to promote the order and beauty of the countryside and to prevent despoilment of roadside conditions within the county, all signs and billboards existing and to be erected in the future shall meet the following requirements.

- (1) **General Provision:** These regulations shall apply to all signs unless such signs are specifically exempt by the provisions of this ordinance. Signs that are a traffic hazard, as determined by the County Engineer, shall be removed. Signs (except official signs) shall not be permitted in the public right of way or in the vision triangle at intersections. No signs shall be erected adjacent to highways in violation of the provisions of Wisconsin Statutes Sections 86.19, 84.30 and 86.191 and regulations of the Wisconsin Department of Transportation except as allowed by said statutes or regulations or which are posted by the state or a municipality to regulate traffic and parking.

Sign Type	Minimum Setback
Non-Residential District Signs	400 feet from any residence
All signs	5 feet outside of right-of-way

Sign Interval Classification	Minimum Distance to Closest Sign
Highways less than 65 mph speed zone	250 feet
Highways more than 65 mph speed zone	500 feet

- (2) To apply for a sign permit, an applicant must complete and file with the Zoning Administrator a sign application on a form furnished by the Grant County Zoning Administrator. The applicant shall furnish the following information on the application form: The applicant’s name, address, proposed location of the sign and the name and address of the owner who owns the property on which the sign is to be placed, the size of the sign, and a statement as to what pictures, words, and message will be on the sign. If the applicant does not own the property on which the sign will be placed, applicant shall furnish to the Zoning Administrator written evidence of the landowner’s permission to place the sign on his or her property.

- (a) **Sign Permit Required:** After the enactment of this ordinance, a sign permit is required before any new sign is erected, painted, installed, located or otherwise placed as provided in this ordinance.

- (b) **Signs excepted:** All signs must have a sign permit except the following:

Signs over show windows or doors or on barns and relating to the establishment and announcing only the name of the farm or business and the occupation (or name) of the proprietor.

Real estate signs not to exceed eight (8) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.

Name, occupation, and warning signs not to exceed two (2) square feet located on the premises.

Bulletin boards for public, charitable or religious institutions not to exceed eight (8) square feet in area located on the premises.

Memorial signs, tablets, names of structures, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against the structure.

Official signs, such as traffic control, parking restrictions, information, historical markers, and notices.

Temporary Signs when authorized by the Zoning Administrator for a period not to exceed 30 days.

(3) District and Use Sign Regulations:

(a) In commercial and industrial district, signs are subject to the following additional restrictions:

Wall signs placed against the exterior walls of structures shall not extend more than six (6) inches outside of a structure's wall surface.

Projected signs fastened to, suspended from or supported by structures shall not be less than ten (10) feet above a sidewalk nor less than fifteen (15) feet above a driveway.

Roof signs shall not exceed ten (10) feet in height above the roof.

Combinations of any of the above signs shall meet all the requirements for the individual sign.

(b) In residential districts, signs are subject to the following additional restrictions:

For sale or rent signs, no trespassing signs, or similar signs shall be no larger than six square feet in gross area.

Home occupation signs advertising a legal home occupation shall not exceed six square feet in gross area.

(c) In shoreland districts, any sign visible from the water shall be at least seventy-five (75) feet from the normal high water elevation and shall not exceed 30 feet in gross area.

(4) Non-Conformance: Signs not in conformance with the provisions of this ordinance shall be removed by the owner (or owners) of property on which they are located within three years of the date of the enactment of this ordinance. However, signs that are deteriorated, not legible or obsolete shall be removed within 30 days.

(5) Sign Removal by County: If an owner fails to remove a sign in accordance with the provisions of this ordinance, Grant County will remove the sign at the owner's expense following a 30 day removal notice from the Zoning Administrator.

Section 3.26 NONCONFORMING LOTS, STRUCTURES, AND USES

Lots, structures and land or water uses not in conformity with the provisions of this ordinance or specified as a permitted or conditionally permitted continuation of an existing structure or use, shall be deemed a lawful nonconforming lot, structure or use and may be continued in accordance with the following provisions, provided it does not constitute a public nuisance under state law or endanger the public health, safety or general welfare.

- (1) Existing Nonconforming Lots:** In any district, a conforming structure (except multi-family) may be erected or constructed on any legal lot or parcel of land in separate ownership from abutting lands and of record in the Office of the County Register of Deeds before the effective date of adoption (1981) or amendment of this ordinance. If abutting lands and a recorded lot or parcel of substandard size or dimension are owned by the same owner, the substandard lot or parcel shall not be sold or used without compliance with the provisions of this ordinance. If in separate ownership, the district requirements shall be complied with insofar as practical including structure height and setback requirements and not less than sixty (60) percent of the floor, lot, and yard areas and/or dimensions prescribed for the particular district.
- (2) Existing Nonconforming Structures:** A lawful nonconforming structure existing at the time of adoption (1981) or amendment of this ordinance may be continued although its size, dimensions, or location on the lot does not conform with the area or dimensional requirements of the particular district or with the parking, loading or setback provisions of this ordinance. However said structure shall not be extended or enlarged, nor shall it be moved or structurally altered except as required by law or order or so as to more fully comply with the provisions of this ordinance. Pre-existing residences located in areas subject to zoning under this Ordinance may be continued as a residential use. Such pre-existing residences may be altered, repaired or rebuilt if destroyed, but are subject to setback, height and other dimensional requirements.
- (3) Existing Nonconforming Uses:** The existing lawful use of a structure, premise, property, or parcel of land and/or water which is not in conformity with the uses permitted in the particular district in which it is located, may be continued subject to the following conditions:

 - (a) Only that portion of the property in actual use at the time of adoption (1981) or amendment of this ordinance may be so continued and the nonconforming structure or use shall not be extended or enlarged, reconstructed, moved, or structurally altered except as required by law or order or so as to more fully comply with the provisions of this ordinance.
 - (b) The total structural repairs, restoration, and permitted alterations over the nonconforming life of such structure, shall not exceed fifty (50) percent of the equalized assessed value of said structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of the particular district in which it is located.
 - (c) When a nonconforming use or structure thereof is damaged by fire, wind, explosion, flood, or other calamity to the extent of more than fifty (50) percent of its current equalized assessed value, it shall not be restored except as to comply with the provisions of the particular district in which it is located unless authorized by a conditional use permit. In the event, however, a nonconforming structure is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation and said damage or destruction occurred after March 2, 2006, the

nonconforming structure may be restored to the size, location and use that it had immediately before the damage or destruction occurred except that the size may be enlarged if necessary to comply with applicable state and federal regulations.

- (d) If such nonconforming use is terminated or discontinued for a period of twelve (12) consecutive months, any future use of the property, premises, parcel of land, or structure thereon shall be in conformity with the provisions of this ordinance.
- (e) Any nonconforming use of land not involving a structure (except signs) and any nonconforming junkyard may be continued but such continuation is limited to five (5) years from the time of beginning of such nonconformity, whereupon the nonconforming use shall cease. Nonconforming signs are subject to the provisions of Section 3.25 of this ordinance.

(4) Flood Plains and Shorelines: Nonconforming structures and uses in a flood plain or shoreland district shall be subject to the following conditions in addition to those listed above.

- (a) Any alteration, addition, repair, or restoration of a nonconforming structure in a flood plain district shall include “flood proofing” measures.
- (b) Existing waste disposal systems and methods in flood plain and shoreland districts not in compliance with applicable state and county laws and ordinances, shall not be permitted to continue as a lawful nonconforming use.

(5) Changes and Substitutions: The Board of Adjustment, for due cause, may grant a variance in the case of a nonconforming structure, or permit the substitution of a less objectionable nonconforming use for an existing nonconforming use, or permit such other changes, alterations or substitutions as will reduce the incompatibility of a nonconforming use with its neighboring uses.

Once a nonconforming use or structure or lot has been changed to conform, it shall not revert or be permitted to return to its original nonconforming status. A nonconforming use replaced by a permitted substituted use shall not revert or be permitted to return to its original status as a more objectionable nonconforming use and shall be subject to any and all conditions required by the Board of Adjustment.

Section 3.27 ADMINISTRATION

The administration of the zoning ordinance is primarily a process that is handled by the Zoning Administrator, the CSZ Committee and the Board of Adjustment.

A zoning permit is issued by the zoning administrator if the proposed use is in accordance with permitted uses for that particular district and if it appears that any proposed structure or work to be done on said property will meet the requirements of the zoning ordinance. If it appears that the use, work, and any proposed structure will not meet all of the requirements of this ordinance, the zoning permit shall be denied by the Zoning Administrator. If the permit is refused, appeal can first be made to the Board of Adjustment and then to a court of law.

The Grant County CSZ Committee will decide the issue of whether a conditional use permit is granted. If it appears that the proposed use will not meet the requirements of this ordinance, the conditional use permit shall be denied. The Grant County CSZ Committee also decides whether a permit is issued for a planned unit development.

Zoning violations are reported to the Corporation Counsel. The Corporation Counsel is authorized to file a lawsuit against any violators of this ordinance.

If a change in the zoning ordinance is desired, petition to the county board can be made by affected property owners or members of the CSZ Committee or the Zoning Administrator.

- (1) **COUNTY CSZ COMMITTEE:** The County CSZ Committee shall study and report to the County Board on proposed amendments to the zoning ordinance, oversee the administration of the zoning ordinance, authorize the issuance of conditional use permits, and planned unit developments if all applicable requirements of this ordinance have been met.
- (2) **ZONING ADMINISTRATION:** The County CSZ Committee shall appoint a county Zoning Administrator to handle the administration and enforcement of this ordinance. The County Zoning Administrator shall issue zoning permits when all of the required provisions of this ordinance have been met. The Zoning Administrator is also empowered to investigate complaints and give notice of all violations to the violators.
- (3) **BOARD OF ADJUSTMENT ESTABLISHMENT:** There is hereby established a Board of Adjustment for Grant County for the purpose of hearing appeals and applications for granting variances to the provisions of this ordinance in harmony with its provisions. Membership of the Board of Adjustment shall consist of 3 members to be appointed by the Chairman of the County Board with the approval of the County Board.
 - (a) **Principles Guiding Board Decisions:** The following are principles that shall guide the County Board of Adjustment:
 - (1) The burden is upon the appellant to prove the need for a variance.
 - (2) 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 granting a variance.
 - (3) The Board is bound to accept the zoning ordinance and map as being correct.
 - (4) The plight of the appellant must be unique, such as a shallow or steep parcel of land, or situation caused by other than the appellant's own action.
 - (5) The hardship justifying a variance must apply to the individual appellant's parcel or structure and not generally to other properties in the same district.

(b) **Powers:** The Board of Adjustment shall have the following powers:

- (1) **Errors:** To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator or County CSZ Committee.
 - (2) **Variances:** To hear and grant appeals for variances not contrary to the public interest, where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulty or unnecessary hardship so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted. Variances shall not create a substantial detriment to adjacent property.
 - (3) **Interpretations:** To render interpretations of the zoning regulations and the boundaries of the zoning districts after the County CSZ Committee has made a review and made recommendations.
 - (4) **Substitutions:** To hear and grant applications for substitutions or more restrictive nonconforming uses provided no structural alterations are to be made and the County CSZ Committee has made a review and made recommendations.
 - (5) **Assistance:** The Board may request assistance from other County Officers, Departments, Commissions, and Boards.
 - (6) **Oaths:** The Chairman may administer oaths and compel the attendance of witnesses.
- (c) **Findings:** The facts of each case and the specific reasons for granting or denying a variance shall be clearly stated in the minutes of the Board of Adjustments proceedings.
- (d) **Appeals:** Appeals to the Board of Adjustment may be taken by a person aggrieved, or by an officer, department, board or bureau of the municipality affected by any decision of the Zoning Administrator or the CSZ Committee. Such appeal shall be taken within 30 days after issuance of the decision, which is being appealed. To file an appeal, the appellant must file a written notice of appeal with the Zoning Administrator setting forth the name and address of the appellant, the decision being appealed, the date of the decision being appealed, and the grounds upon which the appellant is filing the appeal. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record concerning the matter being appealed.
- (e) **Hearing Appeals:** The Board of Adjustment shall review appeals on a monthly basis. The Zoning Administrator shall give public notice of the hearings by a Class 2 publication in the official newspaper of the county prior to the hearing. The notice shall specify the date, time and place of hearing and the matters to come before the Board. A written notice shall be mailed by the Zoning Administrator to the parties in interest at least ten days prior to the hearing. The Board shall decide the matter within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney. The Board of Adjustment shall adopt such rules, as it deems necessary for the conduct of business.

(4) ZONING PERMITS AND CERTIFICATE OF COMPLIANCE.

(a) Zoning Permit: No structure or any part thereof shall hereafter be located, installed, erected, constructed, reconstructed, extended, enlarged, converted, structurally altered or placed on a lot or parcel of land within the area subject to the provisions of this ordinance until a zoning permit has been applied for in writing and obtained from the Zoning Administrator. Such permit shall be posted in a prominent place on the premises prior to and during the period of construction, alteration or installation. The Zoning Administrator shall keep a record of all permits issued. Any zoning permit issued in conflict with the provisions of this Ordinance shall be null and void. All permits shall expire twelve (12) months after the date of issuance unless the Zoning Administrator approves an extension of time in writing upon assurance that reasonable progress is being made toward the completion of the permitted work.

1. Zoning permits may be extended up to one time for 1 additional concurrent year from the original permit expiration date.

(b) Application for Zoning Permit: All applications for a zoning permit shall be filed by the applicant with the Zoning Administrator on forms to be furnished by the Zoning Administrator and completed by the applicant and to such scale as may be prescribed by the Zoning Administrator. The application form shall require the applicant to furnish the following information:

1. Names and addresses of the applicant, owner of the site, architect, professional engineer, surveyor, contractor, and the subject site.
2. Description of the subject site by lot, block and recorded subdivision or by certified survey: the type of structure: existing and proposed operation or use of the structure or site: number of units, occupants, and/or employees; height and floor area of principal structures, and the primary and overlay zoning district within which the subject site is located.
3. A sketch or plat of survey, plat plan, or development plan showing the location, boundaries, dimensions, elevations, uses and size of the site, existing and proposed easements, streets, and other public ways, existing and proposed structures, yards, off-street parking, loading areas, and driveways, primary, flood plain, shoreland, and other overlay district boundaries, existing and proposed highway access restrictions, and the location, elevation, and use of abutting lands and their structures within two hundred (200) feet of the subject site.
4. Proposed water supply and/or sewage disposal plan if municipal water and/or sewage service is not available. A certification by a licensed plumber or engineer shall be furnished evidencing that satisfactory, adequate and safe water supply and waste disposal is possible on the site as proposed by the plan in accordance with applicable local, county and state regulations.
5. Additional information as may be required by the Zoning Administrator.

(c) Certificate of Compliance: If the Zoning Administrator grants a zoning permit and the applicant complies with the provisions of this ordinance, a certification shall be entered on the zoning permit by the Zoning Administrator. No vacant land shall be occupied and no structure for which a zoning permit is required shall hereafter be occupied, nor shall the principal use

of such structure be changed and the structure reoccupied unless said certification has been issued to show that such structure or premises and the use thereof are in compliance with the provisions of this ordinance. At his or her discretion, the Zoning Administrator may issue a temporary certificate pending final determination of compliance but such issuance shall not authorize an occupancy in excess of one (1) year. The issuance of a temporary certificate shall not be construed to imply that the particular structure or use complies with this ordinance in any respect.

In the event of construction in the flood plain district, the Zoning Administration shall request the applicant to submit a certification by a registered professional engineer that the finished fill and flood protection factors were accomplished in compliance with the provisions of this ordinance.

(d) Cases Where Zoning Permit Not Required: No zoning permit shall be required in any of the following cases.

1. For any structure on which work having a value of \$250 or more has been done prior to the approval of Grant County's 1981 zoning ordinance.
2. For any accessory structure costing \$500.00 or less, provided such structure conforms to all the setback, yard and open space requirements of this ordinance and there shall still be a permit required; however, the applicant shall be exempt from submitting a permit fee.
3. For any improvements or alterations to an existing structure in the amount of \$500 or less which shall not effect a change in use or encroach upon any yard or open space requirement in this ordinance. A permit shall not be required for any maintenance repairs regardless of costs.

(5) CONDITIONAL USES:

(a) Permit: The County CSZ Committee is authorized to issue or deny conditional use permits.

1. Any conditional use permit for a quarry or nonmetallic mine shall be limited to a 5 year permit. If the conditional use granted by a permit is stopped and does not commence again within those five (5) years, the permit process must start again with opportunity for public input. Any Administration Code Chapter NR 135 shall be resolved in favor of the latter.

(b) Application: Applications for conditional use permits shall be filed by the applicant in duplicate with the Zoning Administrator on forms provided by the Zoning Administrator and completed by the applicant. Such applications shall include the following information to be furnished by the applicant:

- (1) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and abutting property owners of record.
 - (2) Description of the subject site by lot, block, and recorded sub-division or certified survey, address of the subject site, type of structure, proposed operation or use of the structure or site, number of employees, and the zoning district within which the subject site lies.
 - (3) Sketch or plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses and size of the site, existing and proposed easements, streets, and other public ways, existing and proposed structures, yards, off-street parking, loading areas, and driveways, primary, flood plain, shoreland, and other overlay districts boundaries, existing and proposed highway access restrictions, and the location, elevation, and use of abutting lands and their structures within two hundred (200) feet of the subject site.
 - (4) The CSZ Committee may request additional information to be furnished by the applicant.
- (c) **Purpose:** The development and administration of this Chapter is based upon the division of the County into zoning districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular locations. Such conditional uses fall into two (2) categories:
- (1) Uses publicly operated or traditionally affected with a public interest; and
 - (2) Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or private facilities.
- (d) **Standards:** No conditional use shall be granted by the Conservation, Sanitation & Zoning Committee unless such Commission shall find:
- (1) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 - (2) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
 - (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - (4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
 - (6) That adequate prevention and control of water pollution including sedimentation are being provided;
 - (7) That adequate measures will be taken to sustain existing topographic and drainage features and vegetation cover on the site;
 - (8) That adequate location of the site with respect to flood plains and floodways of bodies of water;
 - (9) That adequate consideration of erosion potential of the site based upon degree and direction of slope, soil type and vegetation cover;
 - (10) That location factors are considered which address:
 - (a) Domestic uses shall be generally preferred;
 - (b) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source; and
 - (c) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase the possibility.
 - (11) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Conservation, Sanitation & Zoning Committee; and
 - (12) In the case of nonmetallic mining, the Conservation, Sanitation, & Zoning Committee shall also consider any reclamation plan submitted for the property and the reclamation plan's provisions for maintaining lateral support and for depth of the quarry pursuant to the standards set forth in Wisconsin Administration code Chapter NR 136.
- (e) Conditions:** The Conservation, Sanitation & Zoning Committee or the Board of Adjustment may attach conditions, in addition to those required elsewhere in this ordinance, that it deems necessary in furthering the purpose of this ordinance. Violation of any of these conditions shall be deemed violations of this ordinance. Such conditions may include but are not limited to conditions as to type of shore cover, increases setback and yards, specified sewage disposal and water supply facilities, landscaping and planting screens, hours of operation, operational control, sureties, deed restrictions, locations of piers, docks, parking, and signs, type of construction or any other requirement necessary to fulfill the purpose and intent of this ordinance. The Conservation, Sanitation & Zoning Committee may still impose conditions as long as they are reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The county's decision to approve or deny the permit must be supported by

substantial evidence. Substantial evidence being facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

In order to secure information upon which to base a determination, the applicant may be required to furnish additional information, including, but not limited to, the following:

- (1) A plan of the area showing contours, soil types, high water mark, ground water conditions, bedrock, slope and vegetable cover.
- (2) Location of buildings, parking area, traffic access, driveways, walkways, open spaces, landscaping, and lighting.
- (3) Plans for buildings, sewage disposal facilities, water supply systems and arrangements of operations.
- (4) Specifications for areas of proposed filling, grading, lagoons or dredging.
- (5) Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.

(6) Planned Unit Development Permits: For a planned unit development, an applicant shall file an application for a planned unit development permit on an application form furnished by the Zoning Administrator and completed by the applicant. Such application form shall provide for the following information to be furnished by the applicant:

- (a) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and abutting property owners of record.
- (b) Description of the subject site by lot, block, and recorded sub-division or certified survey, address of the subject site, type of structures, proposed operation or use of the structures or site, number of employees, and the zoning district within which the subject site lies.
- (c) A detailed plan must be furnished with the application which includes all information required under Section 3.21 of this ordinance.
- (d) A preliminary plat meeting the requirements of Section 3.21 of this ordinance must be provided with the application.
- (e) A final plat must be submitted by the applicant as required by Section 3.21 of this ordinance.
- (f) The CSZ Committee may request additional information to be furnished by the applicant.

The hearing regarding a planned unit development shall take place before the CSZ Committee

who shall decide whether said permit is granted or denied. A Class 2 notice as to the hearing shall be published in the newspaper. Notice of the hearing shall be given to interested persons in writing at least ten days in advance. A planned unit development or conditional use hearing notice is to provide for the date and time of the hearing and the location of the hearing. Notice shall be given to the town involved as provided for in Section 3.21 of this ordinance. If the requirements set forth in this ordinance have not been met, the permit shall be denied. The permit shall also be denied if health or safety hazards will be created as a result of the development or if the development will conflict with neighboring uses of the property.

(7) MEETING DATES AND FEES:

- (a) **Meetings:** Appeals to the Board of Adjustment, hearings and reviews by the CSZ Committee and action by the County Board related to zoning will be permitted according to the following schedule:

County Board – at the regular meeting.

Board of Adjustment – at the call of the Chair of the Board of Adjustment.

CSZ Committee – at the regular meeting as determined by the Chairman of the Committee.

- (b) **Fees for Permits and Appeals:**

Monetary fees are herein established to defray the cost of administration of this ordinance, and shall be required as part of a permit application and for, but not limited to zoning document review, inspections, rezones, conditional uses, variances, and special exceptions. The fees shall be set in a separate fee schedule and amended from time to time by the Grant County CSZ Committee.

(8) COMPLIANCE AND ENFORCEMENT:

- (a) It shall be the duty of the Zoning Administrator, with the aid of his or her duly appointed deputies, the Corporation Counsel and the Grant County Sheriff's Department to review applications for Zoning permits: issue or deny such permits and certificates of compliance; investigate all complaints; give notice of any violations; and otherwise enforce the provisions of this ordinance.
- (b) The Zoning Administrator and his or her duly appointed deputies may enter at any reasonable time onto any public or private land or water to make a zoning inspection and may require, call for, or secure professional advice, and/or assistance in regard to technical matters.
- (c) Any person, firm, company, or corporation who violates any provisions of this ordinance, shall be subject to a forfeiture of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00), plus costs and attorney fees, for each day of violation. Default in payment may result in imprisonment in the Grant County jail for a period not to exceed six months for contempt.

Additional Appeal Information:

Any person, firm, or corporation aggrieved by a decision of the Board of Adjustment can appeal the decision of the Board of Adjustment by filing a writ of certiorari with the Circuit Court within 30 days of the entry of the decision by the Board of Adjustment.

Additional Requested Information:

The Zoning Administrator, the CSZ Committee, and the Board of Adjustment can request additional information or documentation from any applicant for a permit. If the applicant fails or refuses to provide the additional requested information or documentation regarding the matter, the permit can be denied.

Section 3.28 DEFINITIONS

Except where specifically defined herein, all words used in this ordinance shall carry their customary meanings. The word “shall” is mandatory, not permissive. All distances unless otherwise specified, shall be measured horizontally. In this ordinance, the following words have the following meanings:

- (1) **Accessory use or Structure:** A use, structure or detached structures (on land or water) and located on the same lot or parcel serving a purpose customarily incidental to the principal structure or use.
- (2) **Airport:** Any airport which complies with the definition contained in Section 114.002(7), Wisconsin Statutes, or any airport which serves, or offers to serve any commercial carriers engaged in air transport.
- (3) **Bedroom:** Any space in a dwelling unit that contains a closet area and doesn't include the following: laundry room, family room, kitchen, living room, bathroom, dining room, and the like.
- (4) **Boarding house (Bed & Breakfast):** A building, other than a hotel, restaurant, or a Community Based Residential Facility, where meals, or lodging are regularly furnished for compensation to persons that are not members of building owner's family.
- (5) **Boathouse:** Any structure designed for the purpose of protecting or storing boats for non-commercial purposes. Boathouses shall not be used for human habitation.
- (6) **Buildable Area of a Lot:** That part, or area of a lot that is within the required building setbacks from the side, front and rear yard lot lines and road centerline.
- (7) **Campgrounds, or Recreational Vehicle/Trailer Parks:** Any privately, or municipally owned tract of land accessible by boat, automobile, or other engine driven vehicle with more than (2) two or more recreational vehicles, including campers, tents, RV's or similar temporary recreational structures.
- (8) **Conditional uses:** Uses which because of their unique characteristics, cannot be properly classified in any particular district, or districts without consideration in each case, of the impact of these uses upon neighboring land and the public need for the particular uses in the particular location.
- (9) **Corner lot:** A lot abutting two, or more streets at their intersection, where the interior angle formed by the street intersection is less than 135 degrees.
- (10) **DATCP:** Department of Agriculture, Trade and Consumer Protection.
- (11) **Day care center:** A licensed facility where a person, other than a relative, or guardian, provides care and supervision for (4) four, or more children under 7 years of age, for less than 24 hours per day and for compensation.
- (12) **Dwelling, (Single-Family):** A single-family dwelling is a detached structure designed for and exclusively occupied by one family and meets the minimum building size and square footage standards of this Ordinance.
- (13) **Dwelling, (Multi-Family):** A detached building designed for human habitation, a residence designed to contain separate residential living units within one building to be occupied by two, or more families.

- (14) **Family:** One, or more persons related by blood, marriage, or legal agreement occupying the same premises and living together in a single dwelling, or dwelling unit.
- (15) **Farm:** A tract of land under common ownership that is primarily devoted to agricultural use, that produces annual revenues, on which crops, or animals are raised, including the farmstead as well as crop and pastureland.
- (A) Other forms of a farm use include but are not limited to silviculture, aquaculture, floricultural and horticultural.
- (16) **Farmstead:** The structures (including residences) of a farm.
- (17) **Floor Area:** The sum of the gross horizontal areas of several floors of the building, measured from the outer lines of the exterior walls of the buildings, provided that the floor area of a dwelling shall not include space not useable for living quarters, such as attics, unfinished basement rooms, garages, breezeways, and unenclosed porches.
- (18) **Frontage:** Frontage is the linear distance of property along a public highway, roadway, or street right-of-way line, or along the ordinary high water mark of a stream, river, or lake, or along a wetlands area.
- (19) **Front lot line (right-of-way line):** A line dividing a lot from any public highway, or street, except a limited, or controlled access highway to which the lot has no access.
- (20) **Front yard:** The yard setback area extending across the full width of the lot, side lot line to side lot line, whose depth is measured in feet at a right angle from the center line of an existing, or proposed street, or highway, or front property line to an assigned distance pursuant to the zoning district and street, or highway type.
- (21) **Height:** (objects, or structures other than a building): Pursuant to this Ordinance, height means the vertical distance to the highest point of a structure, except a chimney, or antenna, to the average ground level elevation where the walls, or other structural elements intersect with the ground.
- (22) **Highway:** A highway is a public way for the purpose of vehicular travel including the entire area within the right-of-way. As modifiers, “arterial” denotes a highway primarily for through traffic on a continuous route.
- (23) **Highway Interchange:** A separated grade intersection with one or more turning roadways and including all such roadways, ramps, entrance and exit terminals, flares, tapers, structures and appurtenances, and the right-of-way devoted thereto.
- (24) **Highway Intersection:** The area within which two or more highways join or cross including the roadway, and roadside facilities for all associated traffic movements, and the right-of-way devoted thereto.

- (25) Home Occupation:** A gainful occupation conducted by a member of the family within his, or her place of residence, where the space used for conducting the occupation is incidental to the residential use, where the floor area where the occupation is conducted does not exceed twenty (20%) percent of the total floor area of the home, and where no article is sold, or offered for sale except such as is produced by such home occupation. A home occupation includes such things as babysitting, millinery, dressmaking, canning, launderings and crafts, but does not include the display of any goods visible from the street nor such use as barber, or beauty shops, dance school, real estate brokerage, or photographic studios.
- (A) For residential professional home office uses such as doctors, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, agriculture, or other recognized professions where the area used to conduct such occupations does not exceed 20% of the total floor area of the residence and where no article is sold, or offered for sale other than that being part of the recognized profession.
- (26) Junk or Salvage Yard:** Any place which is owned, maintained, operated, or used for storing, keeping, processing, buying, or selling any of the following:
- (A) The temporary storage of automobile bodies, or parts awaiting disposal as a normal act of a business operation when the business will continually have like materials located on the premises.
- (B) Junk, waste, salvage materials, house wreckage, structural steel materials, and equipment.
- (27) Landing Strip:** An airport, which has only one runway for the landing of aircraft. This runway shall not exceed 2500 feet in length.
- (28) Lot:** A tract of land having a frontage on a public street, occupied, or intended to be occupied by a principal structure, or use and is sufficient in size to meet the lot width, lot frontage, lot area, yard areas, parking areas, and other space provisions of this Ordinance.
- (29) Lot Width:** Lot width is the distance between side lot lines of a lot, or tract of land.
- (30) Lot Width and Frontage:** Lot width is the distance between sidelines of the lot. Frontage is the linear distance of property along a public highway, street, or roadway or a body of water.
- (31) Manufactured Home:** A structure that is designed to be used as a dwelling with, or without a permanent foundation and that is certified by the Federal Department of Housing and Urban Development.
- (32) Marina:** A small harbor or boat basin providing dockage, supplies, and services for small pleasure craft.
- (33) Mobile Home:** A vehicle manufactured, or assembled and certified by the Federal Department of Housing and Urban Development as of June 15, 1976, designed to be towed as a single unit, or in sections upon a highway by motor vehicle and equipped and used, or intended to be used for human habitation, with walls of rigid un-collapsible construction, which has an overall length in excess of 45 feet and a body width of more than 8 feet.
- (34) Mobile Home Park:** Any park, court, site, lot, parcel, or tract of land designed, maintained, intended, or used for the purpose of supplying a location, or accommodations for 2, or more mobile homes and shall include all buildings used, or intended for use as part of the park thereof, whether, or not a charge is made for the use of the mobile home park and its facilities. A mobile home park shall not include automobile, or mobile home sales lots on which unoccupied mobile homes are parked for inspection and/or sale.

(35) Nonconforming (Use, Lot, Building, or Structure):

Nonconforming uses, lots, buildings, or structures are those which do not conform to a provision, or requirement of this Ordinance, but which were lawfully established prior to the effective date of this Ordinance, or of a governing amendment to this Ordinance.

- (A) A use that does not conform, with the use regulations of the district in which it is located is a nonconforming use.
- (B) Any building, or structure conforming in respect to a use but not in respect to frontage, width, height, area, yard, parking, loading, or setback requirements, is a nonconforming building, or structure and not a nonconforming use.
- (C) A lot of record that does not conform to the minimum lot width, or area requirements of a district the lot is located in is a nonconforming lot.

(36) Parcel of land:

A contiguous area of land identified for taxation purposes to which legal, or equitable title is held.

(37) Parties in interest: Parties in interest include all abutting property owners, and all property owners within 300 feet.

(38) Principal structure: Pursuant to this Ordinance, principal structure refers to a dwelling type structure including the attached garage in a residential, or agricultural zoning district, or a building in a commercial, industrial, or agricultural zoning district that is habitable by any person.

(39) Professional Home Offices: Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions where the area used to conduct their occupations does not exceed 20% of the total floor area.

(40) Rear lot line: A lot line which is located opposite of a front lot line and on a corner lot shall be opposite of the street which is accessible

(41) Rear yard: The yard setback area extending across the full width of the lot, side lot line to side lot line, whose depth, is measured in feet at a right angle from the rear lot line to an assigned distance pursuant to the zoning district.

(42) Recreational vehicle: A vehicle having an overall length of 45 feet, or less and a body width of 8 feet, or less primarily designed as temporary living quarters for recreational camping, or travel use, which either has its own mode of power, or is mounted on, or drawn by another vehicle. The basic entities are: travel trailers, camper trailers, truck campers and motor homes.

(43) Right-of-way: a strip of land, property, or interest therein acquired for or devoted to a highway or other public way.

(44) Sanitary Landfill: A method of disposing of solid waste on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation.

(45) Setback: A setback is an assigned separating distance measured in feet between a regulated structure and a controlling item including but not limited to a property line, street, road, or highway center line, or stream, well, septic system component, building, or structure.

(46) **Shouse (shed/house):** The mix between a shed and a house and shall be constructed according to UDC building codes and will be considered as a single family dwelling.

(47) **Side lot line:** A side lot line is any lot line that is not a front, or rear lot line.

(48) **Side yard:** The yard setback area running parallel to the side lot line extending the full depth of the lot, front lot line to rear lot line, whose depth is measured in feet at a right angle to the side lot line to an assigned distance pursuant to the zoning district.

(49) **Sign:** A sign is any structure, or natural object, or part thereof, or device attached thereto, or printed, or represented thereon which is intended to attract attention to any object, product, place, activity, person, institution, organization, business, or which shall display, or include any letter, word, or message, picture, or representation used as, or which is in the nature of an announcement, direction, or advertisement which is visible from any public street, or highway.

(50) **Silviculture:** A woodland management practice by which desirable and long lived species of trees are perpetuated and provision is made for efficient control growth and the disposal of slash material.

(51) **Street:** A right-of-way accepted and designated as a public street, road, or highway by a public authority.

(52) **Structure:** Anything constructed, used, temporary, or permanent, having a roof, or other covering and designed, or used, for the shelter, or enclosure of any person, animal, machinery, materials, or property of any kind.

(53) **Structure height:** The vertical distance measured from the average finished grade elevation at the building line to the highest point of a flat roof, or the deck line of a mansard roof, or to the average height of the highest gable, gambrel, or hip of a pitched roof.

The image contains six diagrams of different roof types, arranged in two columns and three rows. Each diagram shows a perspective view of a roof on a rectangular building footprint. A vertical double-headed arrow labeled 'H' indicates the height measurement from the ground level to the highest point of the roof. The diagrams are: 1. Flat Roof: A simple flat roof. 2. Flat Roof with Parapet wall: A flat roof with a low wall (parapet) around the perimeter. 3. Mansard Roof: A roof with two levels of slope, the upper level being steeper. A dashed line labeled 'Deck Line' is shown at the top of the upper slope. 4. Hip Roof: A roof with four equal slopes meeting at a central ridge. 5. Gambrel Roof: A roof with two distinct slopes on each side, the upper slope being steeper than the lower slope. 6. Gable Roof: A roof with two slopes meeting at a central ridge, forming a triangular gable end.

(54) **Subdivision:** A division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of 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 area are created by successive divisions within a period of five years.

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- (55) Subdivision of record:** Refers to a subdivision that existed prior to Grant County's adoption of its Comprehensive Zoning Ordinance in 1981
- (56) Tract of land:** A continuous expanse of land, parcels and/or lots.
- (57) Trailer:** A vehicular, portable structure built on a chassis which can be transported by any motor vehicle and is designated to be used as a temporary dwelling for travel, recreation and vacation use and which does not fall within the definition of a mobile home.
- (58) Trailer Park:** Any privately or publicly owned parcel or tract of land accessible by automobile or other engine-driven vehicle; which camp is designed, maintained, intended, or used for the purpose of supplying accommodations for use by recreational vehicles on a temporary basis and is open to the public.
- (59) Unnecessary Hardship:** An unusual, or extreme reduction in the adaptability of an individual property to comply with the requirements of a permitted use in a particular zoning district due to its unique site, or soil characteristics as distinguished from those applicable to most, or all property in the same zoning district, such as narrow parcels, or steep land slopes, or a situation caused by something other than the property owners own action.
- (60) Un-useable lands:** Land that has a greater than 25% slope, or is permanently under water shall not be considered useable.
- (61) Useable Area:** Land that has a slope of less than 20%. Land that is permanently under water shall not be considered useable area.
- (62) Uses Consistent with Agricultural Use:** As defined in section 91.01(10) Wisconsin Statutes.
- (63) Utilities:** Utilities include public and private utility uses such as water wells, water and sewage pumper stations, water storage tanks, power and communication transmission lines, booster stations, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, but not including wastewater treatment plants, or municipal incinerators, warehouses, shops, and storage yards.
- (64) Yard:** A yard is an open space which is unoccupied and unobstructed from the ground upward, except for vegetation, and is on the same lot, or parcel with a structure. The front and rear yards extend the full width of the lot and the side yard extends the full depth of the lot.
- (65) Zoning Administrator:** Reviews applications for zoning permits, rezones, conditional uses, variances, special exception permits and enforces the zoning ordinance.

This ordinance shall take effect upon its passage and publication or posting as required by law.

Repealed and recreated this 20th day of June, 2017, by the Grant County Board Supervisors.

BOARD OF SUPERVISERS BY:

Robert C. Keeney
Robert C. Keeney, County Chair

ATTEST: I, Linda K. Gebhard, Grant County Clerk, do certify that the Amendment to Chapter 3 of the Grant County Ordinances has been approved by the Grant County Board of Supervisors at a meeting held on June 20,, 2017.

Linda K. Gebhard
Linda K. Gebhard, County Clerk

Grant County, WI
Monday, October 3, 2022

Chapter 270. Wind Energy Siting

[HISTORY: Adopted by the Board of Supervisors of Grant County 11-13-2018 by Ord. No. 70. Amendments noted where applicable.]

§ 270-1. General provisions.

- A. Title. This chapter is entitled "The Grant County Wind Energy System Siting Ordinance."
- B. Purpose. The purpose of this chapter is to adopt and incorporate the requirements of § 66.0401, Wis. Stats., and § PSC 128, Wis. Admin. Code, as a local ordinance and to establish local regulations on the installation and use of wind energy systems that are authorized by, compliant with, and no more restrictive than the rules promulgated by the Wisconsin Public Service Commission and that serve to preserve or protect the public health or safety, do not significantly increase the cost of the system or significantly decrease its efficiency, or allow for an alternative system of comparable cost and efficiency.
- C. Authority. This chapter is adopted pursuant to § 66.0401, Wis. Stats., and § PSC 128, Wis. Adm. Code.
- D. Applicability. This chapter applies to all lands within the boundaries of the County lying outside the limits of incorporated cities and villages.
- E. Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.
- F. Administration. This chapter shall be administered by the Grant County Conservation, Sanitation and Zoning Department.

§ 270-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMISSION

The Public Service Commission.

COMMITTEE

The Grant County Conservation, Sanitation and Zoning Committee.

DEPARTMENT DIRECTOR or DIRECTOR

The director of the Grant County Conservation, Sanitation and Zoning or the department director's designee.

LARGE WIND ENERGY SYSTEM or LARGE WIND

A wind energy system that has a total installed nameplate capacity of more than 300 kilowatts and that consists of individual wind turbines that have an installed nameplate capacity of more than 100 kilowatts.

OFFICE

The Grant County Conservation, Sanitation and Zoning Department.

PERMIT

A zoning permit issued by the Grant County Conservation, Sanitation and Zoning Department.

PSC 128

§ PSC 128, Wis. Admin. Code, Wind Energy Systems.

SMALL WIND ENERGY SYSTEM or SMALL WIND

A wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.

WIND ENERGY SYSTEM

Equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy.

§ 270-3. Permit, application, and filing requirements.

A. Permit requirement and fee.

- (1) No wind energy system shall be constructed, located, installed, reconstructed, enlarged, or relocated, including the placement of additional buildings or other supporting equipment used in connection with said wind energy system, without first obtaining a zoning permit and a conditional use permit, except as allowed under Subsection **A(2)**, and without full compliance with the provisions of this Code and all other applicable County and state requirements.
- (2) A single personal wind energy system (PWES) that is for use by the individual landowner on which the PWES is to be located that is 75 feet or under in total height and that has a nameplate capacity of less than five kilowatts may be located on a lot with a County zoning permit. No conditional use permit will be required for a single PWES meeting these requirements. The location of two or more PWESs on a lot, the location of a PWES that exceeds 75 feet in total height or that has a nameplate capacity greater than five kilowatts and/or the location of any other wind energy system on a lot shall require a zoning permit and conditional use permit in accordance with Subsection **A(1)**.
- (3) Applications for conditional use permits and zoning permits must meet the requirements in Subsection **C**. The exemptions listed under § PSC 128.60 Wis. Adm. Code, shall apply to an application that is submitted for a small wind energy system.
- (4) All fees shall be established by the resolution by the Grant County Board of Supervisors.
- (5) For large wind energy systems:
 - (a) The applicant is responsible for paying all costs incurred by the County in connection with the review and processing of the application, including the cost for services provided by outside attorneys, engineers, environmental specialists, planners, and other consultants and experts deemed necessary by the County.
 - (b) The County shall make the applicant aware of any such costs prior to incurring the cost and, if the applicant decides not to pay the costs, the application shall be denied.
 - (c) The County shall invoice the applicant for the actual and necessary costs incurred pursuant to this chapter. The applicant will be provided 15 days from the date of the invoice to reimburse the County.
 - (d) The office is authorized to contract with one or more engineers, environmental specialists, planners, and other consultants and experts to perform necessary services in connection

with this chapter.

- (e) The corporation counsel is authorized to contract with outside legal counsel to perform services in connection with this chapter.
- B. Permit expiration and extension. A zoning permit issued under this chapter shall expire if the project construction has not been started within 18 months of the permit issue date. An extension may be requested in writing to the director for up to 12 additional months provided the original permit has not yet expired. The director shall grant an extension provided the project is not inconsistent with any subsequently enacted law, rule or regulation under the purview of the office.
- C. Application requirements.
- (1) For small wind energy systems - An owner shall file an application with the office that, at a minimum, includes the following information:
- (a) Wind energy system description and maps showing the locations of all proposed wind energy facilities.
 - (b) Technical description of wind turbines and wind turbine sites.
 - (c) Timeline and process for constructing the wind energy system.
 - (d) Information regarding anticipated impact of the wind energy systems on local infrastructure.
 - (e) Information regarding noise anticipated to be attributable to the wind energy system.
 - (f) Information regarding shadow flicker anticipated to be attributable to the wind energy system.
 - (g) Information regarding the anticipated effects of the wind energy system on existing land uses adjacent to the wind energy system.
 - (h) Information regarding the anticipated effects of the wind energy system on airports and airspace.
 - (i) Information regarding the anticipated effects of the wind energy system on line-of-sight communications.
 - (j) A list of all state and federal permits required to construct and operate the wind energy system.
 - (k) Information regarding the planned use and modification of roads during the construction, operation, and decommissioning of the wind energy system, including a process for assessing road damage caused by wind energy system activities and for conducting road repairs at the owner's expense.
 - (l) A representative copy of all notices issued under section (5)^[1] and §§ PSC 128.105(1) and 128.42(1), Wis. Adm. Code, which are:
 - [1] PSC 128.105(1) and 128.61: Pre-application notice. At least 60 days before an owner files an application to construct a wind energy system, an owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:
 - [a] Adjacent landowners to the planned wind turbine host property.
 - [b] Political subdivisions within which the wind energy system may be located.
- [1] *Editor's Note: So in original.*
- (2) For large wind energy systems: An owner shall file an application with the office that, at a minimum, includes the following information:

- (a) All information required under Subsection **C(1)(a)** through **(f)** and **(h)** through **(k)** of this chapter.
- (b) Information regarding the anticipated effects of the wind energy system on existing land uses within 0.5 mile of the wind energy system.
- (c) A representative copy of all notices issued under section (5)^[2] and §§ PSC 128.105(1) and 128.42(1), Wis. Adm. Code, which are:
 - [1] PSC 128.105(1): Pre-application notice. At least 90 days before an owner files an application to construct a wind energy system, an owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:
 - [a] Land owners within one mile of the planned wind turbine host property.
 - [b] Political subdivisions within which the wind energy system may be located.
 - [c] Emergency first responders and air ambulance service providers serving the political subdivisions within which the wind energy system may be located.
 - [d] The Wisconsin Department of Transportation.
 - [e] The Public Service Commission.
 - [f] The Wisconsin Department of Natural Resources.
 - [g] The Wisconsin Department of Agriculture, Trade and Consumer Protection.
 - [h] The office of the Deputy Undersecretary of the United States Department of Defense.
 - [2] PSC 128.42(1): Notice of process for making complaints. Before construction of a wind energy system begins, an owner shall provide written notice of the process for making complaints and obtaining mitigation measures to all residents and landowners within 0.5 mile of any wind energy system facility. An owner shall include in the notice the requirements under § PSC 128.40(1), Wis. Adm. Code, for submitting a complaint to the owner, a petition for review to the political subdivision, and an appeal to the Commission, and shall include a contact person and telephone number for the owner for receipt of complaints or concerns during construction, operation, maintenance and decommissioning.

[2] *Editor's Note: So in original.*
- (d) A copy of all emergency plans developed in collaboration with appropriate first responders under § PSC 128.18(4)(b), Wis. Adm. Code. An owner may file plans using confidential filing procedures as necessary.
- (e) A decommissioning and site restoration plan providing reasonable assurance that the owner will be able to comply with § PSC 128.19, Wis. Adm. Code.
- (3) For all applications, the owner shall ensure that information contained in the application is accurate.
- (4) Evidence shall be included for all applications to show that, on the same day an owner filed an application under this chapter, the owner did use commercially reasonable methods to provide written notice of the filing of the application to property owners and residents located within one mile of the proposed location of any wind energy system facility. The notice shall include all of the following:
 - (a) A complete description of the wind energy system, including the number and size of the wind turbines.

- (b) A map showing the location of all proposed wind energy system facilities.
- (c) The proposed timeline for construction and operation of the wind energy system.
- (d) Locations where the application is available for public review.
- (e) Owner contact information.

§ 270-4. Local regulations.

A. Abandonment and decommissioning.

(1) For small wind energy systems:

- (a) A small wind energy system that does not generate electricity for a continuous period of 540 days will be deemed abandoned and the office may issue a notice of abandonment to the owner.
- (b) If, within 30 days of receipt of a notice of abandonment, the owner provides the office with information showing that the small wind energy system has not been abandoned, the office will withdraw the notice.
- (c) Unless the office withdraws the notice of abandonment, a small wind energy system tower must be decommissioned as prescribed by § PSC 128.19, Wis. Adm. Code. If the owner fails to remove a small wind energy system and reclaim the site, the County may remove or cause the removal of the small wind energy system and arrange for the reclamation of the site. The cost of removal and reclamation will become a lien upon the property and may be collected in the same manner as property taxes.

(2) For large wind energy systems:

- (a) An owner with a nameplate capacity of one megawatt or larger shall provide the County with financial assurance of the owner's ability to pay the actual and necessary cost to decommission the wind energy system before commencing major civil construction activities.
- (b) An owner shall provide the County with three estimates of the actual and necessary cost to decommission the wind energy system. The cost estimates shall be prepared by third parties agreeable to the owner and the County. The amount of financial assurance required by the County will be the average of the three estimates.
- (c) An owner shall establish financial assurance that is acceptable to the County and that places the County in a secured position. The financial assurance must provide that the secured funds may only be used for decommissioning the wind energy system until such time as the County determines that the wind energy system has been decommissioned, as provided for in § PSC 128.19(5), Wis. Adm. Code, or the County approves the release of the funds, whichever occurs first. The financial assurance must also provide that the County may access the funds for the purpose of decommissioning the wind energy system if the owner does not decommission the system when decommissioning is required.
- (d) The County may periodically request information from the owner regarding industry costs for decommissioning the wind energy system. If the County finds that the future anticipated cost to decommission the wind energy system is at least 10% more or less than the amount of financial assurance provided under this section, the County may correspondingly increase or decrease the amount of financial assurance required.
- (e) The County may require an owner to submit a substitute financial insurance of the owner's choosing if an event occurs that raises material concern regarding the viability of the existing financial assurance.

- (f) An owner shall, within 30 days of consulting with any federal or state agency about the construction, operation, or decommissioning of the wind energy system, provide the County with information about the reason for the consultation.
- (g) An owner shall, within 30 days of receiving any nonbinding recommendation for the construction, operation, or decommissioning of the wind energy system from any federal or state agency, provide the County with information about the consultation.

B. Lighting.

(1) For small wind energy systems:

- (a) A small wind energy wind system may be artificially lighted only if lighting is required by the Federal Aviation Administration.
- (b) An owner shall use shielding or control systems approved by the Federal Aviation System to reduce visibility of light when viewed from the ground.

C. Noise.

(1) For small wind energy systems:

- (a) The noise generated by the operation of a small wind energy system may not exceed 50 dB(A) during the daytime hours and 45 dB(A) during the nighttime hours as measured at the outside wall of a nonparticipating residence or occupied community building that existed when the owner gave notice pursuant to § PSC 128.105(1), Wis. Adm. Code, or for which complete publicly available plans for construction were on file with a political subdivision within 30 days of the date when the owner gave notice pursuant to § PSC 128.105(1), Wis. Adm. Code.
- (b) The owner of an adjacent nonparticipating residence or adjacent occupied community building may relieve the owner of the small wind energy system of the requirement to meet any of the noise limits in this section by written contract as provide in § PSC 128.14(5) and (6), Wis. Adm. Code.
- (c) The owner shall provide the notice as prescribed by § PSC 128.61(4), Wis. Adm. Code.
- (d) If an owner receives a complaint of a violation of the noise standards contained in § PSC 128.14, Wis. Adm. Code, and the owner has not provided the department with the results of an accurate test conducted within two years of the date of the complaint showing that the small wind energy system is in compliance with the noise standard at the location relating to the complaint, the owner shall promptly conduct a noise study to evaluate compliance with the noise standards at that location using the most current version of the noise measurement protocol as described in § PSC 128.50(2), Wis. Adm. Code.

(2) For large wind energy systems:

- (a) If an owner receives a complaint of a violation of the noise standards contained in § PSC 128.14, Wis. Adm. Code, and the owner has not provided the office with the results of an accurate test conducted within two years of the date of the complaint showing that the wind energy system is in compliance with the noise standard at the location relating to the complaint, the owner shall promptly conduct a noise study to evaluate compliance with the noise standards at that location using the most current version of the noise measurement protocol as described in § PSC 128.50(2), Wis. Adm. Code.

D. Ownership change.

- (1) An owner shall provide the County with notice of any change in ownership of the small wind energy system on or before the effective date of the change.
- (2) For large wind energy systems, a notice of change in ownership of the wind energy system shall include information showing that the financial responsibility specified under § 270-4A(2) of

this chapter will be met by the new owner.

E. Setbacks.

(1) For small wind energy systems:

- (a) A small wind energy system must be set back at least 1.0 time the maximum blade tip height from any nonparticipating property line, nonparticipating residence, occupied community building, or overhead communication and electrical transmission line, not including utility service lines to individual houses or outbuildings.
- (b) The owner of an adjacent nonparticipating residence or adjacent occupied community building may waive the required setback distance by providing a written agreement with the owner to the office and if the director is in agreement.

(2) For large wind energy systems:

- (a) A large wind energy system shall comply with the setback distances shown in Table 1 in § PSC 128.13, Wis. Adm. Code, which are:

Setback Description	Setback Distance
Occupied community buildings	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating residences	1.1 times the maximum blade tip height
Nonparticipating residences	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating property lines	None
Nonparticipating property lines	1.1 times the maximum blade tip height
Public road right-of-way	1.1 times the maximum blade tip height
Overhead communication and electric transmission or distribution lines, not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height
Overhead utility service lines: lines to individual houses or outbuildings	None

§ 270-5. Local procedure.

A. Application processing.

- (1) Within 30 days of receiving the application, the office shall notify the applicant whether the application is complete and, if it is not, what the applicant must do in order to make it complete.
 - (a) The applicant shall provide the additional information specified in the notice to the office within 60 days of the date of the notice.
 - (b) If the applicant fails to provide additional information specified in the notice to complete the application within 60 days of the date of the notice, the application shall be deemed abandoned. The owner may file a new application at a later date, subject to payment of a new application fee. There is no limit to the number of times that an owner may file an application.
 - (c) An application shall be deemed complete if it complies with the filing requirements of § 270-3 of this chapter and of § PSC 128.50, Wis. Adm. Code.

- (2) As soon as possible after receiving a complete application, the office shall publish a class 1 notice, under Ch. 985, Wis. Stats., stating that an application for approval has been filed with the County. If the application is deemed incomplete, the notice shall state the reason for the determination. The office will accept written comments on the application for a period of 10 days following the date of the published notice.
- (3) The County shall make a record of its decision making on an application for approval, including a recording of any public hearing, copies of documents submitted at any public hearing, and copies of any other documents provided to the political subdivision in connection with the application for approval.
- (4) The County shall base its decision on an application for approval on written findings of fact that are supported by the evidence in the record of any public hearing.
- (5) The County shall approve or disapprove an application for approval no later than 90 days after the day on which it notifies the applicant that the application for approval is complete. The County may extend this time period in writing provided the extension is done during the initial ninety-day period, except the total amount of time for all extensions granted may not exceed 90 days. Any combination of the following extensions may be granted: an extension of up to 45 days if the County needs additional information to determine whether to approve or deny the application; an extension of up to 90 days if the applicant makes a material modification to the application; and/or an extension of up to 90 days for other good cause specified in writing by the County. If the County fails to act within the initial 90 days, or within any extended time period, the application is considered approved.
- (6) For large wind energy systems, the County may deny an application if the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development as shown in an adopted comprehensive plan.
- (7) The decision/denial by the County of any application shall be made in writing to the applicant and must include the reasons for the decision/denial. Any decision/denial by the County of an application may be appealed to the Grant County Board of Adjustment following the procedure outlined in Chapter 315 of the Grant County Comprehensive Zoning Ordinance.
- (8) The County shall provide a written decision to the applicant and the public service commission. Said decision shall contain findings of fact supported by evidence in the record.

§ 270-6. Modifications to an approved system.

- A. Material change. An owner may not make a material change in the approved design, location or construction of a wind energy system without the prior written approval of the office. An owner shall submit an application for a material change to an approved wind energy system to the County. The County may not reopen the merits of the earlier approval, but shall consider only those issues relevant to the proposed change.
- B. An application for material change is subject to § PSC 128.35, Wis. Adm. Code.
- C. At its discretion, the County may hold at least one public meeting to obtain comments on and to inform the public about a proposed material change to an approved wind energy system.

§ 270-7. Third-party construction inspector.

The office may contract with a third-party inspector to monitor and report to the office regarding the owner's compliance with permit requirements during construction. The inspector monitoring compliance under this section shall also report to a state permitting authority upon the state permitting authority's request. The inspector shall make monthly written reports to the office. The owner shall reimburse the County for the actual and necessary cost of the inspector.

§ 270-8. Postconstruction filing requirement.

- A. Within 90 days of the date a wind energy system commences operation, the owner shall file with the office and the public service commission an as-built description of the wind energy system, an accurate map of the wind energy system showing the location of all wind energy system facilities, geographic information system information showing the location of all wind energy system facilities, and current information identifying the owner of the wind energy system.
- B. An owner shall label each wind turbine location described in its filing and shown on the map of the wind energy system with a unique identifier consistent with the information posted at the wind turbine location under § PSC 128.18(1), Wis. Adm. Code.

§ 270-9. Compliance monitoring.

- A. This section applies to large wind energy systems only. An owner shall maintain a maintenance log for each wind turbine. The log must contain the following information:
 - (1) Date and time maintenance was performed.
 - (2) Nature of the maintenance performed.
 - (3) Reason for the maintenance.
- B. An owner shall, at the owner's expense, provide the office with a copy of the maintenance log for each wind turbine for each month upon the request of the County.
- C. The office may retain such consultants or experts as it deems necessary to assess and determine whether the wind energy system facilities are compliant or to assess whether the wind energy system facilities are being maintained in good repair and operating condition.

§ 270-10. Decommissioning review.

- A. An owner shall file a notice of decommissioning completion with the County and any political subdivision within which its wind energy system facilities are located when a wind energy system approved by the County has been decommissioned and removed.
- B. The office shall conduct a decommissioning review to determine whether the owner has decommissioned and removed the wind energy system as required by § PSC 128.19(1)(a), Wis. Adm. Code, and whether the owner has complied with its site restoration obligation under § PSC 128.19(4), Wis Adm. Code.
- C. The owner shall cooperate with the County by participating in the decommissioning review process.

§ 270-11. Appeals.

- A. A decision by the office that the application is not complete, to approve or disapprove the application, or to impose a restriction on a small wind energy system may be appealed to the Public Service Commission.
- B. Any action by the County to enforce a restriction on a small wind energy system may be appealed to the Public Service Commission.
- C. An appeal must be filed with the Public Service Commission within 30 days after the date of the decision or the start of the enforcement action that is being appealed.

§ 270-12. Complaints.

A. Complaint process for wind energy systems.

- (1) An aggrieved person who has made a complaint to an owner in accordance with § PSC 128.40, Wis. Adm. Code, may petition the County for review of the complaint if it has not been resolved within 45 days of the day the owner received the original complaint.
- (2) The petition for review must be filed with the office within 90 days of the date of the original complaint and shall contain the following:
 - (a) Name, address, and telephone number of the person filing the petition.
 - (b) Copy of the original complaint to the owner.
 - (c) Copy of the owner's original response.
 - (d) Statement describing the unresolved complaint.
 - (e) Statement describing the desired remedy.
 - (f) Any other information the complainant deems relevant to the complaint.
 - (g) Notarized signature of the person filing the petition.
- (3) The office shall forward a copy of the petition to the owner by certified mail within 10 days of the office receiving the petition.
- (4) The owner shall file an answer to the petition with the office and provide a copy of its answer to the complainant within 30 days of its receipt of the petition.
- (5) The answer must include the following:
 - (a) Name, address, and telephone number of the person filing the answer.
 - (b) Statement describing the actions taken by the owner in response to the complaint.
 - (c) Statement of the reasons why the owner believes that the complaint has been resolved or why the complaint remains unresolved.
 - (d) Statement describing any additional action the owner plans or is willing to take to resolve the complaint.
 - (e) Any other information the owner deems relevant to the complaint.
 - (f) Notarized signature of the person filing the answer.
- (6) The complainant and the owner may, within 30 days following the owner's filing of its answer, file such additional information with the office as each deems appropriate.
- (7) The office may request such additional information from the complainant and the owner as it deems necessary to complete its review.
- (8) The office may retain such consultants or experts as it deems necessary to complete its review.
- (9) The office shall issue a written decision and may take such enforcement action as it deems appropriate with respect to the complaint.
- (10) The decision of the office and enforcement action is subject to review under § 66.0401(5), Wis. Stats.

B. Additional process for large wind energy systems.

- (1) An owner shall comply with the notice requirements contained in § PSC 128.42(1), Wis. Adm. Code.
- (2) An owner shall, before construction of a large wind energy system begins, provide the office with a copy of the notice issued pursuant to § PSC 128.42(1), Wis. Adm. Code, along with a list showing the name and address of each person to whom the notice was sent and a list showing the name and address of each political subdivision to which the notice was sent.
- (3) An owner shall, before construction of a large wind energy system begins, file with the office the name and telephone number of the owner's contact person for receipt of complaints or concerns during construction, operation, maintenance, and decommissioning. The owner shall keep the name and telephone number of the contact person on file with the office current.

§ 270-13. Violations; enforcement; penalties.

A. Violations.

- (1) It is unlawful for any person to violate any provision of this chapter.
- (2) It is unlawful for any person to knowingly provide false information, make a false statement, fail to provide, or misrepresent any material fact to a county agent, board, commission, committee, department, employee, official, or officer acting in an official capacity under this chapter.
- (3) It is unlawful for a person to disobey; fail, neglect, or refuse to comply with; or otherwise resist a permit or order issued pursuant to this chapter.
- (4) A separate offense is deemed committed on each day that a violation occurs or continues.

B. Enforcement.

- (1) Office authority. The office shall enforce this chapter and may conduct inspections and investigate complaints relating to compliance with this chapter.
- (2) Inspection authority. The office may request permission to inspect, at a reasonable time and date, any premises or structure for which a permit has been applied for or granted to determine compliance with this chapter. Refusal to grant permission is grounds for denial or revocation of a permit. If permission is not given, the office may apply for, obtain, and execute a special inspection warrant pursuant to § 66.0119, Wis. Stats.
- (3) Notice of noncompliance. If the office finds a violation of any provision of this chapter, the office may issue a written notice to the owner stating the conditions of noncompliance, specifying the action required to come into compliance, and providing a reasonable amount of time within which compliance is required.
- (4) Permit revocation authority. The office may revoke a permit for substantial noncompliance with any provision of this chapter, refusal to permit inspection of wind energy systems facilities for which a permit has been granted, or failure to comply with the action requirement contained in a notice of noncompliance.
- (5) Citation authority. The office may issue a citation for any violation of this chapter. The office is not required to issue a notice of noncompliance or take any other action prior to issuing a citation.
- (6) Legal referral. The office may refer a violation of this chapter to corporation counsel for legal action, including an action seeking injunctive relief. The office is not required to issue a notice of noncompliance or take any other action prior to referring a violation to corporation counsel.
- (7) Other enforcement means. Nothing in this section may be construed to prevent the County from using any other lawful means to enforce this chapter.

C. Penalties.

- (1) A person will, upon conviction for any violation of this chapter, forfeit not less than \$100 nor more than \$1,000 for each offense, together with the costs of prosecution for each violation, and may be ordered to take such action as is necessary to abate the offense within a specified time.
- (2) The minimum and maximum forfeitures specified in this section are doubled each time that a person is convicted for the same violation of this chapter within any twelve-month period.
- (3) A person who has the ability to pay a forfeiture entered pursuant to this chapter, but who fails or refuses to do so may be confined in the County jail until the forfeiture and costs are paid, but the period of confinement may not exceed 30 days. In determining whether a person has the ability to pay, all items of income and all assets may be considered regardless of whether the income and assets are subject to garnishment, lien, or attachment by creditors.
- (4) The failure of a county employee, official, or officer to perform an official duty imposed by a section of this Code will not subject the employee, official, or officer to a penalty unless the section imposing the duty also specifies the penalty.

Chapter 315. Zoning

[Current zoning provisions are available in the County Clerk's Office and the Zoning Office in Grant County or through the online version of the Code (eCode360).]

ATTACHMENTS

Comprehensive Zoning 7-19-2022 