

*Green Lake County, WI
Thursday, September 22, 2022*

Chapter 350. Zoning

[HISTORY: Adopted by the Board of Supervisors of Green Lake County 6-15-1976 by Ord. No. 146-76, as amended through Ord. No. 790-03. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Adult-oriented establishments — See Ch. **93**.

Comprehensive Plan — See Ch. **280**.

Farmland preservation — See Ch. **295**.

Floodplain zoning — See Ch. **300**.

Land division and subdivision — See Ch. **315**.

Shoreland protection — See Ch. **338**.

Article I. Introduction

§ 350-1. Authority.

This chapter is adopted under the authority granted by §§ 59.69 and 59.694, Wis. Stats., and amendments thereto.

§ 350-2. Title.

This chapter shall be known as, referred to, and cited as the "Zoning Ordinance, Green Lake County, Wisconsin" and hereinafter referred to as "this chapter."

§ 350-3. Purpose.

The purpose of this chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of Green Lake County.

§ 350-4. Intent.

A. It is the general intent of this chapter to:

- (1) Regulate the use of structures, lands and waters of Green Lake County;
- (2) Regulate lot coverage, population density and distribution, and the location and size of structures of Green Lake County;
- (3) Secure safety from fire, flooding, panic and other dangers;
- (4) Provide adequate light, air, sanitation, and drainage;
- (5) Further the appropriate use of land and conservation of natural resources;

- (6) Obtain the wise use, conservation, development, and protection of the County's water, soil, wetland, woodland, and wildlife resources and attain a balance between land uses and the ability of the natural resources base to support and sustain such uses;
 - (7) Prevent overcrowding and avoid undue population concentration and urban sprawl;
 - (8) Prevent noise pollution;
 - (9) Stabilize and protect the natural beauty and property values of the County;
 - (10) Lessen congestion in and promote the safety and efficiency of the streets and highways;
 - (11) Facilitate the adequate provision of public facilities and utilities;
 - (12) Preserve natural growth and cover and promote the natural beauty of the County; and
 - (13) Implement those municipal, County, watershed, or regional comprehensive plans or their components adopted by the County.
- B. Additionally, it is intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

§ 350-5. Abrogation and greater restrictions.

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

§ 350-6. Interpretation.

In their interpretation and application, the provisions of this chapter shall be liberally construed in favor of the County and shall not be construed to be a limitation or repeal of any other power granted by the Wisconsin Statutes.

§ 350-7. Severability.

- A. If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.
- B. If any application of this chapter to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.

§ 350-8. Conflicting ordinances.

Except as provided in § **350-9**, all prior County ordinances, or parts of ordinances, and amendments thereto conflicting with this chapter are hereby repealed and superseded by this chapter.

§ 350-9. When effective.

This chapter (as amending Ordinance No. 146-76) shall be effective after a public hearing, recommendation by the County Land Use Planning and Zoning Committee, adoption by the County Board of Supervisors, and publication or posting as provided by law. Zoning Ordinance No. 146-76 for

Green Lake County, Wisconsin, as amended, shall remain in effect in each individual town as approved by the town board of supervisors.

Article II. (Reserved)

[1] *Editor's Note: Former Art. II, Definitions, as amended, was repealed 12-19-2006 by Ord. No. 884-06. See now Art. XIII, Word Usage and Definitions.*

§ 350-10. (Reserved)

Article III. General Provisions

§ 350-11. Findings; abatement of nuisances.

The proper regulation of the use of certain structures, lands and waters only through the use of the zoning districts contained within this chapter is neither feasible nor adequate. Therefore, the following regulations, which shall be applied in addition to the district regulations, are necessary to accomplish the intent of this chapter. No provision of this chapter shall be construed to bar an action to enjoin or abate the use or occupancy of any land, buildings or other structures as a nuisance under the appropriate laws of the State of Wisconsin.

§ 350-12. Jurisdiction.

The provisions of this chapter shall apply to all structures, land, water and air within the unincorporated areas of Green Lake County, Wisconsin.

§ 350-13. Compliance required; number of buildings per lot; existing construction.

- A. The use of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located.
- B. Every residential building hereafter erected, converted, enlarged or structurally altered shall be located on a lot, and in no case shall there be more than one main residential building on one lot. [Amended 11-14-2017 by Ord. No. 22-2017]
- C. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof, the construction of which shall have been started before the effective date of this chapter.

§ 350-14. Nonconforming uses, structures and lots or parcels.

[Amended 11-14-2017 by Ord. No. 22-2017]

- A. Nonconforming uses.
 - (1) The existing lawful use of a structure or premises upon the effective date of this chapter or any amendment thereto may be continued although such does not conform to the provisions of this chapter for the district in which it is located, but such nonconforming use shall not be

- extended. The construction of a private residential accessory structure shall not be considered as the extension of a nonconforming use.
- (2) If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of the same or a more restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.
 - (3) If a nonconforming use of a structure or premises is discontinued for a period of 12 consecutive months, any future use of the structure or premises shall conform to the regulations for the district in which it is located.
 - (4) If a premises contains an existing nonconforming use, a conforming use shall not be permitted on that premises until such time as the nonconforming use is discontinued or brought into compliance with the provisions of this chapter.
 - (5) (Reserved)
 - (6) Passage of this chapter in no way legalizes any illegal uses existing at the time of its adoption.
- B. Nonconforming structures. Structures that were lawfully constructed prior to the effective date of this chapter that are conforming to this chapter as to use but do not conform as to dimensional rules (setbacks, height, separations, etc.) and which are proposed to be altered are subject to the following requirements:
- (1) Repairs and improvements of a maintenance nature are allowed.
 - (2) Alterations, additions and expansions that change the exterior dimension of the structure and that conform to the dimensional rules of this chapter are allowed.
 - (3) Alterations, additions and expansions that change the exterior dimensions of the structure and that do not conform to this chapter, but which do not increase the dimensional nonconformity beyond that which existed prior to the effective date of this chapter, are allowed, provided that they do not exceed 50% of the current total assessed value of the structure for the lifetime of the structure. Also see § 350-51 relating to existing nonconforming buildings, signs, structures, or parts thereof located in highway setbacks.
 - (4) No alterations, additions or expansions may occur that will increase the dimensional nonconformity.
 - (5) Per § 59.69(10e)(a) and (b), Wis. Stats., a nonconforming dwelling or nonconforming building, or part thereof, shall be permitted to be rebuilt so long as the three-dimensional building envelope is not increased.
[Added 3-19-2019 by Ord. No. 2-2019]
- C. Nonconforming lots or parcels.^[1] Any lot or parcel created prior to the effective date of this chapter, or revisions and/or amendments thereto, which does not meet the current minimum lot or parcel size standards of this chapter shall not be reduced in size unless the reduction results in compliance with the minimum lot or parcel size standard of the zoning district in which it is located.
- [1] *Editor's Note: Original § 3.3(4)(c)1, which was included in this subsection, is now included as the definition of "nonconforming lot" in § 350-77.*
- D. No building shall be erected, structurally altered or relocated and no lumber, materials, furniture or other equipment shall be stocked, piled or stored in a manner that shall be of such character as to adversely affect the property values and general desirability of the neighborhood.
- E. Split-zoned lots or parcels: In no case shall a land use permit be issued to a property owner or property owner's agent for a lot or parcel that is split-zoned. In these cases, the property owner shall consult the Land Use Planning and Zoning Department to obtain a resolution strategy to remedy the split-zoning condition. The resolution strategy could include a comprehensive plan

amendment, rezone, and a certified survey map. Once the split-zoning condition has been eliminated, a land use permit may be issued subject to the provision of this chapter.

§ 350-15. Accessory buildings; accessory structures.

[Amended 2-15-2011 by Ord. No. 989-2011; 11-14-2017 by Ord. No. 22-2017; 9-21-2021 by Ord. No. 30-2021]

Unless otherwise stated in this chapter, accessory uses and structures are permitted in any district, but not until their principal structure/use is present or under construction.

§ 350-16. (Reserved)

[1] *Editor's Note: Former § 350-16, Agricultural accessory structures, was repealed 2-15-2011 by Ord. No. 989-2011.*

§ 350-17. Dwelling design and construction.

[Amended 3-19-2019 by Ord. No. 2-2019; 8-18-2020 by Ord. No. 9-2020; 9-21-2021 by Ord. No. 30-2021]

- A. All dwellings as defined and permitted by this chapter shall conform to the following. They shall:
- (1) Be attached to a permanent foundation meeting the requirements of the State of Wisconsin Uniform Dwelling Code provisions in such a manner as to comply with standards for vertical loading, uplift and lateral forces and so designed and constructed that the floor elevation is reasonably compatible with other dwellings in the area.
 - (2) Have a first-story minimum living area of 800 square feet.
 - (3) Be not less than 20 feet in their smallest horizontal dimension, exclusive of portions of the dwelling including but not limited to three-season rooms, sunrooms or solariums, mudrooms, passageways and entryways.
 - (4) Have any wheels, axles, hitches, tow bars and other equipment necessary for transporting on streets or highways removed when the structure is placed on the foundation.
 - (5) Be constructed in accordance with accepted construction practices and building codes. In no case shall a shipping or storage container(s), or parts thereof, be used as a dwelling.
 - (6) There shall only one attached garage per dwelling unit and in no case shall the footprint of the attached garage exceed the dwelling unit's total living area.
- B. The requirements as set forth in Subsection **A(3)** above do not apply to dwellings located in an R-2 District, and the requirements as set forth in Subsection **A(6)** above do not apply to dwellings located in the A-1 and A-2 Zoning Districts.

§ 350-18. Area regulations.

- A. Except as otherwise provided in this chapter, every building/structure hereafter erected, moved or structurally altered shall be located on a lot at least 100 feet in average width and 20,000 square feet in area, regardless of the district in which such building is, or is to be, located, provided that when the regulations of Ch. SPS 383, Wis. Adm. Code, require a larger area, then such state regulations shall prevail.

[Amended 11-14-2017 by Ord. No. 22-2017]

- B. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.
- C. Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this chapter, such lot may be occupied by one family.

§ 350-19. Height regulations.

- A. Except as otherwise provided in this chapter, the maximum height of any building hereafter erected, moved or structurally altered shall be 35 feet (see definition "structure height"), not to exceed 2 1/2 stories, regardless of the district in which such building is, or is to be, located.
[Amended 11-14-2017 by Ord. No. 22-2017]
- B. Churches, schools, hospitals, sanatoriums and other public/quasi-public buildings may be erected to a height not exceeding 60 feet nor five stories, provided that the street, side and rear yards required in the district in which such building is to be located are each increased at least one foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
[Amended 3-19-2019 by Ord. No. 2-2019]
- C. Height exceptions. Farm buildings not for human habitation; chimneys; cooling towers; roof-mounted solar panel arrays; elevator bulkheads; fire towers; monuments; penthouses; stacks; scenery lofts; tanks; water towers; ornamental towers; spires; wireless, television or broadcasting towers; masts or aerials; telephone, telegraph and power transmission poles and lines; and microwave radio relay structures and necessary mechanical appurtenances are hereby excepted from the height regulations of this chapter and may be erected in accordance with other regulations or ordinances of Green Lake County.
[Amended 8-18-2020 by Ord. No. 9-2020]

§ 350-20. Side and rear yard regulations.

[Amended 10-18-2016 by Ord. No. 23-2016; 11-14-2017 by Ord. No. 22-2017; 3-19-2019 by Ord. No. 2-2019]

- A. There shall be a side yard on each side of a structure hereafter erected, moved or structurally altered.
- B. Except as otherwise provided in this section, every structure hereafter erected, moved or structurally altered shall provide the minimum side and rear yards as required by the following table for the district in which such structure is or is to be located:
[Amended 9-21-2021 by Ord. No. 30-2021]

District	Each Side Yard (feet)	Rear Yard (feet)
Residential	12	25
Recreational	12	25
Agricultural	12	25
Conservancy	20	25
Commercial*	12	25
Industrial*	20	25

NOTE:

- * Commercial and industrial structures, not designed for human occupancy, are required to provide a minimum setback 1.1 times their overall height.
- C. Except as otherwise provided in this section, every structure hereafter erected, moved or structurally altered, shall be set back from the adjoining highway or highways as required by Article VI, Highway Setback Lines.
- D. Lots 85 feet in width and under shall have a side yard setback of 10 feet on both sides.
- E. Except as otherwise provided in this chapter, no structure shall be erected or extended in a required yard, except the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than 12 inches.
- F. (Reserved)

§ 350-21. Motor vehicles and parking.

- A. No commercial motor vehicle exceeding three tons' capacity shall be stored in any private garage or in a residential district.
- B. In any commercial or industrial district, wherever a lot abuts upon a public or private alley, sufficient space for the loading or unloading of vehicles shall be provided on the lot in connection with any business or industrial use so that the alley shall at all times be free and unobstructed to the passage of traffic.
- C. Motor vehicles may not be parked in such a manner as to be injurious to the use and enjoyment of other property in the immediate vicinity nor substantially diminish and impair property values within the neighborhood.
- D. A motor vehicle that is abandoned, disassembled, nonoperative, disabled, junked, wrecked, or no longer licensed shall not be stored anywhere on any premises except in an authorized salvage yard or unless it is completely enclosed in a structure.
- E. Off-street parking.
 - (1) In all districts there shall be provided, at the time any building or structure is erected, off-street parking spaces in accordance with the requirements of this section. A site plan, including layout of parking spaces of any area for more than five vehicles, shall be submitted to the Land Use Planning and Zoning Department for approval prior to construction. Requests for parking lots shall be accompanied by detailed plans on landscaping, parking layout, drainage provisions and driveway locations.
[Amended 11-14-2017 by Ord. No. 22-2017]
 - (2) Size of stall. Parking stalls shall be at least nine feet in width by not less than 20 feet in depth for sixty-degree parking angles and not less than 27 feet in depth for ninety-degree parking angles, and there shall be at least 16 feet of width between opposite facing parking stalls for ingress and egress.
 - (3) Special residential requirements. Those parking areas for five or more vehicles, if adjoining a residential use, shall be screened from such use by a solid wall, fence, evergreen planting or equivalent visual density or other effective means, built and maintained at a minimum height of five feet. Where a solidly constructed decorative fence is provided along the interior lot line, the minimum setback for parking area shall be five feet from said lot line. Said fence shall be located a minimum of one foot from said lot line.
 - (4) Number of stalls. The number of parking stalls required is shown in the following table:
[Amended 12-21-2004 by Ord. No. 822-04]

Use	Minimum Parking Required
Dwellings, single-family	1 stall per dwelling unit
Dwellings, duplex and multifamily	1.5 stalls for each dwelling unit
Housing for the elderly	0.75 space for each dwelling unit with 1/2 of these spaces to be built before occupancy and the balance of which spaces shall be reserved until such time as the County may order them installed
Hotels and motels	1 stall for each guest room and 1 stall for each 2 employees
Sororities, dormitories and rooming and boarding houses	1 stall for each 2 sleeping rooms plus 1 for each 2 employees
Retirement homes, orphanages, convents and monasteries	1 stall per 2,000 feet of principal floor area
Hospitals, sanitariums, institutions and rest and nursing homes	1 stall for each 3 beds plus 1 stall for each 3 employees
Medical and dental clinics	5 stalls for each doctor or dentist
Theaters, auditoriums, community centers, sport arenas and other places of public assembly	1 stall for each 5 seats or spaces equal to 20% of capacity in persons, whichever is greater
Restaurants	1 stall for each 100 square feet of floor area excluding the kitchen
Bars and places of entertainment	1 stall for each 75 square feet of floor area
Office building and professional offices having less than 6,000 square feet of floor area	1 parking space per 150 square feet of floor area
Office building and professional offices having 6,000 square feet or more of floor area, banks and savings institutions	At least 1 parking space for each 200 feet of floor area
Drive-in establishments	At least 1 parking space for each 15 square feet of floor area in the building
Manufacturing and processing plants (including meat and food laboratories and warehouses)	1 stall for every 2 employees; number of employees shall be construed to mean the maximum number on the premises at one time
Libraries, museums, art galleries, etc.	1 for each employee, plus 1 for each 4 seats plus 1 for each 500 square feet of floor area not having seats
Washing and cleaning establishments	1 for each 2 employees, plus 1 space for every wash machine or 1 for each 200 square feet of floor area, whichever is greater
Funeral homes, mortuaries and similar type uses	1 for each 50 square feet of floor area in parlors or assembly rooms
Other businesses and commercial uses	1 for each 300 square feet of floor area
Churches and other places of religious assembly	1 for each 5 seats or 1 for 90 linear inches of pew space
Cartage, express and parcel delivery and freight terminals	1 for each 2 employees (on the largest shift for which the building is designed) plus 1 for each motor vehicle maintained on the premises
Elementary and junior high schools	2 for each classroom plus 1 for every 8 seats in auditoriums or assembly halls

Use	Minimum Parking Required
High schools, colleges, universities and other institutions of higher learning	1 for every 6 students plus 1 for each teacher, administrator and employee
Business, technical and trade school	1 for each 5 students plus 1 for each 2 employees
Government offices	1 stall for each 300 square feet of floor area and 1 stall for each 2 employees
Motor vehicle sales (new and used)	1 space for each 500 square feet of floor area used plus one space for each 30 square feet of outdoor display area for each motor vehicle to be displayed (this requirement does not include service garages; see below)
Repair shops and retail and service stores	1 space for each 150 square feet of net floor space
Automobile repair garages and service stations	1 space for each 2 employees plus 2 spaces for each service bay
Bowling alleys	4 spaces for each alley

- (5) Uses not listed. In the case of structures or uses not mentioned, the provision for a use that is similar shall apply. Floor space or area shall mean the gross floor area inside the exterior walls, where the floor space is indicated above as a basis for determining the amount of off-street parking required.
- (6) Combined uses. Combinations of any of the above uses shall provide the total number of stalls required for each individual use. Two or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided that such uses are not operated during the same hours. The following conditions must be met for any joint use:
- The proposed joint parking space is within 500 feet of the use it will serve.
 - The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
 - A properly drawn legal instrument approved by the Land Use Planning and Zoning Committee, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the County Clerk. Said instrument may be a three-party agreement, including the County and all private parties involved. Such instrument shall first be approved by Corporation Counsel.
- (7) Handicapped parking requirements. In addition to any other requirements relating to parking spaces contained in this chapter, the provisions contained in §§ 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto, are hereby adopted by reference and made applicable to all parking facilities whenever constructed.
- (8) Changes in building or use. Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of 25% or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of 50% or more in the floor area, said building or use shall then comply with the parking requirements set forth in the district in which it is located.
- (9) This chapter shall apply to all buildings and structures erected after the effective date of this chapter.

§ 350-22. Substandard lots.

- A. Substandard lots. A substandard lot that is at least 7,500 square feet in area and is 50 feet in width at the building line and 50 feet average width may be used as a building site for a single-family dwelling upon issuance of a land use permit if it meets the following requirements:
[Amended 12-21-2004 by Ord. No. 822-04; 3-19-2019 by Ord. No. 2-2019]
- (1) Such use is permitted in the zoning district.
 - (2) The lot is of record in the office of the County Register of Deeds prior to the effective date of this chapter.
 - (3) All dimensional requirements of this chapter are complied with.
- B. Other substandard lots. A building permit for the improvement of a lot having lesser dimensions than those stated in Subsection **A** of this section shall be issued only after the granting of a variance by the Board of Adjustment.
[Amended 11-14-2017 by Ord. No. 22-2017; 3-19-2019 by Ord. No. 2-2019]
- C. Other substandard lots. A building permit for the improvement of a lot having lesser dimensions than those stated in Subsections **A** and **B** of this section shall be issued only after the granting of a variance by the Board of Adjustment.

§ 350-23. Outdoor lighting.

[Amended 11-14-2017 by Ord. No. 22-2017]

Outdoor lighting installations shall be permitted in all yard areas, but no closer than three feet to an abutting property line, and shall be shielded or hooded. In no case shall outdoor lighting installations be aimed or directed at a neighboring property.

Article IV. Zoning Districts

§ 350-24. Districts established.

[Amended 6-17-2008 by Ord. No. 935-08; 8-21-2012 by Ord. No. 1033-2012; 10-15-2013 by Ord. No. 1070-2013; 8-19-2014 by Ord. No. 1093-2014; 11-14-2017 by Ord. No. 22-2017]

- A. The Farmland Preservation District is regulated by Ch. 91, Wis. Stats. and certified by the Department of Agriculture, Trade and Consumer Protection. All permitted and conditional uses provided to this district are listed in § **350-27**.
- B. The permitted and conditional uses listed under all other zoning districts represent uses that are consistent with the purpose and intent of each zoning district. In cases where an unlisted use is proposed, the Land Use Planning and Zoning Department shall determine its consistency with a zoning district. A conditional use permit shall be required for any proposed use which the Land Use Planning and Zoning Department determines consistent with a zoning district, but also determines that the effect of the proposed use on the character of the neighborhood and the location's suitability for development warrants additional review.
- C. For the purposes of this chapter, Green Lake County, Wisconsin, is hereby divided into 14 zoning districts, as follows:
- A-1 Farmland Preservation District
 - A-2 General Agriculture District

NRC	Natural Resource Conservancy District
C-1	General Commercial District
C-2	Extensive Commercial District
I	Industrial District
M-1	Mineral Extraction District
M-2	Sanitary Landfill District
RC	Recreation District
R-1	Single-Family Residence District
R-2	Single-Family Mobile Home Residence District
R-3	Multiple-Family Residence District
R-4	Rural Residential District
AO	Adult-Oriented Establishment District

§ 350-25. District boundaries.

[Amended 8-19-2014 by Ord. No. 1093-2014]

The boundaries of the aforesaid districts are hereby established as shown on the map titled "Zoning District Map, Green Lake County," which map accompanies and is made a part of this chapter. All notations and references shown on the district map are as much a part of this chapter as though specifically described herein.

- A. Unless otherwise indicated, the district boundaries are street or highway center lines or railroad right-of-way lines or such lines extended, lines parallel or perpendicular to such street, highway or railroad lines, the shoreline of lakes or streams, the lines bounding a section or fraction thereof, or lot or alley lines, and where the designation on the district map indicates that the various districts are approximately bounded by any of the above lines, such lines shall be construed to be the district boundaries.
- B. Where a dimension appears adjacent to a district boundary line, such dimension shall be construed to be the length in feet of such district boundary line, measured to the street or highway center line or railroad right-of-way line, when such district boundary line intersects a street, highway or railroad.
- C. Where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the designations of the district map are approximately bounded by lot lines, said lot lines shall be construed to be the boundaries of the district.
- D. Where the above rules do not apply, the district boundary lines shown on the district map shall be determined by use of the scale shown on such map.

§ 350-26. Official map.

[Amended 8-19-2014 by Ord. No. 1093-2014; 11-14-2017 by Ord. No. 22-2017]

There shall be an official Zoning District Map, Green Lake County, which shall be available to the public through the County Land Use Planning and Zoning Department. The Zoning District Map shall be a digital electronic data map layer of the County's Geographic Information System (GIS). The County Land Use Planning and Zoning Department shall from time to time update the Zoning District Map as necessary to reflect changes in zoning district boundaries enacted by the County Board as amendments under this chapter.

§ 350-27. A-1 Farmland Preservation District.

[Amended 6-17-2008 by Ord. No. 935-08; 2-15-2011 by Ord. No. 989-2011; 11-14-2017 by Ord. No. 22-2017]

A. Purpose. The purpose of this district is to promote areas for uses of a generally exclusive agricultural nature in order to protect farmland and to allow participation in the state's farmland preservation program. Land zoned under this district must comply with the following:

(1) Permitted uses:

- (a) Agricultural uses. See Subsection **D** for agricultural use definitions.
- (b) Not including the specified accessory uses identified in Subsection **A(2)**, other accessory uses, including the farm residence. See Subsection **D** for "accessory use" definition.
- (c) Upon prior notification to the county, transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for those uses.
- (d) [Subsection **A(1)(c)** acknowledges that state or federal law may sometimes preempt local authority to restrict the siting of certain facilities. It does not purport to determine which state or federal actions are preemptive. It merely says that if state or federal action is preemptive, no local permit is required and there is no need to rezone the site out of the farmland preservation district. Uses covered by Subsection **A(1)(c)** might include, for example, state and federal highways, federally mandated pipelines, and energy generation and transmission facilities whose location and design are specifically mandated by the Wisconsin Public Service Commission pursuant to a certificate of convenience and necessity.]
- (e) Undeveloped natural resource and open space areas.
- (f) Nonfarm residences built prior to January 1, 2014.

(2) Conditional uses:

- (a) Agriculture-related uses. (See Subsection **D** for "agriculture-related use" definition.)
- (b) A business, activity, or enterprise, whether or not associated with an agricultural use, and is not a dog breeding facility or a dog breeder as defined in ATCP 16, which meets all of the following requirements:
[Amended 9-21-2021 by Ord. No. 30-2021]
 - [1] It is conducted on a farm by an owner or operator of that farm.
 - [2] It requires no buildings, structures, or improvements other than those described in Subsection D(1) and (3) of the definition of "accessory use."
 - [3] The total cumulative hours worked by paid employees, excluding the owner(s), shall not exceed 160 hours per week.
 - [4] It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
- (c) Upon prior notification to the County, transportation, communication, pipeline, electric transmission, utility, or drainage uses, facilities for the generation from sunlight, wind, coal or natural gas, if all the following apply:
 - [1] The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - [2] The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under

state or federal law.

- [3] The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
 - [4] The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - [5] Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (d) Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:
- [1] The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - [2] The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - [3] The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
 - [4] The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - [5] Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- (e) Nonmetallic mineral extraction, if all of the following apply:
- [1] The operation complies with Subchapter I of Chapter **295**, Wisconsin Statutes, and rules promulgated under that subchapter, with applicable provisions of local ordinances under § 295.14, Wis. Stats. (including all applicable provisions of this chapter), and with any applicable requirements of the Wisconsin Department of Natural Resources concerning the restoration of nonmetallic mining sites.
 - [2] The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - [3] The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.
 - [4] The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
 - [5] The operation does not 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.
 - [6] The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.
 - [7] Compliance with Chapter **323** (Nonmetallic Mining Reclamation).
- (f) Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Chapter **295**, Wisconsin Statutes.
- (g) Private airport or air strip qualifying as an accessory use under § 91.01(1), Wis. Stats.

- (h) Dog kennels qualifying as an accessory use under § 91.01(1), Wis. Stats. Dog breeder(s) or dog breeding facility(ies) as defined in ATCP 16.01 are not allowed in the A-1, Farmland Preservation Zoning District.
[Amended 9-21-2021 by Ord. No. 30-2021]
- (i) Game farms/shooting preserves qualifying as an accessory use under § 91.01(1)(b), Wis. Stats. To meet the definition of agricultural use, the game birds or cervids must be raised on the farm for release for hunting.
- (j) Shooting ranges meeting the requirements in § 91.01(1)(d), Wis. Stats.
- (k) Manure storage systems. (Please note that permits for manure storage systems are subject to § ATCP 50.56 and Ch. ATCP 51, Wis. Adm. Code.)
- (l) Slaughtering of livestock from the A-1 District.
- (m) Processing agricultural by-products or wastes received directly from farms, including farms in the A-1 District.

Note: The County may issue a conditional use permit for a proposed land use not identified in this section if the proposed land use meets applicable conditions under this section. Before issuing a conditional use permit, the County shall determine, in writing, that the proposed use meets applicable conditions under this section. The County may issue the permit subject to conditions designed to carry out the purposes of this chapter. Dog breeder or dog breeding facility as defined in ATCP 16 are exempt from this provision.
[Amended 9-21-2021 by Ord. No. 30-2021]

(3) Area, height and setback requirements:

- (a) Dimensional standards: A lot or parcel shall have no less than eight acres of contiguous land area.
[Amended 5-21-2019 by Ord. No. 11-2019]
- (b) All principal structures shall be on a lot consistent with the principal use permitted on such lot by the regulations of the district in which it is located.

Note: The area within the road right(s)-of-way shall not be included for the standards of this subsection. Design standards pursuant to Chapter **315**, Code of Green Lake County, Land Division and Subdivision, shall apply to a newly created lot or parcel for this subsection.

- (c) Principal structure setback and height standards.
 - [1] Highway setbacks: Refer to § **350-50A**.
[Amended 9-21-2021 by Ord. No. 30-2021]
 - [2] Rear yard setback: 25 feet minimum.
 - [3] Side yard setback: 12 feet minimum.
 - [4] Structure height, dwelling structure: 35 feet.
- (d) Accessory building structure standards. An accessory building structure shall satisfy all of the following standards:
 - [1] Setbacks: same as principal structure.
 - [2] Height: none.
 - [3] Structure footprint area: none.
 - [4] Volume: none.

- [5] Human habitation of a detached accessory building structure may be allowed; however, it shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.
- B. Rezoning land out of the A-1 Farmland Preservation Zoning District. Land may be rezoned out of the A-1 Farmland Preservation Zoning District if the County, through their review and recommendation, and after a public hearing, finds that all of the following apply:
- (1) The land is better suited for a use not allowed in the A-1 Farmland Preservation Zoning District.
 - (2) The rezoning is consistent with the Green Lake County Comprehensive Plan.
 - (3) The rezoning is substantially consistent with the Green Lake County Farmland Preservation Plan, certified under Ch. 91, Wis. Stats., which is in effect at the time of zoning.
 - (4) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - (5) Note: The above Subsection **B(1)** through **(4)** does not apply to any of the following situations:
 - (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 Green Lake County farmland preservation plan map, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
- C. Certification of ordinance and amendments by DATCP.
- (1) This Zoning Ordinance must be certified by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) in order for owners of land that is zoned A-1 Farmland Preservation in the Green Lake County to be eligible to claim tax credits under the State of Wisconsin's Farmland Preservation Program.
 - (2) Green Lake County shall notify DATCP of any amendments as required by § 91.36(8), Wis. Stats.
 - (3) Green Lake County shall notify DATCP by March 1 annually of any acres rezoned out of a farmland preservation zoning district during the previous year and a map that clearly shows the location of those acres as required by §§ 91.48(2) and 91.48(3), Wis. Stats.
- D. Farmland preservation definitions. For the purposes of § **350-27** of this chapter, the following definitions shall be used. Please see § **350-77** for conventional zoning district definitions.

ACCESSORY USE

Within the A-1 Zoning District, any of the following land uses on a farm:

- (1) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:
 - (a) A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
 - (b) A facility used to keep livestock on the farm.
 - (c) A facility used to store or process inputs primarily for agricultural uses on the farm.
 - (d) A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.

- (e) A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
 - (f) A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.
 - (g) A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
- (2) An activity or business operation that is an integral part of or incidental to an agricultural use.
 - (3) A farm residence, including normal residential appurtenances.
 - (4) Any other use that DATCP, by rule, identifies as an accessory use.

AGRICULTURAL USE

Any of the following activities conducted for the purpose of producing an income or livelihood:

- (1) Crop or forage production.
- (2) Keeping livestock.
- (3) Beekeeping.
- (4) Nursery, sod, or Christmas tree production.
- (5) Floriculture.
- (6) Aquaculture.
- (7) Fur farming.
- (8) Forest management.
- (9) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- (10) Any other use that the Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an agricultural use.

AGRICULTURE-RELATED USE

An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes. In addition, any use that the Department of Agriculture, Trade and Consumer Protection identifies by rule as an agriculture-related use. An "agriculture-related use" must be primary (not just incidentally) related to agriculture, and must have a direct connection to agriculture uses in the A-1 Zoning District.

CERTIFIED FARMLAND PRESERVATION PLAN

A farmland preservation plan that is certified as determined under § 91.12, Wis. Stats.

CERTIFIED FARMLAND PRESERVATION ZONING ORDINANCE

A zoning ordinance that is certified as determined under § 91.32, Wis. Stats.

COMMON OWNERSHIP

- (1) Ownership by the same person or persons, or by persons that are all wholly owned by the same person or persons. "Common ownership" includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.

- (2) Land is deemed to be under "common ownership," for purposes of this chapter, if it is all owned by the same individual, married couple, joint tenants, and tenants in common, corporation, LLC, partnership, estate or trust. If land parcels are owned by separate legal entities, but those legal entities are all wholly owned by exactly the same person or persons, those land parcels are deemed to be under "common ownership" for purposes of this chapter.

CONDITIONAL USES

Uses of a special nature as to make impractical their predetermination as a permitted use in a district. Conditional uses as used in the A-1 Farmland Preservation Zoning District must meet the requirements of § 91.46, Wis. Stats.

CONTIGUOUS

Adjacent to or sharing a common boundary. "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.

DOG BREEDER

A person who in any license year sells at least 25 dogs, from more than three litters, which that person has bred and raised in this state. A person has bred and raised dogs for purposes of this definition if that person has owned the dogs from birth until sale, regardless of whether the person has contracted with an agent to raise the dogs on real estate owner or occupied by that agent.

[Added 9-21-2021 by Ord. No. 30-2021]

DOG BREEDING FACILITY

A place in this state where dogs are bred and raised and from which at least 25 dogs from more than three litters are sold in a license year.

[Added 9-21-2021 by Ord. No. 30-2021]

DOG KENNEL

An establishment, that is not a dog breeding facility, in which dogs are housed, boarded, groomed, sheltered, protected, trained or sold for fee or compensation.

[Added 9-21-2021 by Ord. No. 30-2021]

FARM

- (1) All land under common ownership that is primarily devoted to agricultural use. For the purpose of this definition, land is deemed to be primarily devoted to agricultural use if the following apply:
 - (a) The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use; or
 - (b) A majority (greater than 50%) of the land is in agricultural use.
- (2) In determining whether land is in agricultural use for purposes of the definition of "agricultural use," a zoning authority may consider how the land is classified for property tax purposes. (See Ch. Tax 18, Wis. Adm. Code.)

FARM RESIDENCE

- (1) A single-family or two-family residence that is the only residential structure on the farm or is occupied by any of the following:
 - (a) An owner or operator of the farm.
 - (b) A parent or child of an owner or operator of the farm.

- (c) An individual who earns more than 50% of his or her gross income from the farm.
- (2) To qualify as a "farm residence," a residence must be located on a "farm." If a farm owner deeds off a residential parcel to another person (even if that person is the farm owner's parent, child or employee), the separately owned parcel is no longer part of the original "farm." A residence built on that parcel does not qualify as a "farm residence" unless the parcel qualifies as a "farm" in its own right.

GROSS FARM REVENUES

Gross receipts from agricultural use of a farm, excluding rent receipts, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. Gross farm revenue includes receipts accruing to a renter, but does not include rent paid to the landowner.

LICENSE YEAR

Means the twelve-month period ending on September 30 for a license granted by the Department of Agriculture, Trade and Consumer Protection to operate as a dog dealer, dog breeder or as a dog breeding facility.

[Added 9-21-2021 by Ord. No. 30-2021]

LIVESTOCK

Includes bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.

NONCONFORMING USES OR STRUCTURES

Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this chapter which does not conform to the regulations of this chapter. Any such structure conforming in respect to use, but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

NONFARM RESIDENCE

Any residence other than a farm residence.

OPEN SPACE PARCEL

A parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

PERSON

An individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.

PROTECTED FARMLAND

Land that is any of following:

- (1) Land that is located in the A-1 Farmland Preservation Zoning District certified under Ch. 91, Wis. Stats.
- (2) Covered by a farmland preservation agreement under Ch. 91, Wis. Stats.
- (3) Covered by an agricultural conservation easement under § 93.73, Wis. Stats.
- (4) Otherwise legally protected from nonagricultural development.

§ 350-28. A-2 General Agriculture District.

[Amended 6-17-2008 by Ord. No. 935-08; 2-15-2011 by Ord. No. 989-2011; 10-15-2013 by Ord. No. 1070-2013; 11-14-2017 by Ord. No. 22-2017]

A. Purpose. This agricultural district is intended to preserve and enhance land for agricultural uses. This district's uses and standards are designed to implement comprehensive plan goals by encouraging agricultural uses of various sizes in areas where soil and other conditions are best suited to these agricultural pursuits, and controlling residential development to avoid conflict with agricultural uses. This district is generally compatible with other agricultural districts where varying levels of agricultural uses and open space uses are permitted and supported by the comprehensive plan, such as, but not limited to, A-1 Farmland Preservation and R-4 Rural Residential. The best use of these lands is agricultural.

(1) Permitted uses. Those uses permitted in this district shall be agricultural and those that are consistent with agricultural uses.

(a) Accessory structure/use, agricultural.

(b) Accessory structure/use, residential.

(c) (Reserved)^[1]

[1] *Editor's Note: Former Subsection A(1)(c), regarding temporary accessory structures/uses, was repealed 9-21-2021 by Ord. No. 30-2021.*

(d) Beekeeping.

(e) Crops, cash.

(f) Crops, field.

(g) Dairying.

(h) Dwelling, single-family.

(i) Egg production.

(j) Farm, sod.

(k) Farm, tree.

(l) Floriculture.

(m) Forestry.

(n) Grazing.

(o) Greenhouse, accessory to permitted use.

(p) Home occupation when established in a residential dwelling unit; all of the following shall apply:

[1] Shall be located in the place of permanent residency; and

[2] Is incidental to the residential occupancy; and

[3] Is limited to one inside level of the dwelling unit and does not occupy more than 25% of the floor area of that level; and

[4] That no mechanical equipment is used other than such as is permissible for typical residential purposes; and

[5] There is no emission of odor, gas, smoke, dust, or noise that will be detrimental to the character of the neighborhood; and

[6] That no person outside the immediate resident family operates such home occupation; and

[7] A sign per § **350-43B(3)** is allowed.

- (q) Horticulture.
- (r) Livestock, raising/keeping.
- (s) Nursery, aquatic.
- (t) Nursery, plant.
- (u) Orchard.
- (v) Paddocks.
- (w) Professional home office when established in a residential dwelling unit; all of the following shall apply:
 - [1] Located in the practitioner's place of permanent residency; and
 - [2] Is incidental to the residential occupancy, limited to one inside level of the dwelling unit and does not occupy more than 25% of the floor area of that level; and
 - [3] A sign per § **350-43B(3)** is allowed; and
 - [4] One person that is not a member of the resident family may be employed on the premises.
- (x) Riding stable, personal.
- (y) Roadside stand of less than 300 square feet in area as a temporary structure not wholly enclosed for the sale of produce grown on the premises. One stand allowed per premises.
- (z) Signs per § **350-43**.
- (aa) Trail, biking.
- (bb) Trail, hiking.
- (cc) Trail, horse.
- (dd) Trail, nature.
- (ee) Trail, recreation.
- (ff) Utility, local service lines/structures.
- (gg) Viticulture.
- (hh) All permitted uses described in § **350-27**, Farmland Preservation District.
- (2) Conditional uses. Conditions and standards for a conditional use permit are set forth in Chapter **350**, Article **VII**, Conditional Use Permits.
 - (a) Air landing field, agricultural landowner use.
 - (b) Animal veterinary clinic.
[Amended 9-21-2021 by Ord. No. 30-2021]
 - (c) Animal hospital.
 - (d) Animal kennel.
 - (e) Animal shelter.
 - (f) Dog breeder or dog breeding facility.
[Amended 9-21-2021 by Ord. No. 30-2021]

- (g) Cemetery.
 - (h) Churches and religious structures.
 - (i) Dwelling for caretaker/laborer(s), may be multiple units.
 - (j) Farm, fish.
 - (k) Farm, fur.
 - (l) Farm, game.
 - (m) Farm implement sales/repair/service.
 - (n) Feed lot over 100 animals.
 - (o) Fish pond, commercial.
 - (p) Greenhouse, commercial retail.
 - (q) Livestock auction/sales facility.
 - (r) Lumber yard.
 - (s) Municipal buildings including administrative offices, meeting hall and any municipal accessory structure.
 - (t) Radio or television broadcasting studio.
 - (u) Railroad depot/station.
 - (v) Riding stable with boarding/stabling, commercial.
 - (w) Sawmill.
 - (x) Schools.
 - (y) Sewage disposal plant.
 - (z) Tower and appurtenances, communication or relay.
 - (aa) Utility substation/other structure, public.
 - (bb) Utility transmission lines, not regulated by the Public Service Commission.
 - (cc) RV and boat storage for rental.
 - (dd) Yard and landscaping services.
 - (ee) All conditional uses listed in § **350-27**, Farmland Preservation District.
- (3) Area, height and setback requirements.
- (a) A lot or parcel shall have no less than eight acres of contiguous land area.
 - (b) All principal structures shall be on a lot consistent with the principal use permitted on such lot by the regulations of the district in which it is located.

Note: The area within the road right(s)-of-way shall not be included for the standards of this subsection. Design standards pursuant to Chapter **315**, Code of Green Lake County, Land Division and Subdivision, shall apply to a newly created lot or parcel for this subsection.

- (c) Principal structure setback and height standards.

- [1] Highway setbacks: Refer to § **350-50A**.
[Amended 9-21-2021 by Ord. No. 30-2021]
 - [2] Rear yard setback: 25 feet minimum.
 - [3] Side yard setback: 12 feet minimum.
 - [4] Structure height, dwelling structure: 35 feet.
- (d) Accessory building structure standards. An accessory building structure shall satisfy all of the following standards:
- [1] Setbacks: same as principal structure.
 - [2] Height: none.
 - [3] Structure footprint area: none.
 - [4] Structure volume: none.
 - [5] Human habitation of a detached accessory building structure may be allowed; however, it shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.

§ 350-29. (Reserved)

- [1] *Editor's Note: Former § 350-29, A-3 Light Agriculture District, as amended, was repealed 10-15-2013 by Ord. No. 1070-2013.*

§ 350-30. (Reserved)

- [1] *Editor's Note: Former § 350-30, Ag-4 Industrial Agriculture District, was repealed 6-17-2008 by Ord. No. 935-08.*

§ 350-31. NRC Natural Resource Conservancy District.

A. Purpose.

- (1) This district shall be used to preserve, protect and enhance the lakes, streams and wetland areas. If these areas are properly regulated, they will serve to maintain and improve water quality, improve and protect wildlife habitat, prevent flood damage, prohibit structures on soils that are not suitable for such use, and prevent septic tanks from being located in soils that may pollute water supplies and prevent proper functioning due to high groundwater.
- (2) This district shall be used to preserve, protect, enhance and restore all significant woodlands, scenic areas, submarginal farmlands, mineral extraction lands, archaeological sites, historical sites, natural watersheds, significant topography, wildlife habitat, potential recreation sites, and other natural resources that contribute to environmental quality.
- (3) The maps designated below are hereby adopted and made a part of the Natural Resources Conservancy District outside of the shoreland area. They are on file in the Land Use Planning and Zoning Department of Green Lake County.
[Amended 11-14-2017 by Ord. No. 22-2017]
 - (a) United States Geological Survey Quadrangle Maps for Green Lake County (revised 1980).

- (b) Wisconsin Wetland Inventory Maps stamped "Final" on October 29, 1984.
- (c) Floodplain Zoning Maps identified as the Flood Boundary and Floodway Map dated March 1, 1978.^[1]

[1] *Editor's Note: Former Subsection A(4), which designated the district as an overlay district, was repealed 11-14-2017 by Ord. No. 22-2017.*

B. Permitted uses.

- (1) Forestry and the production of forest products.
- (2) Forest preservation.
- (3) Forest and game management.
- (4) Private and public parks.
- (5) Wilderness areas and wildlife preservation refuges.
- (6) Picnic areas.
- (7) Golf courses and similar uses.
- (8) Hunting and fishing, clubs related to the same.
- (9) Swimming beaches.
- (10) Preservation of scenic, historic and scientific areas.
- (11) Hiking, bicycle and natural trails.
- (12) Bridle paths.
- (13) Harvesting of any wild crop, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds.
- (14) Cranberry bogs.
- (15) Grazing of animals.
- (16) Nurseries.
- (17) Sod farms.
- (18) Fur farms.
- (19) Nonresidential buildings used solely in conjunction with the raising of waterfowl, minnows, and other similar lowland animals, fowl or fish.
- (20) Arboreta and botanical gardens.
- (21) Navigation.

C. Conditional uses.

- (1) Fish hatcheries.
- (2) Flood control and drainage dams and structures.
- (3) Dams, power plants, flowages, ponds and impoundments.
- (4) Relocation of watercourse.
- (5) Any activity that would substantially disturb the natural wildlife, water or topography.
 - (a) Filling, dredging or drainage of wetlands.

- (b) Removal of topsoil or peat.
- (6) Piers, docks, boathouses and landing sites.
- (7) Utilities such as telephone, telegraph, microwave radio and power transmission lines.
- (8) Erection of buildings or structures and signs.
 - (a) Hunting and fishing clubs.
 - (b) Park and recreational areas.
- (9) Stream bank protection.^[2]

[2] Editor's Note: Original § 4.5(C)(10), which immediately followed this subsection and contained the same wording as Subsection E, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
- D. Area, height and setback regulations: Refer to §§ **350-18**, **350-19** and **350-20**.
[Amended 11-14-2017 by Ord. No. 22-2017]
- E. Highway setbacks: Refer to § **350-50A**.
[Amended 11-14-2017 by Ord. No. 22-2017]

§ 350-32. C-1 General Commercial District.

The C-1 General Commercial District is intended to provide an area for business and commercial needs; it can be especially useful for those conditions where commercial businesses are located in a centrally situated business district.

- A. Permitted uses.
 - (1) Art shop, antique shop and gift shop.
 - (2) Boat livery, service and repair shop.
 - (3) Drugstore, ice cream shop, pharmacy and soft drink stand.
 - (4) Food and drug establishments (retail), delicatessens, fruit and vegetable store, grocery store, and meat and fish markets.
 - (5) Signs pertaining to the conduct of a business on the premises.
 - (6) Such accessory uses as are customary in connection with the foregoing uses and are incidental thereto.
- B. Conditional uses. An application for a conditional use permit shall not be approved unless, at a minimum, it complies with the conditions and standards set forth in Article **VII**, Conditional Use Permits.
 - (1) Hotel or motel.
 - (2) One single-family residential use established in the same building with the commercial use.
 - (3) Automobile service establishment.
 - (4) Restaurant, barbecue stand, cafe, cafeteria, caterer, tavern and package fermented beverage and liquor store.
 - (5) Parking lot.
 - (6) Public garage.

- (7) Storage building.
- (8) Municipal buildings, including administrative office, meeting hall and attached inside storage of municipal vehicles and equipment, with no outside storage allowed; no municipal accessory structure allowed on a premises until the principal structure is present.
[Added 10-17-2006 by Ord. No. 880-06]
- C. Area, height and setback regulations: Refer to §§ **350-18, 350-19** and **350-20**.
[Amended 11-14-2017 by Ord. No. 22-2017]
- D. Highway setbacks: Refer to § **350-50A**.
[Amended 11-14-2017 by Ord. No. 22-2017]

§ 350-33. C-2 Extensive Commercial District.

The C-2 Extensive Commercial District is intended to provide an area for business and commercial needs of a much broader nature than the C-1 General Commercial District. This includes those businesses that may require a fairly large area of land, or for which it is desirable that they be located away from other activities, or that they be located adjacent to a highway or other major thoroughfare.

A. Permitted uses.

- (1) Any use permitted in C-1 General Commercial District.
- (2) (Reserved)^[1]
[1] *Editor's Note: Former Subsection A(2), regarding parking lots, was repealed 9-21-2021 by Ord. No. 30-2021.*
- (3) Bakery, retail or wholesale.
- (4) Barbershop or beauty parlor.
- (5) Book and stationery store or newsstand.
- (6) Business and professional offices.
- (7) Candy store or confectionery store.
- (8) Clinic.
- (9) Clothing store, department store, dress shop, dry goods store, hosiery shop, millinery shop, shoe store or shoe repair shop.
- (10) Florist shop.
- (11) Furniture store, office equipment store, or upholsterer's shop.
- (12) Hardware store, household appliance store, paint store, plumbing, heating and electrical supplies or sporting goods store.
- (13) Jewelry store or watch repair shop.
- (14) Laundry, cleaning and dyeing establishment.
- (15) Music store or radio and television store.
- (16) Optical store or photographer studio and supplies.
- (17) Signs, billboards and other outdoor advertising structures.
- (18) Telephone and telegraph office.

- (19) Undertaking establishment.
 - (20) Variety store or notion shop.
 - (21) Such accessory uses as are customary in connection with the foregoing uses and are incidental thereto.
- B. Conditional uses. An application for a conditional use permit shall not be approved unless, at a minimum, it complies with the conditions and standards set forth in Article **VII**, Conditional Use Permits.
- (1) Single-family residential use established in the same building with the commercial use.
 - (2) Drive-in theaters.
 - (3) Automobile sales and service establishment.
 - (4) Bowling alley or pool and billiard room.
 - (5) Theaters and places of amusement.
 - (6) Farm implement establishments.
 - (7) (Reserved)^[2]
 [2] *Editor's Note: Former Subsection B(7), regarding sawmills and manufacture, sale or processing of wood or plywood products, was repealed 9-21-2021 by Ord. No. 30-2021.*
 - (8) Public garage.
 - (9) Dance hall, gymnasium or skating rink.
 - (10) Hotel or motel.
 - (11) Radio and television broadcasting studio, towers, masts or aerials and microwave radio relay structures.
 - (12) Railroad and bus depot.
 - (13) Mini warehousing.
 - (14) Parking lot.
 - (15) Municipal buildings, including administrative office, meeting hall and attached inside storage of municipal vehicles and equipment, with no outside storage allowed; no municipal accessory structure allowed on a premises until the principal structure is present.
 [Added 10-17-2006 by Ord. No. 880-06]
 - (16) Contractor's shop (inside material storage only).
 [Added 3-19-2019 by Ord. No. 2-2019]
- C. Area, height and setback regulations: Refer to §§ **350-18**, **350-19** and **350-20**.
 [Amended 11-14-2017 by Ord. No. 22-2017]
- D. Highway setbacks: Refer to § **350-50A**.
 [Amended 11-14-2017 by Ord. No. 22-2017]

§ 350-34. I Industrial District.

This district is intended to provide an area for manufacturing, industrial and commercial activities. It is also intended to provide an area for a variety of uses that require relatively large installations, facilities or land areas or which would create or tend to create conditions of public or private nuisance, hazard, or other undesirable conditions or which may require special safeguards, equipment, processes,

barriers, or other forms of protection, including special distance, in order to reduce, eliminate or shield the public from such conditions.

A. Permitted uses. Any use permitted in the C-2 Extensive Commercial District except residential, educational or institutional uses, with the following provisions:

- (1) There may be one single-family residential use established in the same building with any commercial use.
- (2) There may be a dwelling for the owner, watchman or caretaker employed on the premises and members of his family in connection with any wholesale or industrial trade.

B. Conditional uses. The following are permitted as conditional uses, provided that consideration is given to such matters as the creation of nuisance conditions for the public or the users of nearby areas and the creation of traffic hazards, and that any use is not in conflict with any laws of the State of Wisconsin or any ordinances of Green Lake County governing nuisances. An application for a conditional use permit shall not be approved unless, at minimum, it complies with the conditions and standards set forth in Article **VII**, Conditional Use Permits.

- (1) Acid manufacture.
- (2) Automobile wrecking yard.
- (3) Junkyard.
- (4) Bag cleaning
- (5) Bones, distillation of.
- (6) Canneries.
- (7) Cheese factories.
- (8) Condenseries.
- (9) Creameries.
- (10) Cement, lime, gypsum or plaster manufacture.
- (11) Explosives manufacture or storage.
- (12) Fat rendering.
- (13) Fertilizer manufacturing.
- (14) Glue manufacturing.
- (15) Garbage incineration or the reduction of garbage, rubbish, offal or dead animals.
- (16) Inflammable gases or liquids, storage, refinishing, or manufacture of.
- (17) Leather and hides, manufacture or tanning.
- (18) Meat and fish products, sauerkraut and cabbage by-products, processing, packing or manufacture of.
- (19) Paper, pulp or plastics manufacture.
- (20) Slaughterhouses.
- (21) Smelting.
- (22) Stockyards.
- (23) Asphalt mixing.

- (24) Public garage.
- (25) Storage building.
- (26) Parking lot.
- (27) Contractor's yard (outside material storage).
[Added 3-19-2019 by Ord. No. 2-2019]
- (28) Sawmills, manufacture, sale or processing of wood or plywood products.
[Added 9-21-2021 by Ord. No. 30-2021]
- C. Area, height and setback regulations: Refer to §§ **350-18**, **350-19** and **350-20**.
[Amended 11-14-2017 by Ord. No. 22-2017]
- D. Highway setbacks: Refer to § **350-50A**.
[Amended 11-14-2017 by Ord. No. 22-2017]

§ 350-35. M-1 Mineral Extraction District.

- A. Permitted uses. All uses in this district are conditional uses.
- B. Conditional uses.
 - (1) Aggregate or ready-mix plant.
 - (2) Clay, ceramic and refractor minerals mining.
 - (3) Crushed and broken stone quarrying.
 - (4) Mixing of asphalt.
 - (5) Nonmetallic mining services.
 - (6) Processing of topsoil.
 - (7) Sand and gravel quarrying.
 - (8) Washing, refining or processing of rock, slate, gravel, sand or minerals.
 - (9) The extension of any existing uses as listed above.
- C. Yard requirements. All excavations shall be at least 100 feet from the right-of-way of any public or approved private street or property line. All accessories to the mineral extraction use, such as mining buildings, structures, equipment, offices, parking areas and stockpiles, shall be at least 100 feet from any right-of-way or property line.
[Amended 11-14-2017 by Ord. No. 22-2017]
- D. The application for the conditional use permit shall include an adequate description of the operation; a list of equipment, machinery and structures to be used; the source, quantity and disposition of water to be used; a topographic map of the site showing existing contours with minimum vertical contour interval of five feet, trees, proposed and existing access roads, and the depth of all existing and proposed excavations; and a restoration plan.
- E. The restoration plan provided by the applicant shall contain proposed contours after filling; depth of the restored topsoil; type of fill, planting or reforestation; and restoration commencement and completion dates. The applicant shall furnish the necessary fees to provide for the inspection and administrative costs and the necessary sureties that will enable the County to perform the planned restoration of the site in event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by the engineer, and the form and type of such sureties shall be approved by the County's legal counsel.

F. Existing quarrying operation.

(1) Within six months after the effective date of this chapter, the owners of all existing quarrying operations shall submit to the Land Use Planning and Zoning Committee the names of the quarry owners and operators and information regarding its operation.^[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

(2) Within one year after adoption of this chapter, the owners shall submit to the Land Use Planning and Zoning Department a plan for restoration of the quarrying site. The restoration plan shall not impose requirements that are economically or engineeringly unreasonable with respect to conditions resulting from operation prior to enactment of this chapter.

G. Area and height regulations: Refer to §§ **350-18** and **350-19**.

[Added 11-14-2017 by Ord. No. 22-2017]

H. Highway setbacks: Refer to § **350-50A**.

[Added 9-21-2021 by Ord. No. 30-2021]

[1] *Editor's Note: See also Ch. 323, Nonmetallic Mining Reclamation.*

§ 350-36. M-2 Sanitary Landfill District.

A. Permitted uses. All uses in this district are conditional uses.

B. Conditional uses.

(1) Sanitary landfill operations.

(2) Incinerators.

C. Complete compliance with Ch. NR 500, Wis. Adm. Code, is required before application to the Land Use Planning and Zoning Committee.

D. Area, height and setback regulations: Refer to §§ **350-18**, **350-19** and **350-20**.

[Added 11-14-2017 by Ord. No. 22-2017]

E. Highway setbacks: Refer to § **350-50A**.

[Added 11-14-2017 by Ord. No. 22-2017]

§ 350-37. RC Recreation District.

A. Purpose: The primary purpose of this district is to permit commercial and noncommercial recreation development projects, including recreation-related residential land uses.

B. Permitted uses. Recreational activities, such as:

(1) Skiing and tobogganing.

(2) Snowmobile trails.

(3) Swimming beaches.

(4) Baseball, football, volleyball and related activities.

C. Conditional uses.

(1) Campgrounds.

(2) Mobile home and trailer parks.

(3) Cabin camps.

- (4) Organized camps for recreational, educational and charitable purposes.
- (5) Amusement parks.
- (6) Drive-in movie theaters.
- (7) Dude ranches.
- (8) Fairgrounds.
- (9) Go-cart tracks.
- (10) Race tracks.
- (11) Package fermented beverage and liquor stores.
- (12) Riding stables.
- (13) Recreational activities.
 - (a) Roller skating rinks.
 - (b) Skeet, trap and rifle ranges.
- (14) Residential use, provided that it is a single-, duplex or multiple-family unit attached to a recreational resort.
- (15) Aircraft landing and takeoff fields.
- (16) Resort complex establishments, including public services of recreation, health, retail and personal services offered within the same complex.
- (17) (Reserved)^[1]
 - [1] *Editor's Note: Former Subsection C(17) was repealed 11-14-2017 by Ord. No. 22-2017.*
- (18) Boat rentals. Conditions that shall be required for boat rentals shall include, and are not limited to, waste containment, sanitary facility, noise limits, screening, parking, parking controls, time requirements, lighting and identification of sites, fish cleaning, gasoline and oil handling, and disposition of all waste materials. Any conditional use permit shall include approval as per Green Lake County Chapter **338** - Shoreland Zoning, Ch. 30, Wis. Stats., and Ch. NR 326, Wis. Adm. Code.
[Amended 11-14-2017 by Ord. No. 22-2017]
- (19) Access site/lot, provided that:
 - (a) The access site/lot and related back lot development, including (but not limited to) all structures, piers and parking lots thereon, shall comply with all applicable state and federal laws and regulations and all applicable provisions of this chapter (including but not limited to Article **VII**, Conditional Use Permits); and
 - (b) The related back lot development shall be contiguous to the access site/lot, and all lands within the back lot development shall be contiguous to each other. As used in this subsection, the term "contiguous" shall mean in actual contact with or touching; a sharing of a common boundary. For example, but not in limitation of the foregoing, a back lot development that is separated from an access site/lot by a road (whether public or private) is not contiguous to the access site/lot and would not satisfy the requirements of this subsection.
- (20) Hotels, motels and resorts.
- (21) Restaurants, taverns and bars.
- (22) Private and public parks.

(23) Golf courses and related facilities.^[2]

[2] *Editor's Note: Former Subsection C(24), Condominiums, which immediately followed this subsection, was repealed 6-20-2006 by Ord. No. 866-06.*

- D. Area, height and setback regulations: Refer to §§ **350-18**, **350-19** and **350-20**.
[Amended 11-14-2017 by Ord. No. 22-2017]
- E. Highway setbacks: Refer to § **350-50A**.
[Amended 11-14-2017 by Ord. No. 22-2017]

§ 350-38. R-1 Single-Family Residence District.

A. Permitted uses.

- (1) Single-family dwellings. Trailers and mobile homes may not be used for dwellings except as specifically permitted by this chapter.
[Amended 8-18-2020 by Ord. No. 9-2020]
- (2) Churches; public schools; parochial schools; municipal buildings, except sewage disposal plants; garbage incinerators; public warehouses; public garages; public shops; public storage yards; and public recreational and community center buildings and grounds.
[Amended 9-21-2021 by Ord. No. 30-2021]
- (3) Private clubs and lodges, except those whose chief activity is a service customarily carried on as a business.
- (4) Branch telephone exchange, provided that there is no service garage or storage yard; transformers; unit substations for the neighborhood distribution of electric power; telephone, telegraph and power distribution poles and lines; and underground public utility lines and structures. This regulation shall not be construed to permit microwave radio relay structures, overground transmission lines, electric power substations other than the unit or neighborhood size, or other major public utility structures except as provided in Article **VII**.
- (5) Home occupations, provided that no article is sold or offered for sale on the premises except such as is produced by such occupation, that no stock-in-trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes, and that no person other than a member of the immediate family living on the premises is employed.
- (6) Professional home offices: When established in a residential district, a professional home office shall be incidental to the residential occupation; not more than 25% of the floor area of only one story of a dwelling unit shall be occupied by such office, and not more than one person not a member of the resident family shall be employed on the premises.
[Amended 12-21-2004 by Ord. No. 822-04]
- (7) Unoccupied outside storage of camping trailer, motor home, boats, fishing shanty or other similar recreational vehicles or devices as an accessory use. There shall be a combined limit of two items per family dwelling unit.
[Amended 11-14-2017 by Ord. No. 22-2017]

B. Conditional uses.

[Amended 11-12-2008 by Ord. No. 940-08; 11-14-2017 by Ord. No. 22-2017]

- (1) Subdivision-specific model home/sales office.

C. Area regulations: Refer to § **350-18**.

[Amended 11-14-2017 by Ord. No. 22-2017]

D. Principal structure setback and height standards.

[Amended 8-19-2014 by Ord. No. 1092-2014]

- (1) Highway setbacks: Refer to § **350-50A**.
[Amended 9-21-2021 by Ord. No. 30-2021]
 - (2) Rear yard setback: 25 feet minimum.
 - (3) Side yard setback: 12 feet minimum, except lots 85 feet or less in width shall have a side yard setback of 10 feet.
[Amended 11-14-2017 by Ord. No. 22-2017]
 - (4) Structure height; dwelling structure: 35 feet overall maximum.
- E. Accessory building structures. The total combined footprint area allowed for accessory building structures shall not exceed 10% of the land area, excluding any road right-of-way. Each accessory building structure shall satisfy all of the following standards:
[Added 2-15-2011 by Ord. No. 989-2011; amended 9-21-2021 by Ord. No. 30-2021]
- (1) Setbacks: same as principal structure.
 - (2) Height: 25 feet maximum; ground floor surface to peak. There shall be no sidewalls above the ground floor ceiling joist. Ground floor sidewalls shall not exceed 15 feet in height.
 - (3) Area: 1,500 square foot maximum footprint (ground floor).
 - (4) Volume: 25,000 cubic feet maximum volume.
 - (5) Human habitation of a detached accessory building structure may be allowed, however shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.
 - (6) In no case is a shipping or storage container(s) to be utilized as a residential accessory building structure.
[Added 8-18-2020 by Ord. No. 9-2020]

§ 350-39. R-2 Single-Family Mobile Home Residence District.

- A. In the Class Two Residential District, all uses and structures shall be permitted that are permitted in the Single-Family Residence District, and, in addition thereto, mobile and manufactured homes occupied by a single family shall be permitted.
[Amended 3-19-2019 by Ord. No. 2-2019; 9-21-2021 by Ord. No. 30-2021]
- B. Such homes shall be permanently mounted on a stone, concrete or masonry foundation and skirted and shall be adequately served by sanitary facilities installed in compliance with all local ordinances and state laws and regulations. Mobile and manufactured homes located in the Class Two Residential District shall be deemed to be a part of the real estate and assessable as such and not as mobile homes.
[Amended 3-19-2019 by Ord. No. 2-2019]
- C. (Reserved)^[1]
[1] *Editor's Note: Former Subsection C, regarding Class Two Residential Districts, was repealed 3-19-2019 by Ord. No. 2-2019.*
- D. Area and height regulations: Refer to §§ **350-18** and **350-19**.
[Added 11-14-2017 by Ord. No. 22-2017]
- E. Principal structure setback and height standards.
[Added 8-19-2014 by Ord. No. 1092-2014; amended 11-14-2017 by Ord. No. 22-2017]
- (1) Highway setbacks: Refer to § **350-50A**.
[Amended 9-21-2021 by Ord. No. 30-2021]

- (2) Rear yard setback: 25 feet minimum.
 - (3) Side yard setback: 12 feet minimum, except lots 85 feet or less in width shall have a side yard setback of 10 feet.
 - (4) Structure height; dwelling structure: 35 feet overall maximum.
- F. Accessory building structures. The total combined footprint area allowed for accessory building structures shall not exceed 10% of the land area, excluding any road right-of-way. Each accessory building structure shall satisfy all of the following standards:
[Added 2-15-2011 by Ord. No. 989-2011; amended 11-14-2017 by Ord. No. 22-2017; 9-21-2021 by Ord. No. 30-2021]
- (1) Setbacks: same as principal structure.
 - (2) Height: 25 feet maximum; ground floor surface to peak. There shall be no sidewalls above the ground floor ceiling joist. Ground floor sidewalls shall not exceed 15 feet in height.
 - (3) Area: 1,500 square foot maximum footprint (ground floor).
 - (4) Volume: 25,000 cubic feet maximum volume.
 - (5) Human habitation of a detached accessory building structure may be allowed; however it shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.
 - (6) In no case is a shipping or storage container(s) to be utilized as a residential accessory building structure.
[Added 8-18-2020 by Ord. No. 9-2020]

§ 350-40. R-3 Multiple-Family Residence District.

[Amended 12-21-2004 by Ord. No. 822-04; 6-20-2006 by Ord. No. 866-06; 11-12-2008 by Ord. No. 940-08; 2-15-2011 by Ord. No. 989-2011; 8-21-2012 by Ord. No. 1032-2012]

This residential district is intended to provide for a variety of residential uses ranging from low to high density, including those uses that may be compatible with this district. This district's uses and standards are designed to implement Comprehensive Plan goals by encouraging the uses of this district in areas where they are best suited to achieve those goals. These lands are generally compatible with other residential districts where varying levels of density are permitted and supported by the Comprehensive Plan. The best use of lands in this district is residential.

- A. Permitted uses.
[Amended 11-14-2017 by Ord. No. 22-2017]
- (1) Accessory structure/use.
 - (2) Boardinghouse.
 - (3) Bed-and-breakfast establishment.
 - (4) Community-based residential facility (CBRF).
 - (5) Community living facility eight or fewer residents.
 - (6) Day care, eight or fewer children.
 - (7) Dwelling, single-family.
 - (8) Dwelling, two-family (duplex).
 - (9) Dwelling, multiple-family, three to eight units.

(10) Home occupation:

- (a) Shall be located in the place of permanent residency;
- (b) Is incidental to the residential occupancy;
- (c) Limited to one inside level of the dwelling unit and does not occupy more than 25% of the floor area of that level;
- (d) That no article is sold or offered for sale on the premises except such as produced by the home occupation;
- (e) That no stock-in-trade is kept or sold;
- (f) That no mechanical equipment is used other than such as is permissible for typical residential purposes;
- (g) There is no emission of odor, gas, smoke, dust, or noise that will be detrimental to the character of the neighborhood; and
- (h) That no person outside the immediate resident family operates such home occupation.

(11) Professional home office when established in a residential dwelling unit shall be:

- (a) Located in the practitioner's place of permanent residency;
- (b) Is incidental to the residential occupancy, limited to one inside level of the dwelling unit and does not occupy more than 25% of the floor area of that level; and
- (c) Not more than one person not a member of the resident family shall be employed on the premises.

(12) Signs per § 350-43.

(13) (Reserved)^[1]

[1] *Editor's Note: Former Subsection A(13), regarding temporary structures/uses, was repealed 9-21-2021 by Ord. No. 30-2021.*

(14) Tourist rooming house.

(15) A mobile or manufactured home shall be allowed as a temporary structure for the shelter of persons and property as a result of disaster-related damages. The mobile or manufactured home shall be located after obtaining all necessary permits, for no more than one year and shall be located on the premises with the construction of the new permanent structure.
[Amended 3-19-2019 by Ord. No. 2-2019]

(16) Private clubs, lodges, fraternities, and others similar thereto, except those with an activity that is a service customarily carried on as a business.

(17) Unoccupied outside storage of camping trailer, motor home, boats, fishing shanty or other similar recreational vehicles or devices as an accessory use. There shall be a combined limit of two items per family dwelling unit.

B. Conditional uses. Conditions and standards for a conditional use permit are set forth in § 350, Article VII, Conditional Use Permits.
[Amended 11-14-2017 by Ord. No. 22-2017]

- (1) Assisted living facility.
- (2) Community center.
- (3) Community living facility, nine or more residents.
- (4) Day care, nine or more children.

- (5) Dwelling, multiple-family, nine plus units.
- (6) Fraternal organization with services customarily carried on as a business.
- (7) Health care offices for medical, dental, vision.
- (8) Library or cultural exhibit.
- (9) Municipal buildings for administrative office, meeting hall, attached inside storage only of municipal vehicles and equipment, with no outside storage allowed.
- (10) Nursing home.
- (11) Parking lot.
- (12) Religious assembly/structure.
- (13) Schools.
- (14) Subdivision-specific model home/sales office.
- (15) Utility service use/structure.

C. Area, height and setback requirements.

[Amended 11-14-2017 by Ord. No. 22-2017]

- (1) A lot or parcel shall have a one-acre-minimum contiguous land area.

Note: The area within the road right(s)-of-way shall not be included for the standards of this subsection. Design standards pursuant to Chapter **315**, Code of Green Lake County, Land Division and Subdivision, shall apply to a newly created lot or parcel for this subsection.

D. Principal structure setback and height standards.

- (1) Highway setbacks: Refer to § **350-50A**.
[Amended 8-19-2014 by Ord. No. 1092-2014; 9-21-2021 by Ord. No. 30-2021]
- (2) Rear yard setback: 25 feet minimum.
- (3) Side yard setback: 12 feet minimum.
- (4) Structure height; dwelling structure: 35 feet overall maximum.

E. Accessory building structures. The total combined footprint area allowed for accessory building structures shall not exceed 10% of the land area, excluding any road right-of-way. Each accessory building structure shall satisfy all of the following standards:

[Amended 3-19-2019 by Ord. No. 2-2019; 8-18-2020 by Ord. No. 9-2020; 9-21-2021 by Ord. No. 30-2021]

- (1) Setbacks: same as principal structure.
- (2) Height: 25 feet maximum; ground floor surface to peak. There shall be no sidewalls above the ground floor ceiling joist. Ground floor sidewalls shall not exceed 15 feet in height.
- (3) Area: 1,500 square foot maximum footprint (ground floor).
- (4) Volume: 25,000 cubic feet maximum volume.
- (5) In no case is a shipping or storage container(s) to be utilized as a residential accessory building structure.^[2]

[2] *Editor's Note: Former Subsection F, regarding accessory nonbuilding structure standards, which immediately followed, was repealed 9-21-2021 by Ord. No. 30-2021.*

§ 350-41. R-4 Rural Residential District.

[Amended 6-20-2006 by Ord. No. 866-06; 11-12-2008 by Ord. No. 940-08; 2-15-2011 by Ord. No. 989-2011; 8-21-2012 by Ord. No. 1033-2012]

This residential district is intended to provide for limited rural residential use development; require a large residential land area to maintain the rural character and to accommodate uses that are not urban in nature including light agriculture. This district's uses and standards are designed to implement Comprehensive Plan goals by encouraging a blend of residential and agricultural uses. This district may be used as a transitional zone to retain land in a less intensive use until the appropriate time for a more intensive residential or other use occurs. The lands in this district should be predominately agricultural areas not suited for agricultural production or those lands due to location that would have limited impact on agricultural production. Residents of this district may experience conditions associated with adjoining agricultural lands that are not experienced in areas of predominately residential use.

A. Permitted uses.

[Amended 11-14-2017 by Ord. No. 22-2017]

- (1) Accessory structure/use.
- (2) Beekeeping.
- (3) Community living, eight or fewer residents.
- (4) Crops, field.
- (5) Day care, eight or fewer children.
- (6) Dwelling, single-family.
- (7) Dwelling, two-family (duplex).
- (8) Floriculture.
- (9) Grazing.
- (10) Greenhouse, accessory to the permitted use.
- (11) Home occupation:
 - (a) Shall be located in the place of permanent residency;
 - (b) Is incidental to the residential occupancy;
 - (c) Limited to one inside level of the dwelling unit and does not occupy more than 25% of the floor area of that level;
 - (d) That no article is sold or offered for sale on the premises except such as produced by the home occupation;
 - (e) That no stock-in-trade is kept or sold;
 - (f) That no mechanical equipment is used other than such as is permissible for typical residential purposes;
 - (g) There is no emission of odor, gas, smoke, dust, or noise that will be detrimental to the character of the neighborhood; and
 - (h) That no person outside the immediate resident family operates such home occupation.
- (12) Horticulture.

- (13) Livestock, raising/keeping.
 - (14) Orchard.
 - (15) Paddock.
 - (16) Professional home office when established in a residential dwelling unit shall be:
 - (a) Located in the practitioner's place of permanent residency;
 - (b) Is incidental to the residential occupancy, limited to one inside level of the dwelling unit and does not occupy more than 25% of the floor area of that level; and
 - (c) Not more than one person not a member of the resident family shall be employed on the premises.
 - (17) Recreation trails.
 - (18) Riding stable.
 - (19) Roadside stand of less than 300 square feet in area as a temporary structure not wholly enclosed for the sale of produce grown on the premises. One stand allowed per premises.
 - (20) Signs per § **350-43**.
 - (21) Unoccupied outside storage of camping trailer, motor home boats, fishing shanty or other similar recreational vehicles or devices as an accessory use. There shall be a combined limit of two items per family dwelling unit.
 - (22) Utility, local lines.
 - (23) A mobile or manufactured home shall be allowed as a temporary structure for the shelter of persons and property as a result of disaster-related damages. The mobile or manufactured home shall be located after obtaining all necessary permits, for no more than one year and shall be located on the premises with the construction of the new permanent structure.
[Amended 3-19-2019 by Ord. No. 2-2019]
- B. Conditional uses. Conditions and standards for a conditional use permit are set forth in § 350, Article **VII**, Conditional Use Permits.
[Amended 11-14-2017 by Ord. No. 22-2017]
- (1) Bed-and-breakfast establishment.
 - (2) Community living, nine or more residents.
 - (3) Day care, nine or more children.
 - (4) Tourist rooming house.
 - (5) Tower and appurtenances, communication or relay.
 - (6) Utility transmission lines.
 - (7) Event barn (only as an accessory use to the residential use, existing buildings only).
[Added 3-19-2019 by Ord. No. 2-2019]
 - (8) Kennel (must be on at least a five-acre lot or parcel and only as an accessory use to the residential use).
[Added 3-19-2019 by Ord. No. 2-2019; amended 9-21-2021 by Ord. No. 30-2021]
 - (9) RV and boat storage for rent (only as an accessory use to the residential use, existing buildings only).
[Added 3-19-2019 by Ord. No. 2-2019]

C. Area, height and setback requirements.

[Amended 11-14-2017 by Ord. No. 22-2017]

- (1) A lot or parcel shall have a three-acre-minimum and less than eight-acre-maximum of contiguous land area.

Note: The area within the road right(s)-of-way shall not be included for the standards of this subsection. Design standards pursuant to Chapter **315**, Code of Green Lake County, Land Division and Subdivision, shall apply to a newly created lot or parcel for this subsection.

D. Principal structure setback and height standards.

- (1) Highway setbacks: Refer to § **350-50A**.

[Amended 9-21-2021 by Ord. No. 30-2021]

- (2) Rear yard setback: 25 feet minimum.
- (3) Side yard setback: 12 feet minimum.
- (4) Structure height; dwelling structure: 35 feet overall maximum.

E. Accessory structure standards. The total combined footprint area allowed for accessory building structures shall not exceed 10% of the land area, excluding any road right-of-way. An accessory building structure shall satisfy all of the following standards:

[Amended 8-18-2020 by Ord. No. 9-2020; 9-21-2021 by Ord. No. 30-2021]

- (1) Setbacks: same as principal structure.
- (2) Height: 25 feet maximum; ground floor surface to peak. There shall be no sidewalls above the ground floor ceiling joist. Ground floor sidewalls shall not exceed 15 feet in height.
- (3) Area: 1,500 square foot maximum footprint (ground floor).
- (4) Volume: 25,000 cubic feet maximum volume.
- (5) Human habitation of a detached accessory building structure may be allowed, however shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.
- (6) In no case is a shipping or storage container(s) to be utilized as a residential accessory building structure.^[1]

[1] *Editor's Note: Former Subsection F, regarding accessory nonbuilding structure standards, which immediately followed, was repealed 9-21-2021 by Ord. No. 30-2021.*

§ 350-42. AO Adult-Oriented Establishment District.

- A. Purpose. The primary purpose of this section is to regulate adult-oriented establishment businesses to promote the health, safety, morals and general welfare of the citizens of Green Lake County; to aid in the alleviation and prevention of the adverse and deleterious effects of criminal activity and disruption of the public peace associated with such establishments; to establish reasonable and uniform regulations to prevent the health hazards associated with unsafe and unsanitary conditions known to exist in those establishments; and to alleviate the spread of sexually transmitted diseases and other contagious diseases in those establishments.
- B. Permitted uses. None.
- C. Conditional uses. Adult-oriented establishment.
- D. General standards.

- (1) An adult-oriented establishment shall not locate within 1,000 feet of any land zoned residential, any public or private school, church, or religious institution, or any public park and shall not locate within 500 feet of any other adult-oriented establishment.
 - (2) No more than one adult-oriented establishment may be operated on any one parcel.
 - (3) All standards and regulations identified in Chapter **93**, Adult-Oriented Establishments, and Chapter **163**, Article III, Nude Dancing in Licensed Establishments, shall apply.
 - (4) All other provisions of this chapter shall apply.
- E. Standard of measurement. The distances provided in this chapter shall be measured in a straight line without regard to intervening structures or objects, from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult-oriented establishment to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.
- F. Area, height and setback regulations: Refer to §§ **350-18** and **350-19** and the Commercial District setbacks under § **350-20**.
[Added 11-14-2017 by Ord. No. 22-2017]
- G. Highway setbacks: Refer to § **350-50A**.
[Added 11-14-2017 by Ord. No. 22-2017]

Article V. Nonbuilding Structures

[1] *Editor's Note: The title of this article was changed from "Signs" to "Nonbuilding Structures" 12-16-2008 by Ord. No. 942-08.*

§ 350-43. Signs.

[Amended 12-15-2009 by Ord. No. 971-2009^[1]]

The sign regulations in this section intend to promote well-maintained and attractive signage within the County; to provide for adequate business identification, advertising and communication; and to protect the safety and efficiency of the County's transportation system by reducing confusion or distractions to motorists.

- A. All signs hereafter located, erected, moved, reconstructed, extended, enlarged, or structurally altered shall be in conformity with the provisions of this chapter and require a land use permit, unless specifically stated in this section. Changing the existing message board of a sign with cosmetic materials, such as but not limited to paint, paper or corrugated plastic, does not require a land use permit.
- B. Signs within this section are as follows:
 - (1) Official traffic control or traffic information or traffic directional notice signs erected by federal, state or local units of government may be placed in accordance with the highway jurisdiction. No County permit is required.
 - (2) Signs that are generally temporary and less than three square feet and are similar but not limited to agricultural seed plots, real estate, contractor identification, and government agency information are not regulated by this Section. No County permit is required.
 - (3) An on-site sign advertising a customary home occupation or professional home office shall not exceed four square feet in gross area and shall have a minimum setback of 10 feet from the right-of-way line.
 - (4) On-site signs advertising business on premises.

- (a) One on-site sign attached to a building structure advertising a business conducted or service available on the premises shall not exceed the height of the building structure it is attached to. Such sign shall not exceed 50 square feet in gross area.
[Amended 9-21-2021 by Ord. No. 30-2021]
- (b) One on-site freestanding sign in addition to the building-mounted sign to advertise a business conducted or service available on the premises shall be allowed and shall not exceed 50 square feet in gross area and shall have a minimum setback of 10 feet from the right-of-way line.
[Amended 11-14-2017 by Ord. No. 22-2017]
- (5) Other off-site signs not specifically referred to in this section shall not exceed 300 square feet in gross area. These signs are not allowed in R-1, R-2, R-3 and NRC Zoning Districts and shall meet the following standards:
[Amended 11-14-2017 by Ord. No. 22-2017]
- (a) An off-site sign 50 square feet or less shall have a minimum setback of 10 feet from the right-of-way line.
- (b) An off-site sign that is greater than 50 square feet and up to and including 300 square feet shall have a minimum setback from the right-of-way line as required by the zoning district in which the sign is located.
- (6) A temporary sign, such as but not limited to rent-a-sign and message-type signs, indicating a special activity, placed on a temporary basis, erected on a trailer or otherwise readily movable means shall not exceed 32 square feet and shall have a minimum setback of 10 feet from the right-of-way line. Maximum length of time for sign placement is 60 days prior to the activity through 15 days after the activity.
- C. A sign and all its structural components shall comply with the following setback standards:
- (1) No sign allowed in this Section shall be so placed as to interfere with the visibility or effectiveness of any official traffic sign or signal placed by a governmental unit.
- (2) The maximum setback for any sign in this Section shall be 300 feet from the right-of-way line.
- (3) No sign shall be placed within the vision clearance triangle as provided in § **350-50B**.
- (4) All signs shall comply with all other setback standards of this Chapter related to side yard and rear yard based on the zoning district in which the sign is located.
- (5) Setbacks shall be measured from the right-of-way line or property line to the closest part of the sign or a structural component of the sign.
- D. The height of any freestanding sign not otherwise regulated in this Section shall not exceed 20 feet above the existing elevation at the site of the sign.
- E. No sign shall resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices.
- F. No sign shall contain, include or be illuminated by flashing lights or be composed of animated or moving parts, or be a flashing electronic type sign. A lighted sign shall be shielded to prevent glare or illumination onto other premises or roadways.
[Amended 11-14-2017 by Ord. No. 22-2017]
- G. No combination of sign face and sign enhancement area (border and trim) shall exceed the square footage requirement of this Section. Back-to-back sign faces of the same size on the same support structure shall be considered as one area for the purpose of this standard. The supporting structure is not counted in the area calculation.
- H. No vehicle, farm implement, semi-trailer, building structure or any others similar thereto shall be used as a sign or as a backdrop for conveying information, unless specifically allowed in this

Section.

- I. Signs regulated in this Section shall be spaced at least 1,500 feet apart, except signs identified in § 350-431B(1) through (4). There shall be no more than two tiers of signs at the required spacing interval. For the purpose of this Section, a "tier" shall mean a zone parallel to the right-of-way line. Each sign shall create a tier at its location.
- J. Sign regulations and standards in this Section may not be the only applicable restrictions. Other entities of jurisdiction may regulate existing and proposed signs.
- K. Progressive or accumulative message-type signs shall be prohibited.
- L. An existing nonconforming sign structure shall only be allowed to be refaced with a new message using cosmetic nonstructural material. No structural or material upgrades are allowed.
- M. A sign and all its structural components shall comply with the following maintenance standards:
 - (1) An abandoned/obsolete sign that identifies, displays information about or otherwise relates to a purpose, event or business that has not existed or operated for 180 days, or is so old, dilapidated, or has become so out of repair as to be dangerous or unsafe, whichever comes first, shall be removed immediately.
 - (2) All signs, supports and accessories shall be maintained in good repair. Any sign shall be removed immediately if the sign does not have a fully readable message, is in disrepair or damaged and is left without repair for a minimum of 60 days.
- N. In areas of shoreland jurisdiction, a sign shall meet the seventy-five-foot setback standard from the ordinary high-water mark of navigable waters.

[1] *Editor's Note: This ordinance also repealed former §§ 350-44, Permit required; 350-45, Location of signs; 350-46, Types of signs, as amended; and 350-47, Prohibited characteristics of signs.*

§ 350-43.1. Fences.

[Added 3-19-2019 by Ord. No. 2-2019]

Fences shall comply with the following:

- A. All fences, no greater than eight feet in height, may be allowed along any lot line excluding the street right-of-way line and the side lot lines within the street-yard setback.
- B. Open style fences (greater than 50% open space), no greater than four feet in height, may be allowed along the street right-of-way line and alongside lot lines within the street-yard setback.
- C. Open style agricultural fences, no greater than eight feet in height, are allowed without a land use permit on lands zoned A-1, A-2 and R-4.

[Added 9-21-2021 by Ord. No. 30-2021]

§ 350-43.2. Solar panels.

[Added 8-18-2020 by Ord. No. 9-2020]

Solar panel arrays shall comply with the following:

- A. Ground-mounted solar panel arrays that can exceed eight feet in adjusted height (lowest adjacent grade to maximum vertical extent) or have a solar panel surface area greater than 32 square feet must be authorized by a land use permit and are required to meet all the required setback set forth in this chapter.
- B. Ground-mounted solar panel arrays shall not exceed 25 feet in height (lowest adjacent grade to maximum vertical extent).

- C. Roof-mounted solar panel arrays are not subject to §§ **350-19** and **350-20** of this chapter and are exempt from the land use permit requirement under § **350-65**.

[1] *Editor's Note: Former § 350-43.2, Wind energy facilities, added 12-16-2008 by Ord. No. 942-08, was repealed 12-15-2009 by Ord. No. 969-2009.*

§ 350-44. Mobile tower siting regulations.

[Added 10-18-2016 by Ord. No. 23-2016]

The purpose of this section is to regulate by land use permit the siting and construction of any new mobile service support structure and facilities, Class 1 co-locations (the substantial modification of an existing support structure and mobile service facilities), and Class 2 co-locations (co-locations that do not require the substantial modification of an existing support structure and mobile service facilities).

- A. Definitions: All definitions contained in § 66.0404(1) Wis. Stats. are hereby incorporated by reference.
- B. Siting and construction of any new mobile service support structure and facilities and Class 1 co-locations (substantial modifications to existing support structure and mobile support facilities)
- (1) The siting and construction of any new mobile service support structure and facilities as well as for Class 1 co-locations (substantial modifications to existing support structure and mobile support facilities) are conditional uses in the areas subject to the provisions of this section (See Article **VII**, Conditional Use Permits). A land use permit is also required.
 - (2) A land use permit application must be completed by any applicant and submitted to the Land Use Planning and Zoning Department. The application must contain the following information:
 - (a) The name and business address of, and the contact individual for, the applicant.
 - (b) The location of the proposed or affected support structure.
 - (c) The location of the proposed mobile service facility.
 - (d) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - (e) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - (f) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose co-location, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that co-location within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
 - (3) The Land Use Planning and Zoning Department will provide a permit application to any applicant, upon request.
 - (4) If an applicant submits an application for a land use permit to engage in an activity described in this section, which contains all of the information required under this section, the Land Use Planning and Zoning Department shall consider the application complete. If the Land Use

Planning and Zoning Department does not believe that the application is complete, the Land Use Planning and Zoning Department shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

- (5) Within 90 days of its receipt of a complete application, the Land Use Planning and Zoning Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Land Use Planning and Zoning Department may agree in writing to an extension of the ninety-day period:
 - (a) Review the application to determine whether it complies with all applicable ordinance standards.
 - (b) Make a final decision whether to approve or disapprove the application.
 - (c) Notify the applicant, in writing, of its final decision.
 - (d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (6) The Land Use Planning and Zoning Department may disapprove an application if an applicant refuses to evaluate the feasibility of co-location within the applicant's search ring and provide the sworn statement described under Subsection **B(2)(f)**.
- (7) As required for all commercial structures (§ **350-20B**), a setback 1.1 times the total height of the new mobile service support structure or any substantial modification (Class 1 co-location) shall be required.
- (8) If an applicant provides the Land Use Planning and Zoning Department with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in this section, that Zoning Ordinance standards do not apply to such a structure unless the Land Use Planning and Zoning Department provides the applicant with substantial evidence that the engineering certification is flawed.
- (9) The fee for the land use permit is \$3,000.

C. Class 2 co-locations.

- (1) A land use permit is required for a Class 2 co-location. A Class 2 co-location is a permitted use in the areas subject to this chapter, but still requires the issuance of a land use permit.
- (2) A land use permit application must be completed by any applicant and submitted to the Land Use Planning and Zoning Department. The application must contain the following information:
 - (a) The name and business address of, and the contact individual for, the applicant.
 - (b) The location of the proposed or affected support structure.
 - (c) The location of the proposed mobile service facility.
- (3) The Land Use Planning and Zoning Department will provide a land use permit application to any applicant upon request.
- (4) A Class 2 co-location is subject to the same requirements for the issuance of a land use permit to which any other type of commercial development or land use development is subject.
- (5) If an applicant submits a land use permit application to the Land Use Planning and Zoning Department for a permit to engage in an activity described in this section, which contains all of the information required under this section, the Land Use Planning and Zoning Department

shall consider the application complete. If any of the required information is not in the application, the Land Use Planning and Zoning Department shall notify the applicant in writing, within five days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

- (6) Within 45 days of its receipt of a complete application, the Land Use Planning and Zoning Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Land Use Planning and Zoning Department may agree in writing to an extension of the forty-five-day period:
 - (a) Make a final decision whether to approve or disapprove the application.
 - (b) Notify the applicant, in writing, of its final decision.
 - (c) If the application is approved, issue the applicant the relevant permit.
 - (d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (7) The fee for the permit is \$500.

§ 350-45. through § 350-47. (Reserved)

Article VI. Highway Setback Lines

§ 350-48. Setback lines established.

Setback lines are hereby established in Green Lake County outside the limits of incorporated cities and villages along all public highways and at the intersections of highways with highways and highways with railway, as hereinafter provided. Where a highway is located on a county, city or village boundary, this section shall not be effective on the side of such highway that is within the city or village or the adjoining county.

§ 350-49. Center lines of highways.

The position of the center line of any road or highway shall be determined as follows:

- A. State trunk highways that have been improved, in accordance with surveys of the State Highway Commission or plans accepted by the County Board; County trunk highways that have been improved, in accordance with engineering surveys and plans accepted by the County Board or its agent, the County Highway Committee; town roads that have been improved, in accordance with engineering surveys and plans accepted by the County or Town Board. The center line of any of the above roads or highways is the center of the surfacing or pavement or, if there is none, the center of the graded roadbed, or the center of the directional separator, if the highway is directionally divided.
- B. County trunk highways that have not been improved, in accordance with engineering surveys and plans accepted by the County Board or its agent, the County Highway Committee; town roads that have not been improved, in accordance with engineering surveys and plans accepted by the County or Town Board. The center line of any of the above roads or highways is at the midway point between fences or other markers indicating the boundaries of the highway on opposite sides thereof.

§ 350-50. Setback distances.

[Amended 8-19-2014 by Ord. No. 1092-2014]

Except as otherwise provided in the specific zoning district, the distances from the center line, as defined by § 350-49 of this article, or from the front line to the setback line shall be as provided by the following subsections. Whenever a highway is improved to a classification requiring a greater setback distance than that required by this chapter prior to such improvement, the setback distance shall not be affected by such improvement. In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail, but this regulation shall not apply to streets in platted subdivisions.

- A. Along highways generally. The setback distance from the center line or right-of-way line, at any point, for the respective classes of highways shall be as follows:

[Amended 11-14-2017 by Ord. No. 22-2017; 3-19-2019 by Ord. No. 2-2019; 8-18-2020 by Ord. No. 9-2020; 9-21-2021 by Ord. No. 30-2021]

Highway Classification	Setback From Center Line (feet)	Setback From Street Lot Line (feet)
State trunk highways	110	Not less than 67
County trunk highways	75	Not less than 40
Town roads, except in platted subdivisions or nonriparian lots or parcels	75	Not less than 40
Town roads in platted subdivisions		30
Town roads accessed by a riparian lot		25

- B. At ordinary highway intersections. At grade intersections of highways, there shall be vision clearance triangles in each sector of such intersections. Each such vision clearance triangle shall be established by a supplementary setback line, which shall be a straight line connecting points located on the setback lines along the intersecting highways and 60 feet back from the intersection of such setback lines, provided that this requirement shall not apply to streets in platted subdivisions.
- C. At highway intersections with transitional widening. At intersections of highways with other highways provided with transitional widening of pavement or surfacing, such transitional widening shall be considered as additional width, and the setback line on the side that is widened shall be increased by the amount equal to the width of the additional pavement.
- D. At highway intersection with curve connections. At intersections of highways with other highways, where the intersecting highways are connected with pavement or surfacing constructed on a curve, the pavement or surfacing of the curve shall be classified as provided by § 350-49 of this section, and the setback distance along the curve shall be measured from the center line of the curved section determined accordingly.
- E. At railroad grade crossings. At grade intersections of highways with railroads, there shall be vision clearance triangles in each sector of the intersections. Each such vision clearance triangle shall be established by a supplementary setback line, which shall be a straight line connecting points located on the setback lines along the highway and the railroad right-of-way lines and 100 feet back from the intersections of such highway setback lines and railroad right-of-way lines.

§ 350-51. Structures prohibited within setback lines.

[Amended 11-14-2017 by Ord. No. 22-2017; 3-19-2019 by Ord. No. 2-2019]

No new building, new sign, new privacy fence or other new structure, including cemeteries, nor any part thereof, shall be placed between the setback lines established by this chapter and the highway except as provided by this chapter. No building, sign, structure or part thereof existing within such

setback lines on the effective date of this chapter shall be altered, enlarged or added to in any way that increases or prolongs the permanency thereof, unless granted a variance by the Board of Adjustment.

§ 350-52. Structures permitted within setback lines.

- A. The following kinds of structures may be placed between the setback lines and the highway:
- (1) Open fences, height not to exceed four feet (adjacent grade to maximum vertical extent).
[Amended 8-18-2020 by Ord. No. 9-2020]
 - (2) Telephone, telegraph and power transmission poles and lines and microwave radio relay structures, except satellite earth stations, may be constructed within the setback lines, provided that the owner will file with the Land Use Planning and Zoning Department of Green Lake County an agreement, in writing, to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this chapter, at his expense, when necessary for the improvement of the highway and pay a recording fee.
[Amended 11-14-2017 by Ord. No. 22-2017]
 - (3) Underground structures not capable of being used as foundations for future prohibited overground structures.
 - (4) Access of service highways constructed according to plans as approved by the County Highway Committee. In giving such approval, the County Highway Committee shall give due consideration to highway safety.
 - (5) Signs placed by the public authorities for the guidance or warning of traffic.
 - (6) Signs permitted in the agriculture districts.
 - (7) Temporary structures permitted in the commercial and industrial districts.
 - (8) Uncovered landings and steps, not exceeding 24 inches in height from adjacent grade, the sole purpose of which is to provide ingress to and egress from a nonconforming single-family dwelling to the highway setback. In these cases, these structures shall be constructed to meet the minimum standards set forth in SPS 140 321.04, Wis. Admin. Code.
[Added 8-18-2020 by Ord. No. 9-2020]
 - (9) Retaining and decorative landscape walls may be allowed in the street yard, side yard and rear yard with a minimum zero-foot setback.
[Added 8-18-2020 by Ord. No. 9-2020]
- B. This section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees, provided that no field crops, shrubbery, trees, buildings or structures shall be located, maintained or permitted to grow so that the view across the sectors at the intersections, as provided by § **350-50B**, **C**, **D** and **E** of this article, shall be obstructed.

Article VII. Conditional Use Permits

§ 350-53. Land Use Planning and Zoning Committee.

The Land Use Planning and Zoning Committee is hereby declared to be the agent of the County Board in all matters pertaining to County zoning, except for such powers as are specifically reserved to the County Board or the Board of Adjustment by the laws of the State of Wisconsin or by this chapter. See Article **VIII**, Board of Adjustment.

§ 350-54. Conditional uses.

[Amended 11-14-2017 by Ord. No. 22-2017; 3-19-2019 by Ord. No. 2-2019]

- A. Investigations of, and public hearings on, conditional uses required by the regulations of this article shall be conducted by the Land Use Planning and Zoning Committee for the purpose of determining the effect of the proposed use or the location thereof on the character of the neighborhood and its suitability for development by utilizing the minimum review standards and criteria of this article. The Land Use Planning and Zoning Committee shall review requests for a conditional use permit and, after public hearing and application of the standards identified in this article, shall approve, approve with conditions or deny all such requests.
- B. (Reserved)^[1]
 - [1] *Editor's Note: Former Subsection B, concerning conditional uses in the A-1 and A-2 Districts, was repealed 12-15-2009 by Ord. No. 972-2009.*
- C. For all public hearings required above, general notice shall be given as the Land Use Planning and Zoning Committee shall direct, provided that special notice shall be given of any such public hearing by mail to all persons living within the boundaries of the lot or tract to be affected by any proposal for which the Land Use Planning and Zoning Committee's approval is required and to all other persons living outside of such boundaries and within 300 feet thereof.

§ 350-55. Application for permit.

[Amended 3-19-2019 by Ord. No. 2-2019]

Application for a conditional use permit shall be made to the Land Use Planning and Zoning Department, on forms provided by the Department and shall be accompanied by the following:

- A. Application with an application fee. (See Article **XII** of this chapter for fee structure.)
- B. Detailed site plan, drawn to scale, identifying such items as existing and proposed buildings, building height, septic system, drainageways, watercourses, streams, lakes, lot lines, contours, areas to be filled or altered, wetlands, roads, existing and proposed parking area, and any other relevant physical features.
- C. Detailed description of the proposed activity (operational plan).
- D. Any additional information, as required by the Land Use Planning and Zoning Department, which may be pertinent to the proposed conditional use.

§ 350-56. Review of permit application; standards and conditions.

- A. Action by the Land Use Planning and Zoning Committee: The Land Use Planning and Zoning Committee shall review a request for a conditional use permit and deny, approve, or approve with conditions the request as the Committee may deem appropriate.
- B. Standards.
 - (1) Conditional uses may be located in certain districts under certain conditions. When reviewing a conditional use permit, the Land Use Planning and Zoning Committee shall take into consideration, among other things, the recommendation of the affected town and the particular facts and circumstances of each proposed use in terms of the following standards and shall find substantial evidence that such standards are being satisfied.

[Amended 3-19-2019 by Ord. No. 2-2019]

- (a) If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this chapter or those imposed by the Land Use Planning and Zoning Committee, the Land Use Planning and Zoning Committee shall

grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

- (b) The requirements and conditions described under § **350-56B(1)(a)** above must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal.
 - (c) The applicant must demonstrate that the application and all requirements and conditions established by the Land Use Planning and Zoning Committee, relating to the conditional use, are or shall be satisfied, both of which must be supported by substantial evidence. The Land Use Planning and Zoning Committee's decision to approve or deny the conditional use permit must be supported by substantial evidence.
- (2) No conditional use shall be approved or approved with conditions by the Land Use Planning and Zoning Committee unless it shall find the conditional use:
- (a) Will not have a negative effect upon the health, safety, and general welfare of occupants of surrounding lands;
 - (b) Will be designed, constructed, operated, and maintained so as to be harmonious and be appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
 - (c) Will not be hazardous or disturbing to existing or future neighboring uses;
 - (d) Will not be detrimental to property in the immediate vicinity or to the community as a whole;
 - (e) Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, and schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service; and
 - (f) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public or private streets or roads.
- C. The Land Use Planning and Zoning Committee may require additional standards and conditions that may be deemed necessary for the conditional use requested to meet the standards of this article. Such additional standards and conditions may include, but not be limited to, requirements pertaining to lot coverage, lot area, setbacks, building height, off-street parking and loading, pedestrian and vehicular accessways, storage, fencing, screening, landscaping, open space, height limitations, lighting, and hours of operation.
- D. Enumerated throughout this chapter are the uses allowed in each district by conditional use permit.
- E. A conditional use shall lapse and become void one year after approval by the Land Use Planning and Zoning Committee unless substantial construction has been undertaken or the activity has commenced in accordance with the permit. The approved conditional use permit, unless otherwise specified in the conditions of approval, shall remain in effect as long as the authorized use continues. Prior to the reestablishment of an abandoned use, a new conditional use permit shall be obtained under the terms of this article.
- F. No application for a conditional use permit which has been denied wholly or in part by the Land Use Planning and Zoning Committee shall be resubmitted for a period of one year from the date of said denial, except on the grounds of new evidence or proof of change of conditions is found to be valid.
- G. In the event that the Land Use Planning and Zoning Committee chooses to deny a person's conditional use permit application, the person may appeal the decision to the Board of Adjustment or to circuit court under the procedures contained in § 59.694(10) Wis. Stats.

[Added 3-19-2019 by Ord. No. 2-2019]

§ 350-57. Review and revocation of conditional use permits.

[Amended 11-14-2017 by Ord. No. 22-2017]

- A. The Land Use Planning and Zoning Committee shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Land Use Planning and Zoning Department to order the removal or discontinuance of any unauthorized alterations of an approved conditional use and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval, or violation of any other provision of this chapter.
- B. Complaint procedure. Upon written complaint by any citizen or official, the Land Use Planning and Zoning Committee shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either the purpose and intent of this chapter, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Land Use Planning and Zoning Committee may, in order to bring the subject conditional use into compliance with the standards set forth in this chapter or conditions previously imposed by the Land Use Planning and Zoning Committee, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. Additionally, the offending party may be subjected to a forfeiture as set forth in Article X. In the event that no reasonable modification of such conditional use can be made, the Land Use Planning and Zoning Committee may revoke the subject conditional approval and direct the Land Use Planning and Zoning Department and Corporation Counsel to seek the elimination of the subject use. Following any such hearing, the decision of the Land Use Planning and Zoning Committee shall be furnished to the current owner of the conditional use, in writing, stating the reasons therefor. An appeal from a decision of the Land Use Planning and Zoning Committee under this section may be taken to the Board of Adjustment.

[Amended 8-18-2020 by Ord. No. 9-2020]

§ 350-58. Issuance of permit.

[Amended 11-14-2017 by Ord. No. 22-2017]

The County Land Use Planning and Zoning Committee may require the Land Use Planning and Zoning Department to issue a conditional use permit after review and public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this chapter.

§ 350-59. Compliance required; variances.

Compliance with all other provisions of this chapter, such as lot width, area, year, height and setbacks, shall be required of all conditional uses. Variances shall only be granted by the Board of Adjustment in § 350-63B(3).

Article VIII. Board of Adjustment

§ 350-60. Personnel; appointment; terms of office; residency requirements [per § 59.694(2), Wis. Stats.].

[Amended 6-20-2006 by Ord. No. 867-06]

- A. The County Board of adjustment shall consist of three members; and shall be appointed by the Chairperson of the County Board with such appointments being approved by the County Board. The term of appointment for each member shall be staggered three years, with a term beginning on July of the appropriate year. The members shall be those serving on the effective date of this chapter, who shall continue in office until the expiration of their term for which they are appointed. The alternate member(s) shall be appointed in the same manner and under the same criteria as the full members.
- B. The Chairperson of the County Board shall appoint, for staggered three-year terms, two alternate members to the Board of Adjustment, who are subject to approval of the County Board. Annually, the Chairperson of the County Board shall designate one of the alternate members as the first alternate and the other as the second alternate. The first alternate shall act, with full power, only when a member of the Board of Adjustment refuses to vote because of conflict of interest or when a member is absent. The second alternate shall act only when the first alternate refuses to vote because of conflict of interest or is absent, or if more than one member of the Board of Adjustment refuses to vote because of a conflict of interest or is absent.
- C. Alternate members shall attend all meetings of the Board of Adjustment and shall fill in for an absent member(s); member(s) having a conflict of interest; in order to form a quorum. Alternates shall serve in the order that they are numbered. When completing a quorum the alternates shall have all power and authority of a member. When present, the alternates shall be paid the same per-diem, mileage, training and reimbursement costs as a member.
- D. Successors to members and alternates shall be appointed at the expiration of each term, and in all cases each term shall be three years beginning on July 1 in the year that they are appointed, or until their successor is appointed.
- E. Vacancies that occur prior to the expiration of a term, for a member or an alternate, shall be filled in the same manner as the original appointment.
- F. Members and alternates of the Board of Adjustment shall reside within the County and outside of the limits of incorporated cities and villages; provided, however, that no two members shall reside in the same town. In addition, in making appointments, the Chairperson of the County Board shall strive for balanced representation, County-wide.
- G. The Board of Adjustment shall elect its own Chairperson. The election of a Board of Adjustment Chairperson shall occur annually at the regular April meeting prior to conducting normal business.

§ 350-61. Meetings; records; general rules.

- A. The Board shall meet at the call of the Chairperson, or at such other times as the Board may determine, at a fixed time and place.
[Amended 3-19-2019 by Ord. No. 2-2019]
- B. All meetings of the Board shall be open to the public.
- C. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be a public record.
- D. Whenever the Board of Adjustment shall have under consideration an appeal, such Board shall give notice to the members of the town board of the town affected by such appeal, and the members of such town board shall be requested to meet with said Board of Adjustment and have the opportunity of making such recommendations as they deem proper.^[1]

[1] *Editor's Note: Original § 8.2(E), which immediately followed this subsection, was deleted 12-21-2004 by Ord. No. 822-04. See now § 350-63D.*

- E. Meetings of the Board shall be conducted in accordance with the above rules and such other rules as may be adopted by the County Board pursuant to § 59.694(3), Wis. Stats.
- F. In the case of all appeals, the Board of Adjustment shall call upon the County Land Use Planning and Zoning Department for all information pertinent to the decision appealed from.
- G. An application for a specific variance may be filed and held only two times in any given twelve-month period.
- H. Should a change in circumstances occur within said twelve-month period which, in the applicant's opinion, changes the character of the application, then the applicant shall, in that event, submit a request for an additional hearing, outlining the changes in circumstances that have occurred. The Board shall review the request of the applicant and, if in the opinion of the majority of the Board, there is sufficient change in said circumstances to warrant a hearing, the Land Use Planning and Zoning Department shall schedule said hearing under the normal rules of procedure of the Board. [Amended 11-14-2017 by Ord. No. 22-2017]
- I. No variance approval shall be valid for a period longer than 12 months unless a land use permit for such order is obtained within such period and such activity is started and proceeds to completion in accordance with the terms of such permit.

§ 350-62. Appeal procedure.

- A. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of Green Lake County affected by any decision, order or ruling of the Land Use Planning and Zoning Department. Such appeal shall be taken within 30 days, as provided by the rules of the Board of Adjustment, by filing with the Land Use Planning and Zoning Department a notice of appeal, on forms provided by the Department, specifying the grounds thereof. [Amended 11-14-2017 by Ord. No. 22-2017]
- B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Land Use Planning and Zoning Department shall certify to the Board of Adjustment, after the notice of appeal shall have been filed with the Land Use Planning and Zoning Department, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application or notice to the Land Use Planning and Zoning Department and on due cause shown. [Amended 11-14-2017 by Ord. No. 22-2017]
- C. Each appellant or applicant shall pay a fee to the Land Use Planning and Zoning Department as specified in Article **XII**, Fee Schedule.

§ 350-63. Powers and duties.

- A. Except as specifically provided, no action of the Board of Adjustment shall have the effect of permitting in any district uses prohibited in such district.
- B. The Board of Adjustment shall have the following powers:
 - (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative officer.
 - (2) To authorize, upon appeal in specific cases, area variances where the property owner can prove "unnecessary hardship" by demonstrating that strict compliance with the zoning ordinance would unreasonably prevent the property owner from using their property for a permitted purpose (unnecessarily burdensome) or, for a use variance, by demonstrating that

strict compliance with the zoning ordinance would leave the property owner with no reasonable use of their property in the absence of a use variance. In both circumstances, the property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, that the unnecessary hardship is not solely economic, and that the unnecessary hardship was not self-created by the property owner.

[Amended 3-19-2019 by Ord. No. 2-2019]

- (3) In every case where a variance from these regulations has been granted by the Board, the minutes of the Board shall affirmatively show that an unnecessary hardship or practical difficulty exists and the records of the Board shall clearly show in what particular and specific respects an unnecessary hardship or practical difficulty is created.

[Amended 3-19-2019 by Ord. No. 2-2019]

- (4) The Board of Adjustment may reverse or affirm, wholly or in part, or may modify any order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the administrative officer. The concurring vote of two members of the Board shall be necessary to reverse any order, requirement, decision or determination appealed from, or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of this chapter.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- C. The Board of Adjustment shall interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan as shown on the District Map accompanying and made a part of this chapter.
- D. The Board of Adjustment shall have the power to call on any other County department for assistance in the performance of its duties, and it shall be the duty of such other departments to render such assistance as may be reasonably required.
- E. In exercising the foregoing powers, the Board of Adjustment may in appropriate cases establish suitable conditions and safeguards in harmony with the general purpose and intent of this chapter.

Article IX. Administration and Enforcement

§ 350-64. Land Use Planning and Zoning Department; citations.

[Amended 12-21-2004 by Ord. No. 822-04]

- A. The Land Use Planning and Zoning Department shall administer and enforce this chapter for Green Lake County.

[Amended 11-14-2017 by Ord. No. 22-2017]

- B. The Land Use Planning and Zoning Department shall collect fees that are collectable from the applicants for permits, certificates and public hearing items and shall remit said fees to the County Treasurer on a timely basis.

- C. It is the duty of Land Use Planning and Zoning Department to receive and act upon applications for land use permits and certificates of occupancy, follow up complaints and have such other duties as provided by this chapter.

- D. It shall be the duty of the Land Use Planning and Zoning Department to investigate alleged violation(s) of this chapter to determine the facts and, if a violation is identified, to pursue enforcement to achieve compliance.

[Amended 11-14-2017 by Ord. No. 22-2017]

- E. In addition to the Corporation Counsel having the authority to file a complaint to achieve compliance with the below said land use ordinances, the Land Use Planning and Zoning Department shall have the authority to prepare, sign and issue citations in order to achieve compliance with the following land use ordinances:
[Amended 11-14-2017 by Ord. No. 22-2017]
- (1) Chapter **350**, Zoning (Ordinance Nos. 146-76 and 381-89).
 - (2) Chapter **315**, Land Division and Subdivision (Ordinance No. 1056-2013).
 - (3) Chapter **300**, Floodplain Zoning (Ordinance No. 970-2009).
 - (4) Chapter **338**, Shoreland Zoning (Ordinance No. 20-2016).
 - (5) Chapter **334**, Sewage Systems, Private (Ordinance No. 225-80).
 - (6) Chapter **323**, Nonmetallic Mining Reclamation (Ordinance No. 902-07).

§ 350-65. Land use permit.

- A. No building or structure or billboard or any part thereof, except as herein provided, shall hereafter be erected, enlarged, structurally altered or moved within the areas subject to the provisions of this chapter until a land use permit shall have been applied for, in writing, and obtained from the Land Use Planning and Zoning Department. Such permit shall be posted in a prominent place on the premises prior to and during the period of construction, alteration, repair or moving. Land use permits shall be valid for a period of one year from date of issue unless otherwise specified on the permit. A copy of such permit shall be filed with the Land Use Planning and Zoning Department and with the inspector and clerk for the town in which the permit is effective. Forms for the application for land use permits shall be supplied by the Land Use Planning and Zoning Department. All such forms shall be approved by the County Board. For a fee schedule refer to Article **XII**, Fee Schedule.
[Amended 11-14-2017 by Ord. No. 22-2017; 9-21-2021 by Ord. No. 30-2021]
- B. All applications for land use permits shall be accompanied by a location sketch drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location of the building on the lot, the existing and intended use of the building, the number of families to be accommodated, its situation with reference to the highway, the distance between the nearest point on the building and the center line of the highway, and such other information with regard to the proposed building and neighboring lots or buildings as may be called for on the application or may be necessary to provide for the enforcement of this chapter. The Land Use Planning and Zoning Department may require satisfactory evidence of actual lot line location, including a surveyor's certificate and map where necessary.
[Amended 11-14-2017 by Ord. No. 22-2017]
- C. (Reserved)^[1]
[1] *Editor's Note: Former Subsection C, concerning cases in which no land use permit shall be required, was repealed 12-15-2009 by Ord. No. 972-2009.*
- D. (Reserved)^[2]
[2] *Editor's Note: Former Subsection D, providing the definition of "building" as used in the section, was repealed 12-15-2009 by Ord. No. 972-2009.*
- E. A copy of all land use permits shall be sent to the town clerk, town assessor and land use inspector of the town in which the permit was granted.

§ 350-66. Certificate of compliance.

[Amended 12-21-2004 by Ord. No. 822-04; 11-14-2017 by Ord. No. 22-2017]

Upon written request from the owner, the Land Use Planning and Zoning Department may issue a certificate of compliance at a fee as provided in Article **XII**, Fee Schedule, for any building or premises existing at the time of the adoption of this chapter, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this chapter.

§ 350-67. Review of proposed conditional uses or amendments by towns.

A. Town boards, or town zoning/planning committees, as established by town boards, shall be notified, in writing, at least 10 days prior to a public hearing on a conditional use or zoning amendment change in that town by the Land Use Planning and Zoning Department or Land Use Planning and Zoning Committee.

[Amended 11-14-2017 by Ord. No. 22-2017]

B. Town boards or a designated committee as in Subsection **A** may reply to the County Land Use Planning and Zoning Committee prior to the hearing either approving, approving with conditions, or rejecting the proposed conditional use or zoning amendment change for that town.

C. Information provided to the County Land Use Planning and Zoning Committee by the town boards may be used as documentation in the Committee's decision.

D. If no reply is received by the County Land Use Planning and Zoning Committee prior to the public hearing, the conditional use or rezoning change shall be deemed as approved by said town board.

E. A copy of the conditional use permit or rezoning change, if approved by the County Land Use Planning and Zoning Committee, shall be forwarded by the Land Use Planning and Zoning Department to the board chairman, clerk, or both, of the affected town.

[Amended 11-14-2017 by Ord. No. 22-2017; 3-19-2019 by Ord. No. 2-2019]

Article X. Enforcement

[Amended 4-15-2008 by Ord. No. 924-08]

§ 350-68. Investigation of alleged violations.

[Amended 3-19-2019 by Ord. No. 2-2019]

The Land Use Planning and Zoning Department shall have the primary responsibility for enforcing all provisions of this chapter. The Land Use Planning and Zoning Department is hereby empowered to cause any building, other structure, lot or parcel of land to be inspected and examined for suspected or potential violations of this chapter after proper notification. If permission to enter the property is withheld, the Land Use Planning and Zoning Department may seek a court order to require inspection of the property.

§ 350-69. Violations, penalties and citations.

A. Any violation of the provisions of this chapter by or under the direction of the landowner shall be brought into compliance upon notification by the Land Use Planning and Zoning Department or the Land Use Planning and Zoning Committee or the County Corporation Counsel.

B. The County Corporation Counsel shall have the authority to use all legal remedies necessary to enforce the provisions of this chapter. After consultation with the Land Use Planning and Zoning Department and/or the Land Use Planning and Zoning Committee, the Corporation Counsel shall

determine which legal remedy or legal remedies are in order to enforce the provisions of this chapter.

[Amended 3-19-2019 by Ord. No. 2-2019]

- C. Any landowner who violates or refuses to comply with any of the provisions of this chapter shall be subject to a forfeiture of not less than \$50 nor more than \$500 per offense, together with the taxable costs of action. Each day that the violation exists, after receiving notice of the violation from the Land Use Planning and Zoning Department by certified or registered mail, or personal service per § 801.11 Wis. Stats., shall constitute a separate offense.

[Amended 3-19-2019 by Ord. No. 2-2019]

- D. In addition to the Corporation Counsel having the authority to enforce the provisions of this chapter per Subsection **B** above, the designated staff of the Land Use Planning and Zoning Department shall have the authority to and may prepare, sign and issue citations in order to commence action to enforce compliance with the provisions of this chapter.

[Amended 3-19-2019 by Ord. No. 2-2019]

§ 350-70. Stop-work orders.

- A. No land use permit obtained. When the Land Use Planning and Zoning Department is notified or becomes aware of any activity in violation of the provisions of this chapter by or under the direction of the landowner that requires issuance of a land use permit pursuant to this chapter, and such a permit has not been obtained, the Land Use Planning and Zoning Department may issue a stop-work order requiring any such activity to be immediately stopped and enjoined.

- B. Land use permit obtained. When the Land Use Planning and Zoning Department is notified or becomes aware of any activity in violation of the provisions of this chapter by or under the direction of the landowner for which a land use permit was issued and the actual activity deviates from that land use permit, the Land Use Planning and Zoning Department may issue a stop-work order requiring the activity to be immediately stopped and enjoined

- C. The stop-work order shall be mailed to the subject landowner's property tax bill mailing address or the mailing address as stated on the land use permit application and/or to any person signing the land use permit application.

- D. The stop-work order card issued and posted by the Land Use Planning and Zoning Department shall be posted at the subject site in plain view from a nontrespass location off the subject property. A stop-work order card shall remain posted until compliance of the violation occurs. In the event that a stop-work order has been removed from its posted location by persons other than Department staff, the property owner(s) and/or other agents, upon conviction, shall be subject to a \$300 fine plus court costs. The fine shall increase by \$300 after each offense and be cumulative. For example: \$300 first offense, \$600 for second offense, \$900 for third offense, and so on. If a property owner removes a stop-work order sign three times they shall be subject to \$1,800 (\$300 + \$600 + \$900) in fines plus court costs.

[Amended 3-19-2019 by Ord. No. 2-2019]

- E. An action filed pursuant to § **350-63** of this chapter to the County Board of Adjustment or to any court shall stop work during and until the final outcome of the action has been reached or until so ordered by a Court of appropriate jurisdiction.

§ 350-71. Injunctions.

Every violation of this chapter is a public nuisance, and the creation thereof may be enjoined and the maintenance thereof abated pursuant to § 59.69(11), Wis. Stats.

Article XI. Amendments

§ 350-72. Authority.

This chapter may be amended by the County Board in accordance with the procedure provided in § 59.69(5), Wis. Stats. An amendment shall be granted or denied by the County Board only after a public hearing before the County Land Use Planning and Zoning Committee and a report of its findings and recommendations has been submitted to the County Board.

§ 350-73. Initiation of amendment.

Amendments may be proposed by the County Board, a town board, the County Land Use Planning and Zoning Committee or by a resident or owner of property in Green Lake County.

§ 350-74. Fee.

[Amended 11-14-2017 by Ord. No. 22-2017]

A fee shall be paid by the person filing the amendment to the Land Use Planning and Zoning Department to defray the cost of administration, investigation, advertising and processing of the amendment application. Refer to Article **XII**, Fee Schedule.

§ 350-75. Rezoning amendment standards.

[Amended 3-19-2019 by Ord. No. 2-2019]

- A. Rezoning lands out of the A-1, Farmland Preservation Zoning District shall be done in accordance with § **350-27B(1)** through **(5)** of this chapter. For all other rezones, the Land Use Planning and Zoning Committee and County Board shall utilize the following as criteria to guide their decisions about rezones:
- (1) The amendment is consistent with community land use plan (comprehensive plan).
 - (2) The amendment will not be detrimental to property in the immediate vicinity or to the community as a whole.
 - (3) The amendment will not have a significant adverse impact on the natural environment (i.e., air, water, noise, stormwater management, soils, wildlife, vegetation, etc.), or the impact could be mitigated by management practices on the site or in the immediate vicinity.
 - (4) The amendment will not have a significant adverse impact on the ability to provide adequate public facilities or services (i.e., highways, streets, water, sewage, drainage, schools, emergency services, etc.).
 - (5) The amendment allows a more viable transition to planned land uses on adjacent properties than the current zoning designation.
 - (6) The amendment will not result in inappropriate spot-zoning (i.e., use is inconsistent with surrounding properties and serves only a private, rather than public interests).
- B. All rezone amendments that result in the creation of a new parcel or parcels shall be done by certified survey map in accordance with § **315-38** of the Land Division and Subdivision Ordinance. The rezone amendment shall not take effect until the certified survey map creating the rezoned parcel(s) is recorded in the Green Lake County Register of Deeds office. If the required certified survey map is not recorded within 12 months of the rezone amendment's approval, the rezone amendment is void.

[Amended 9-21-2021 by Ord. No. 30-2021]

- C. The County Land Use Planning and Zoning Committee shall send or deliver written notice to the town board not less than 10 days prior to the date of any public hearing of any proposed zoning change within its town.

Article XII. Fee Schedule

§ 350-76. Fees.

[Amended 12-21-2004 by Ord. No. 822-04; 5-16-2006 by Ord. No. 861-06]

The following fees shall be paid to the Green Lake County Land Use Planning and Zoning Department at the time of application for each service requested as listed below to defray the cost of administration, investigation, advertising and processing:

- A. Unless otherwise provided in this chapter, the land use permit fee shall be based on cost of construction (labor included).

[Amended 10-18-2016 by Ord. No. 23-2016]

- (1) Fee.

Value of Project	Fee
\$0 to \$999	\$50
\$1,000 to \$99,999	\$150
\$100,000 to \$199,999	\$300
\$200,000 to \$299,999	\$400
\$300,000 to \$399,999	\$500
\$400,000 to \$499,999	\$600
\$500,000 to \$599,999	\$700
\$600,000 to \$699,999	\$800
\$700,000 to \$799,999	\$900
\$800,000 to \$899,999	\$1,000
\$900,000 or more	\$1,250

- (2) Permit renewals are the same as the original fee.

- (3) After-the-fact permit is double the above-stated fee.

- B. All public hearing items such as variance, rezone, appeal, conditional use permit, ordinance amendment or plan amendment: \$375.

[Amended 12-15-2009 by Ord. No. 972-2009; 9-20-2011 by Ord. No. 998-2011; 3-19-2019 by Ord. No. 2-2019]

- C. All public hearing items listed above, postponed at the request of the applicant prior to public hearing: \$250.

- D. Certificate of compliance: \$20.

Article XIII. Word Usage and Definitions

[Added 12-19-2006 by Ord. No. 884-06]

§ 350-77. Word usage and definitions.

Unless specifically defined below, words and phrases used in this chapter shall have the same meaning as they have in common law to give this chapter its most reasonable application. This section is intended to clarify word usage and not to establish standards for this chapter. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive, and the word "shall" is mandatory and not discretionary. For terms not found in this section, other sources may be utilized to establish an applicable definition. Certain words and phrases have different meaning when used in different ordinances. Refer to specific ordinances for word usage and definition.

ACCESS AREA, LOT

The access area that is part of a contiguous land area, generally being a narrow strip of land that does not meet the minimum land area width requirements, that provides access for a permitted activity.

ACCESS AREA, PUBLIC

A land area that provides public boat access or carry-in access.

ACCESSORY STRUCTURE

A subordinate structure, detached from the principal structure, the use of which is incidental to, and customarily found in connection with, the principal structure or use of the property.

[Amended 9-21-2021 by Ord. No. 30-2021]

ACCESSORY USE

A subordinate use, which is incidental to and customarily in connection with the principal structure or use, and which is located on the same property with such principal structure or use.

ACCESS SITE/LOT

A parcel of land that is contiguous to a body of water (lake, river or stream) that provides a means of waterfront access for backlot development.

ADDITION

An expansion horizontally and/or vertically.

ADULT BATHHOUSE

An establishment or business that provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in specified sexual activities, as defined herein.

ADULT BODY PAINTING STUDIO

An establishment or business wherein patrons are afforded an opportunity to paint images on a body that is wholly or partially nude. For purposes of this chapter, "adult body painting studio" shall not be deemed to include a tattoo parlor.

ADULT BOOKSTORE

Means, but shall not be limited to, an establishment having as a substantial or significant portion of its stock and trade in books, magazines, and other periodicals that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities. "Adult bookstore" shall also include, but not be limited to, establishments that have a facility or facilities, including but not limited to booths, cubicles, rooms or stalls, for the presentation of adult entertainment as defined herein, including adult-oriented films, movies or live performances for observation by patrons therein, or which, as part of their regular and substantial course of conduct, offer for sale, rent, trade, lease, inspection or viewing books, films, videocassettes, magazines or other periodicals that are distinguished or characterized by their emphasis on matters depicting, describing or relating to adult entertainment as defined herein.

ADULT CABARET

A cabaret that features male or female impersonators or similar entertainers.

ADULT ENTERTAINMENT

Any exhibition of any motion picture, live performance, display or dance of any type that has a significant or substantial portion of such performance based on or that is distinguished or characterized by an emphasis on sex and/or sexual gratification, or any actual or simulated performance of specified sexual activities, or exhibition and viewing of specified anatomical areas, as defined herein, appearing unclothed, or the removal of articles of clothing to reveal specified anatomical areas.

ADULT MINI-MOTION-PICTURE THEATER

An enclosed building with a capacity of 50 or fewer persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined herein, for observation by patrons therein.

ADULT MODELING STUDIO

An establishment or business that provides the services of modeling for the purpose of reproducing the human body wholly or partially nude by means of photography, painting, sketching, drawing or otherwise.

ADULT MOTEL

A hotel, motel or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, as defined herein; and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions;
- B. Offers a sleeping room for rent for a period of time that is less than 10 hours; or
- C. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

ADULT MOTION-PICTURE THEATER

An enclosed building with a capacity of more than 50 persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined herein, for observation by patrons therein.

ADULT MOTION-PICTURE THEATER (OUTDOOR)

A parcel of land from which individuals may view a motion picture presented out-of-doors that presents material distinguishably characterized by an emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined herein.

ADULT NOVELTY SHOP

An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items that are distinguished or characterized by their emphasis on specified anatomical areas or designated for specified sexual activities, as defined herein.

ADULT-ORIENTED ESTABLISHMENT

Shall include but not be limited to adult bookstores, adult motion-picture theaters (indoor or outdoor), adult mini motion-picture theaters, adult motels, adult novelty shops, adult cabarets, adult bathhouses, adult modeling studios, and adult body painting studios and further means any premises to which public patrons or members are regularly invited, admitted and/or allowed to view adult entertainment, whether or not such entertainment is held, conducted, operated or maintained for profit, direct or indirect. "Adult-oriented establishment" further includes, without

being limited to, any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

AGRICULTURAL PRACTICE OR USE

As provided in § 281.16(1)(b), Wis. Stats., means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grains, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payment in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; and vegetable raising.

AGRICULTURE

The production, storage, keeping, harvesting, grading, packing, processing, boarding or maintenance, for sale, lease or personal use, of plants and/or animals useful to humans.

AIRPORT

Any land or structure that is used or intended for use for the landing and takeoff of aircraft.

ANIMAL HUSBANDRY OPERATION

A feed lot or any kind of facility, other than a pasture, where animals have been, are, or will be fed, confined, maintained or stabled. Two or more husbandry operations under common ownership are deemed to be a single animal husbandry operation if they are adjacent to each other or if they utilize a common area or system for disposal of waste.

ANIMAL UNIT

A unit of measure used to determine the total number of single animal types or combination of animal types, which are fed, confined, maintained or stabled in an animal feeding operation.
[Amended 12-16-2014 by Ord. No. 1104-2014; 11-14-2017 by Ord. No. 22-2017]

ANIMAL UNITS COMBINED

Any combination of animal types calculated by adding the number of single animal types as multiplied by the equivalency factors of this chapter.
[Amended 12-16-2014 by Ord. No. 1104-2014; 11-14-2017 by Ord. No. 22-2017]

AUTOMOBILE BODY SHOP

A premises used for repair, replacement or reconditioning of automobile parts that does not require the removal of the engine head or pan, engine transmission, or differential involving body and fender work, painting and upholstering service.

AUTOMOBILE CAR WASH

A structure, or portion thereof, containing facilities for washing automobiles.

AUTOMOBILE REPAIR/SERVICE FACILITY

A premises used for the retail dispensing or sales of vehicular fuels, that provides service and repairs to automobiles (excluding body shop activities), as well as other automobile service uses, including a car wash (as part of the principal structure), installation of lubricants, tires, batteries, and similar vehicle accessories.

AUTOMOBILE WRECKING

The dismantling or wrecking of used motor vehicles or trailers or the storage, sale or dumping of dismantled, partially dismantled, or wrecked vehicles or their parts. (See also "junkyard.")

BACK LOT DEVELOPMENT

Also known as "lot pyramiding," "keyhole development" or "development funneling," is the practice whereby an land area is used for waterfront access by a number of land areas located away from or not contiguous to the water body.

BASEMENT

A space, the perimeter of which has more than 1/2 of its floor-to-ceiling height below the adjoining ground and with a floor-to-ceiling height of not less than 6 1/2 feet.

BED-AND-BREAKFAST

An establishment used for dwelling purposes in which rooms, with or without meals, are offered to transient guests for compensation.

BOOTH, ROOM or CUBICLE

Such enclosures as are specifically offered to the public or members of an adult-oriented establishment for hire or for a fee as part of a business operated on the premises that offers as part of its business the entertainment to be viewed within the enclosure, which shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, "booth," "room" or "cubicle" does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the task of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee for the purpose of viewing entertainment for a fee and are not open to any persons other than employees, nor shall this definition apply to hotels, motels or other similar establishments licensed by the State of Wisconsin.

BREEZEWAY

An aboveground, roofed accessory structure that is utilized for the purpose of connecting two structures or buildings, as between a house and a garage, with either open or enclosed sides, with or without a foundation. A breezeway is not considered part of a dwelling.

[Added 9-21-2021 by Ord. No. 30-2021]

BROADCASTING ANTENNA

Commercial, public or private broadcasting towers.

BUFFER

The use of land, topography, difference in elevation, space, fences, or landscape planting to screen or partially screen a use or property from another use or property and thus reduce undesirable influences, such as site glare, noise, dust, and other external effects.

BUILDABLE AREA

The portion of a land area remaining after required yards and open space requirements have been provided.

BUILDING

A structure having a roof supported by columns or walls used or intended to be used for shelter or enclosure of persons, animals, equipment, machinery or materials.

CABIN CAMP

A land area on which one or more camp cabins are located.

CAMPGROUND

An area of land that is used for the purpose of providing sites for nonpermanent overnight use by camping units and that has a valid campground permit issued under § 254.47, Wis. Stats., and Chapter HFS 178.

CAMPING UNIT

A portable device or enclosure, no more than 400 square feet in area, including a tent, camping trailer, motor home, bus, van, pick-up truck or other mobile recreational vehicle used as a temporary shelter for human habitation.

CANOPY

A structure attached and extending from the face of a structure constructed as a permanent fixture, which may be supported from the ground.

CARPORT

A roofed structure providing space for parking of motor vehicles attached to the principal structure extending over a driveway, open on all sides except for the wall(s) of the principal structure, and shall be construed to be part of the principal structure.

CEMETERY

A place set apart, either by municipal authority or private enterprise, for the interment of the dead. The term includes not only lots for burying the bodies of the dead but also avenues, walks and grounds for shrubbery and ornamental purposes.

CERTIFICATE OF COMPLIANCE

An official certification that a premises or a completed development on a premises conforms to the provisions of the applicable ordinance.

CHURCH

A structure, together with its necessary structures and uses, where persons regularly assemble for religious worship and which, together with its accessory structures and uses, is maintained and controlled by a regularly organized religious body organized to sustain public worship and which is exempt from federal income tax as regulated by the Internal Revenue Service Code.

CLINIC, MEDICAL OR DENTAL

A group of medical or dental offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices, but not including bed-patient care.

CLUB

Structures and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose but not primarily for profit and not primarily to render a service that is customarily carried on as a business.

COMMITTEE

The Land Use Planning and Zoning Committee.

CONDITIONAL USE PERMIT

A use that may be considered in a particular zoning district if it is adaptable to the limitations of a particular site or made to be complimentary to adjacent land uses. The Land Use Planning and Zoning Committee, as authorized by County ordinance, shall only grant a conditional use permit if the use is consistent with the purpose and intent of this chapter, and may impose conditions that are related to the requested use and reasonable to ensure compliance with this chapter. The applicant must provide substantial evidence the conditions are or will be satisfied.

[Amended 3-19-2019 by Ord. No. 2-2019]

CONDOMINIUM

As provided in § 703.02(4), Wis. Stats., means property being subject to a condominium declaration established under Chapter 703, Wis. Stats.

DAYS

Shall refer to full calendar days.

DENSITY

The relationship of an area of land (generally stated in square feet) to a dwelling unit.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile

homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

DOG BREEDER

A person who in any license year sells at least 25 dogs, from more than three litters, which that person has bred and raised in this state. A person has bred and raised dogs for purposes of this definition if that person has owned the dogs from birth until sale, regardless of whether the person has contracted with an agent to raise the dogs on real estate owned or occupied by that agent.

[Added 9-21-2021 by Ord. No. 30-2021]

DOG BREEDING FACILITY

A place in this state where dogs are bred and raised and from which at least 25 dogs from more than three litters are sold in a license year.

[Added 9-21-2021 by Ord. No. 30-2021]

DRIVE-THROUGH

Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the vehicle or where fast service to the vehicle occupants is a service offered regardless of whether the service is provided within the structure.

DRIVEWAY

A private way providing ingress and egress to a public or private right-of way.

DWELLING

A structure or portion thereof designed or used exclusively for human habitation, but not including mobile recreational vehicles, hotels, motels, boarding- and lodging houses.

DWELLING, MULTIPLE-FAMILY

A structure on a single land area, containing three or more dwelling units, or a structure designed for occupancy by three or more families.

DWELLING, SINGLE-FAMILY

A structure on a single land area containing one dwelling unit.

DWELLING, TWO-FAMILY

A structure on a single land area containing two dwelling units.

DWELLING UNIT

As provided in § 106.50(1m)(i), Wis. Stats., means a structure or part of a structure that is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons, who are maintaining a common household, to the exclusion of all others.

EASEMENT

A grant by a property owner for use of a strip of land by the public or any person for any specific purpose, or purposes of constructing and maintaining utilities, including but not exclusive of the following: sanitary sewers, water mains, electric lines, telephone lines, other transmission lines, storm sewer, storm drainageways, gas lines, other service utilities, driveways, etc.

EMPLOYEE

Any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.

ENTERTAINER

Any person who provides entertainment within an adult-oriented establishment, as defined herein, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or independent contractor.

ENTRYWAY

An inside area through which you enter a dwelling from outside of the dwelling that leads to other rooms within a dwelling.

[Added 9-21-2021 by Ord. No. 30-2021]

ESSENTIAL SERVICES

Services and utilities needed for the health, safety and general welfare of the community, such as surface, overhead or underground electrical, gas, telephone, steam, sewerage, water and other utilities and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the area in which they are located.

EVENT BARN

A structure, that had previously been used for agricultural uses associated with a farm, that has been renovated and upgraded to local and state building codes and re-purposed as a facility for hire to host social or business gatherings, including, but not limited to, meetings, parties, seminars, weddings, receptions, family reunions, anniversaries, and barn dances. Event barns must promote the retention of the rural nature of the parcel and community in which it is located and may only be allowed by conditional use permit.

[Added 3-19-2019 by Ord. No. 2-2019]

EXPANSION

An addition to an existing structure that is horizontal, vertical or both.

EXTRACTION

Any nonagricultural, artificial excavation of earth for commercial or industrial uses, excavated or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone or other natural matter, or made by turning, breaking or undermining the surface of the earth.

EXTRATERRITORIAL ZONING AREA (referred to as "ETZA")

Consists of that area of a town that has been included in a city's extraterritorial zoning area pursuant to the adoption of ordinances and resolutions under Wisconsin Statutes.^[1]

FAMILY

Those persons related by blood, marriage, adoption, or foster care or a group of persons living together in a single dwelling unit.

FARM

An area of land used for agricultural practice or use.

FARM FAMILY BUSINESS

Any lawful activity, except a farm operation, conducted primarily for any of the following:

- A. The purchase, sale, lease or rental of personal or real property.
- B. The manufacture, processing or marketing of products, commodities or any other personal property.
- C. The sale of services.

FARM OPERATION

An owner or occupant engaged in one or more farming activities, with gross sales from such activities as set forth in § 91.01(1), Wis. Stats.

FEED LOT

A land area for fattening animals or holding animals temporarily for shipment.

FENCE

Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land. Additionally:

[Amended 3-19-2019 by Ord. No. 2-2019]

A. FENCE, OPEN

A fence constructed in a manner that provides 50% or more open space.

B. FENCE, PRIVACY

A fence constructed in a manner that provides less than 50% open space.

FLEA MARKET

An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

FLOOR PLAN

A graphic representation of the anticipated utilization of the floor area within a structure.

FOOTPRINT

The land area covered by a structure at ground level, measured on a horizontal plane.

GARAGE

A structure or part thereof, used or intended to be used for parking and storage of vehicles and/or other personal property.

[Amended 9-21-2021 by Ord. No. 30-2021]

A. ATTACHED

A garage sharing a common wall with the principal structure. The attachment must extend from original grade to the roofline of one or more of the connected structures, must be completely enclosed by a roof, walls and floor (openings only for windows, skylights, and doors are allowed), and there must be a direct connection from the 2nd floor of the principal structure to the 2nd floor of the attached garage.

B. DETACHED

A garage that is not attached to the principal structure, being an accessory structure.

GARAGE, PUBLIC

A structure or portion thereof, other than a private customer and employee garage or private residential garage, used for parking and storage of vehicles and available to the public.

GARAGE SALE

See "rummage sale."

GASOLINE SERVICE STATION

See "automobile repair/service facility."

GENERAL DEVELOPMENT PLAN

A report in text and in map form, with the map drawn to scale, depicting the general location and relationship of structures, streets, driveways, recreation areas, parking areas, utilities, etc., as related to a proposed development.

GOVERNMENTAL STRUCTURE

State, County, federal, city, village or town structures utilized to provide a service that a specific governmental entity may provide.

GRADE, FINISHED

The final elevation of the ground surface after development.

GRADE, NATURAL

The elevation of the ground surface in its natural state, before man-made alterations.

HOME OCCUPATION

Any occupation or profession carried out for gain within a dwelling unit by a member of the family residing on the premises and where there is no emission of odor, gas, smoke, dust or noise that will be detrimental to the character of the neighborhood.

HORTICULTURE

Horticultural uses and structures designed for the storage of products and machinery pertaining and necessary thereto.

HOSPITAL

Any structure, institution or place for the diagnosis, treatment and medical, mental, or surgical care of individuals that makes available clinical laboratory service, diagnostic x-ray and treatment facilities for surgery, or obstetrical or psychiatric care and which is accredited as a hospital by the Joint Commission on the Accreditation of Hospitals.

HOTEL

A structure in which lodging, or boarding and lodging, is provided and offered to the public for compensation, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all times.^[2]

INSTITUTION

A nonprofit, religious, or public use, such as a church, public or private school, or hospital establishment for public use.

JUNK

Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes, but is not limited to, unregistered or inoperable vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

JUNKYARD

Any land area, building or structure or part thereof used for the storage, collecting, processing, purchase, sale or abandonment of junk.

KENNEL

An establishment, that is not a dog breeding facility as defined in ATCP 16, in which domestic animals are housed, boarded, groomed, sheltered, protected, bred, trained or sold for a fee or compensation. A property where there are fewer than five adult dogs is not considered a kennel.^[3]
[Amended 9-21-2021 by Ord. No. 30-2021]

LANDFILL

A system of trash, waste, refuse, debris, salvaged material or garbage disposal in which the waste is buried between layers of soil.

LICENSE YEAR

Means the twelve-month period ending on September 30 for a license granted by the Wisconsin Department of Agriculture, Trade and Consumer Protection to operate as a dog dealer, dog breeder or a dog breeding facility.
[Added 9-21-2021 by Ord. No. 30-2021]

LIVING AREA

That area or space within a dwelling unit, devoted to the principal residential use of the structure, excluding attached garages, porches, sheds, and other similar appurtenances.
[Added 9-21-2021 by Ord. No. 30-2021]

LOADING AREA

A completely off-street space or berth on the same land area, for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

LOT

An area of land that is part of a subdivision plat, certified survey map or other document using the platting process duly recorded in the Register of Deeds office that is identified by an assigned number or letter.

[Added 8-19-2014 by Ord. No. 1092-2014]

LOT DEPTH

The mean distance between the front and rear lot lines.

LOT LINE

The same as boundary line; the peripheral boundary of a lot, parcel tract or any other land area that divides one recorded land area from another.

[Amended 3-19-2019 by Ord. No. 2-2019]

A. LOT LINE, STREET

That boundary separating a land area from an existing or dedicated public street.

B. LOT LINE, REAR

That boundary of a land area that is opposite the street lot line. In the case of corner lots, the rear lot line shall be opposite the shorter of the two frontages.

C. LOT LINE, SIDE

That boundary of a land area that is not a street, shore or a rear lot line.

D. LOT LINE, SHORE

That boundary of a land area that abuts a navigable waterway at the ordinary high-water mark.

LOT OR PARCEL, RIPARIAN

An area of contiguous land that is adjacent to perennial navigable waters, having a boundary description duly recorded in the Register of Deeds office that identifies the boundaries of that area of land.

[Added 8-19-2014 by Ord. No. 1092-2014]

LOT, SUBSTANDARD

An area of land, with or without structures having frontage on a public street, or other approved means of access, and having insufficient size to meet the lot width, lot area, yard, off-street parking areas or other open space provisions of a district wherein located.

LOT WIDTH, AVERAGE

The average of the shortest horizontal distances between the side lot lines at the street lot line, rear lot line or ordinary high-water mark and at any angle point in the side lot lines.

[Amended 3-19-2019 by Ord. No. 2-2019]

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 as complying with the standards established under 42USC 5401 to 5425.

[Amended 3-19-2019 by Ord. No. 2-2019]

MARINA

A facility for the storing, servicing, fueling, berthing, and securing of boats and that may include eating, sleeping, and retail facilities for owners, crews and guests.^[4]

MINING

See "extraction or nonmetallic mining."

MOBILE HOME

A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

[Amended 3-19-2019 by Ord. No. 2-2019]

MOBILE HOME PARK

An area of land that is occupied by three or more mobile homes, manufactured homes or park model homes that is advertised or represented as a mobile home park. Mobile home parks shall include any structure, vehicle or enclosure intended for use as part of the equipment of such mobile home park.^[5]

MOTEL (MOTOR COURT, MOTOR HOTEL, MOTOR LODGE)

A structure in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress for all rooms is made from the exterior of the structure(s).

MUDROOM

A room in a dwelling designed especially for shedding of dirty or wet footwear and clothing.

[Added 9-21-2021 by Ord. No. 30-2021]

NONCONFORMING LOT OR PARCEL

A lot or parcel, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of an ordinance but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the ordinance.

[Amended 11-14-2017 by Ord. No. 22-2017]

NONCONFORMING STRUCTURE

An existing, usable structure or portions thereof whose location, dimensions or other physical characteristics do not conform to current ordinance standards, but was legally constructed or placed in its current location prior to the adoption of the ordinance or ordinance amendment that made it nonconforming.

NONCONFORMING USE

The lawful use of land, structure or a portion thereof that does not conform to the current land use restrictions, but which was legally established prior to the adoption of the ordinance or ordinance amendment that made it nonconforming.

NURSERY SCHOOL

A private establishment enrolling nine or more children between two and five years of age and where tuition, fees, or other forms of compensation for the care of the children are charged and which is licensed or approved by state and local authorities to operate as a nursery school.

OCCUPANCY

The residing of an individual or individuals in a dwelling unit, or the installation, storage or use of equipment, merchandise or machinery in any public, commercial or industrial structure.

OFFICIAL MAP

The map adopted pursuant to Wisconsin Statutes that shows existing and proposed streets, highways, parkways, parks, playgrounds and school sites.

OPEN SPACE

An unoccupied space open to the sky on the same lot as the principal structure or development, which is in addition to other required yard areas and which is not used for parking or driveway purposes.

OPEN STORAGE

Storage of any material outside of a structure.

PARCEL

An area of unplatted contiguous land having a boundary description duly recorded in the Register of Deeds office that identifies the boundaries of that area of land.

[Amended 8-19-2014 by Ord. No. 1092-2014]

PARKING LOT

An off-street area for the temporary storage of motor vehicles consisting of access drives/driveways, aiseways and parking spaces.

A. ACCESS DRIVES

That portion of a parking lot that provides a way of approach to provide physical ingress and egress to a property.

B. AISLEWAYS

That portion of a parking lot/facility that is a traveled way by which vehicles enter and depart parking spaces.

C. PARKING SPACES

That portion of a parking lot/facility that provides for the temporary parking of motor vehicles within a public or private parking lot.

PARTIES IN INTEREST

Includes all abutting property owners, all property owners of opposite frontages and all property owners within 300 feet.

PASSAGEWAY

A narrow extended room that is open on both ends, having walls on either side and under roof that allows unobstructed access to different rooms within a dwelling.

[Added 9-21-2021 by Ord. No. 30-2021]

PERMIT

An official finding that a proposed development and use of a property, as indicated by an application, complies with the requirements of applicable ordinances or meets special conditions of a variance or conditional use permit. The applicable ordinance will specify the development activities that need to have such a permit.

PERMITTED USE

Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

[6]

PREMISES

A lot together with all structures thereon.

PRINCIPAL STRUCTURE

The main or primary structure on a land area that is utilized for the property's principal use.

[Amended 8-18-2020 by Ord. No. 9-2020]

PRINCIPAL USE

The main or primary use of a land area as distinguished from an accessory use.

PROFESSIONAL HOME OFFICES

The office of a practitioner of a recognized profession that is located in the practitioner's place of permanent residency.

PROPERTY

A land area together with all structures thereon.

PROPERTY LINE

See "lot line."

PUBLIC LAND

Land owned or operated by a municipality, school district, county, state, or other governmental unit.^[7]

RAILROAD YARD

An open area for the storage and repair of railroad cars and engines, excluding those areas utilized for the sole purpose of movement and/or transportation of said railroad cars and engines.

RECREATIONAL VEHICLE

See "camping unit."

ROAD

See "street."

ROADSIDE FARM STAND

A structure used solely for the sale of farm products produced on the premises.

RUMMAGE SALE

Any display of used goods, on a property customarily used as a residence, that does not exceed four days in duration and occurs no more than once every four months.

RUNOFF

The rainfall, snowmelt or irrigation water flowing over the ground surface.

RUNWAY

A level portion of an airport having a surface specially developed and maintained for the landing and taking off of aircraft.

SATELLITE TELEVISION RECEIVING DISH

A device for the purpose of capturing television signals transmitted via satellite communications facilities and serving the same or similar function as the common television antenna.

SCHOOL

Has the same meaning as in Wisconsin Statutes; and includes public, private, vocational and technical.

SETBACK

The horizontal distance between the structure and an established lot line.

SHOPPING CENTER

A group of commercial establishments planned, constructed and managed as a total entity, with parking provided on-site, provisions for goods delivery separated from the customer access, being developed in accordance with an approved plan.

SIGN

Any object, device, display, or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

A. ENHANCEMENT FEATURES

Any portion of a sign structure intended to improve the physical appearance of a sign, such as but not limited to roofs, moldings, lattice or other decorative features.

B. FREESTANDING SIGN

Any sign that is not attached to a building.

C. OFF-PREMISES SIGN

A sign that directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where the sign is displayed.

D. SIGN STRUCTURE

The supports, uprights, braces or framework of a sign.^[8]

SITE PLAN

A map or graphics prepared to scale depicting the development of a land area, including, but not limited to, the location and relationship of the structures, streets, driveways, recreation areas, parking areas, utilities, landscaping, existing and proposed grading, walkways, and other site development information as related to a proposed development.

SPECIFIED ANATOMICAL AREAS**A. Less than completely and opaquely covered:**

(1) Human genitals, pubic region.

(2) Buttocks.

(3) Female breasts below a point immediately above the top of the areola.

B. Human male genitals in discernible turgid state, even if completely and opaquely covered.**SPECIFIED SEXUAL ACTIVITIES****A. Showing of human genitals in a state of sexual stimulation or arousal.****B. Acts of human masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus.****C. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.****SPLIT-ZONED LOT OR PARCEL**

A lot or parcel whereby the lot or parcel consists of more than one zoning district.

[Added 11-14-2017 by Ord. No. 22-2017]

STABLE

A structure in which domestic animals are sheltered and fed.

START OF CONSTRUCTION

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

STORY

That portion of a structure included between the surface of any floor and the surface of any floor above it or, if there is no floor above it, then the space between the floor and the ceiling next above it. A basement level having more than 1/2 of its wall surface area height above grade shall be deemed a story for purposes of height regulation.

STORY, HALF

That portion of a structure under a roof line that intersects the wall plates not more than 4 1/2 feet above the floor level of such story.

STRUCTURAL ALTERATION

Any work on the existing structure or parts thereof beyond ordinary maintenance and repair such as but not limited to sheathing, studs, plates stringers, rafters, joists, subfloor, foundation and any others similar to this, but does not include any expansion or replacement of the structure.

STRUCTURE

A combination of materials that form a structure, permanently or temporarily placed, for use, occupancy or ornamentation whether installed on, above or below the surface of land or water.

STRUCTURE HEIGHT

The vertical distance of a structure measured from the average elevation of the finished grade contiguous to the structure to the highest point of the roof or significant appurtenances.^[9]

SUBSTANTIAL EVIDENCE

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

[Amended 3-19-2019 by Ord. No. 2-2019]

TRACT

A contiguous area of land within a parcel, the owner of the tract being the same owner as the parcel. The tract(s) within the parcel is created by a street, highway, railroad, waterway or other physical feature that causes the acreage of the parcel to be physically separated.

UNNECESSARY HARDSHIP

A criteria reviewed during a variance proceeding. Unnecessary hardship is defined differently for the following types of variances:

- A. Use variance, requires that the test of "no reasonable use in the absence of a variance" be applied to determine if there is an unnecessary hardship.
- B. Area variance, requires that the test of "whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome" be applied to determine if there is an unnecessary hardship.

USE

The purpose or activity for which the land or structure thereon is occupied, utilized or maintained.

UTILITIES

Any agency that, under public franchise or ownership, or under certificate of convenience and necessity, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewerage collection, or other similar service.

VARIANCE

An authorization by the body of jurisdiction to deviate from the strict interpretation of the standards of an ordinance, when criteria are met to allow such deviation from such standards.

VISION CLEARANCE TRIANGLE

A supplemental setback at the intersection of two or more roads for the purpose of preserving a clear line of sight across the sectors of such intersection(s).

WAREHOUSE

A structure used primarily for storage of goods and materials.^[10]

WIRELESS COMMUNICATIONS FACILITIES

(1) A land area containing a tower, sending and receiving antennas attached to the tower, and a prefabricated or modular structure or cabinets containing electronic equipment; (2) a Federal Communications Commission (FCC) licensed facility, designed and used for the purpose of transmitting, receiving and relaying voice and data signals from various wireless communication devices and equipment.

A. ALTERNATIVE TOWER STRUCTURE

Man-made structures such as, but not limited to, clock towers, bell steeples, light poles, silos and similar mounting structures.

B. ANTENNA

A device used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based structures.

C. COLLOCATION

The provision of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or alternative tower structure.

D. FAA

Federal Aviation Administration.

E. FCC

Federal Communications Commission.

F. HEIGHT

When referring to a tower or other alternative tower structure, the distance measured from the grade to the highest point on the tower or other structure, including the base pad.

G. PERSONAL WIRELESS FACILITIES

Transmitters, antenna structures and other types of installations used to provide personal wireless services.

H. PREEXISTING WIRELESS COMMUNICATION FACILITY

Any wireless communication facility for which a land use permit or conditional use permit has been properly issued prior to the effective date of ordinance standards.

I. TOWER

Any structure that is designed and constructed for the purpose of supporting one or more antennas and related equipment used to transmit and/or receive signals. The term includes the structure and any support thereto.

YARD

The open land area lying between the structure and the lot line of the property.

[Amended 3-19-2019 by Ord. No. 2-2019]

A. YARD, STREET

The open land area across the full width of the property between the front street lot line and the nearest point of the structure.

B. YARD, REAR

The open land area across the full width of the property between the rear lot line and the nearest point of the structure.

C. YARD, SIDE

The open land area between the adjacent side lot line and the nearest point of the structure and extending from the street yard to the rear yard.

ZERO LOT LINE

The instance where a structure is allowed to be constructed over a lot line of two adjoining land areas.

ZONING AMENDMENT

A change of the zoning map or zoning text authorized by the County, either in the allowed use within a district or in the boundaries of a district.

ZONING DISTRICT

An area within the limits of the County for which the regulations and requirements governing use are uniform.

ZONING DISTRICT, OVERLAY

A zoning district that encompasses one or more underlying zoning districts and that imposes additional regulations and requirements beyond those of the underlying zoning district.

ZONING MAP

The map or maps incorporated into the applicable ordinance as a part thereof designating the boundaries of the zoning districts.

- [1] *Editor's Note: The former definition of "FAA," added 12-16-2008 by Ord. No. 942-08, which immediately followed this definition, was repealed 12-15-2009 by Ord. No. 969-2009.*
- [2] *Editor's Note: The former definition of "hub height," added 12-16-2008 by Ord. No. 942-08, which immediately followed this definition, was repealed 12-15-2009 by Ord. No. 969-2009.*
- [3] *Editor's Note: The former definition of "land area," which immediately followed this definition, was repealed 8-19-2014 by Ord. No. 1092-2014.*
- [4] *Editor's Note: The former definition of "met tower," added 12-16-2008 by Ord. No. 942-08, which immediately followed this definition, was repealed 12-15-2009 by Ord. No. 969-2009.*
- [5] *Editor's Note: The former definition of "modular home," which immediately followed, was repealed 3-19-2019 by Ord. No. 2-2019.*
- [6] *Editor's Note: The former definition of "prefabricated home," which immediately followed, was repealed 3-19-2019 by Ord. No. 2-2019.*
- [7] *Editor's Note: The former definition of "pure tone," added 12-16-2008 by Ord. No. 942-08, which immediately followed this definition, was repealed 12-15-2009 by Ord. No. 969-2009.*
- [8] *Editor's Note: The former definition of "site-built home," which immediately followed, was repealed 3-19-2019 by Ord. No. 2-2019.*
- [9] *Editor's Note: The former definition of "total height," added 12-16-2008 by Ord. No. 942-08, which immediately followed this definition, was repealed 12-15-2009 by Ord. No. 969-2009. The former definition of "structure or use, temporary," added 10-15-2013 by Ord. No. 1070-2013, which immediately followed, was repealed 9-21-2021 by Ord. No. 30-2021.*
- [10] *Editor's Note: The former definitions of "wind energy facility" and "wind turbine," added 12-16-2008 by Ord. No. 942-08, which followed this definition, were repealed 12-15-2009 by Ord. No. 969-2009.*

P42

ORDINANCE NO. 30-2021

Amending Ch. 350 – Zoning, Ordinance 146-76.

COPY

The County Board of Supervisors of Green Lake County, Green Lake Wisconsin, duly assembled at its regular meeting begun on the 21st day of September 2021, does ordain as follows:

- 1 WHEREAS, an amendment is necessary to update the County's Zoning Ordinance.

Roll Call on Ordinance No. 30-2021


Submitted by Land Use Planning & Zoning Committee:

Ayes 4, Nays 1, Absent 2, Abstain 0

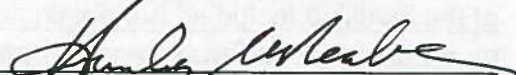
Passed and Enacted/Rejected this 21st day of September, 2021.



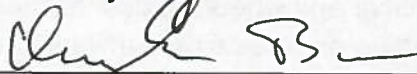
Curt Talma, Chair



William Boutwell, Vice-chair



Harley Reabe



Charles Buss



Don Lenz



County Board Chairman



ATTEST: County Clerk

Approve as to Form:



Corporation Counsel

3 Section 1. Green Lake County Ordinance, No. 146-76 adopted by the Green Lake County
4 Board of Supervisors on June 15, 1976 and as amended from time-to-time is amended as
5 follows (deletions are in ~~strikeout~~, additions are in underline):

6
7 Proposed Amendments to Chapter 350, Zoning Ordinance September 2, 2021

8 Article I: Introduction, No changes

9 Article II: (Reserved), No changes

10 **Article III: General Provisions, Amendments as follows:**

11 **§ 350-15** Accessory buildings, Accessory structures.

12 **§ 350-17.A (2-6).** Dwelling design and construction.

13 A. All dwellings ~~and buildings~~ as defined and permitted by this chapter shall conform
14 to the following. They shall:

15 (2) Have a first-story minimum living area of 800 square feet, ~~and be not less than~~
16 ~~20 feet in their smallest horizontal dimension, exclusive of attached garage, carport or~~
17 ~~open deck.~~

18 (3) Be not less than 20 feet in their smallest horizontal dimension, exclusive of portions
19 of the dwelling including but not limited to three-season rooms, sunrooms or solariums,
20 mudrooms, passageways and entryways.

21 (43) Have any wheels, axles, hitches, tow bars and other equipment necessary for
22 transporting on streets or highways removed when the structure is placed on the
23 foundation.

24 (54) Be constructed in accordance with accepted construction practices and building
25 codes. In no case shall a shipping or storage container(s), or parts thereof, be used as a
26 dwelling. [Added 8-18-2020 by Ord. No. 9-2020]

27 (6) There shall only one attached garage per dwelling unit and in no case shall the
28 footprint of the attached garage exceed the dwelling unit's total living area.

29 **§ 350-17.B.** The requirements as set forth in Subsection A~~(2)~~ A(3) above do not apply
30 to dwellings located in an R-2 District, and the requirements as set forth in Section A(6)
31 above do not apply to dwellings located in the A-1 and A-2 zoning districts.

32 **§ 350-20.B.** Side and rear yard regulations.

33 B. Except as otherwise provided in this section, every structure hereafter erected,
34 moved or structurally altered shall provide the minimum side and rear yards as
35 required by the following table for the district in which such ~~building~~ structure is or is
36 to be located:

District	Each Side Yard (feet)	Rear Yard (feet)
Residential	12	25
Recreational	12	25
Agricultural	12	25
Conservancy	20	25
Commercial*	12	25
Industrial*	20	25

NOTE:

* Commercial and industrial buildings structures, not designed for human occupancy, are required to provide a minimum setback 1.1 times their overall height.

37

38 **Article IV: Zoning Districts, Amendments as follows:**

39 **§ 350-27.A.(2)(b)** A-1, Farmland Preservation District, Conditional uses.

40 (b) A business, activity, or enterprise, whether or not associated with an agricultural
41 use, and is not a dog breeding facility or a dog breeder as defined in ATCP 16,
42 which meets all of the following requirements:

43 [1] It is conducted on a farm by an owner or operator of that farm.

44 [2] It requires no buildings, structures, or improvements other than those described in
45 Subsection D(1) and (3) of the definition of "accessory use."

46 [3] The total cumulative hours worked by paid employees, excluding the owner(s),
47 shall not exceed 160 hours per week.

48 [4] It does not impair or limit the current or future agricultural use of the farm or other
49 protected farmland.

50 **§ 350-27.A.(2)(h)** A-1, Farmland Preservation District, Conditional uses.

51 (h) Dog kennels qualifying as an accessory use under § 91.01(1), Wis. Stats. Dog
52 breeder(s) or dog breeding facility(s) as defined in ATCP 16.01 are not allowed in
53 the A-1, Farmland Preservation Zoning District.

54 **§ 350-27.A.(2)(Note)** A-1, Farmland Preservation District

55 Note: The County may issue a conditional use permit for a proposed land use not
56 identified in this section if the proposed land use meets applicable conditions under
57 this section. Before issuing a conditional use permit, the County shall determine, in
58 writing, that the proposed use meets applicable conditions under this section. The
59 County may issue the permit subject to conditions designed to carry out the
60 purposes of this chapter. Dog breeder or Dog breeding facility as defined in ATCP
61 16 are exempt from this provision.

62 **§ 350-27.A.(3)(c)[1]** A-1, Farmland Preservation District, Principal structure setback and
63 height standards.

64 ~~[1] Highway setbacks: Refer to § 350-50A. [Amended 11-14-2017 by Ord. No. 22-~~
65 ~~2017] Street yard setback:~~

66 ~~[a] State trunk road rights-of-way: 67 feet minimum.~~

67 ~~[b] All other public road rights-of-way: 40 feet minimum.~~

68 **§ 350-27.D.** A-1, Farmland Preservation District, Definitions

69 DOG BREEDER

70 A person who in any license year sells at least 25 dogs, from more than 3 litters, which
71 that person has bred and raised in this state. A person has bred and raised dogs for
72 purposes of this paragraph if that person has owned the dogs from birth until sale,
73 regardless of whether the person has contracted with an agent to raise the dogs on real
74 estate owner or occupied by that agent.

75 DOG BREEDING FACILITY

76 A place in this state where dogs are bred and raised and from which at least 25 dogs
77 from more than 3 litters are sold in a license year.

78 DOG KENNEL

79 An establishment, that is not a dog breeding facility, in which dogs are housed, boarded,
80 groomed, sheltered, protected, trained or sold for fee or compensation.

81 LICENSE YEAR

82 Means the 12-month period ending on September 30th for a license granted by the
83 Department of Agriculture, Trade and Consumer Protection to operate as a dog dealer,
84 dog breeder or as a dog breeding facility.

- 85 § 350-28.A.(1)(c). A-2, General Agriculture District, Permitted uses.
- 86 ~~(c) Accessory structure/use, temporary.~~
- 87 § 350-28.A.(2)(b & f). A-2, General Agriculture District, Conditional uses.
- 88 (b) Animal veterinary clinic.
- 89 (f) ~~Animal veterinary clinic.~~ Dog breeder or Dog breeding facility
- 90 § 350-28.A.(3)(c)[1] A-2, General Agriculture District, Principal structure setback and
91 height standards.
- 92 [1] Highway setbacks: Refer to § 350-50A. [Amended 11-14-2017 by Ord. No. 22-
93 2017] Street yard setback:
- 94 ~~[a] State trunk road rights-of-way: 67 feet minimum.~~
- 95 ~~[b] All other public road rights-of-way: 40 feet minimum.~~
- 96 § 350-33.A.(2). C-2, Extensive Commercial District, Permitted uses.
- 97 ~~(2) Parking lot~~
- 98 § 350-33.B.(7). C-2, Extensive Commercial District, Conditional uses.
- 99 ~~(7) Sawmills, manufacture, sale or processing of wood or plywood products.~~
- 100 § 350-34.B.(28). I, Industrial District, Conditional uses.
- 101 (28) Sawmills, manufacture, sale or processing of wood or plywood products.
- 102 §350-35.H. M-1, Mineral Extraction District.
- 103 H. Highway setbacks: Refer to § 350-50A.
- 104 § 350-38.A.(2) R-1 Single-Family Residence District, Permitted uses.
- 105 (2) Churches; public schools; parochial schools; municipal buildings, except sewage
106 disposal plants; garbage incinerators; public warehouses; public garages; public
107 shops; public storage yards; and public recreational and community center
108 buildings and grounds.
- 109 § 350-38.D.(1) R-1 Single-Family Residence District, Principal structure setback and
110 height standards.

111 (1) Highway setbacks: Refer to § 350-50A. ~~[Amended 11-14-2017 by Ord. No. 22-~~
112 ~~2017]~~ Street yard setback:

113 ~~(a) State trunk road rights-of-way: 67 feet minimum.~~

114 ~~(b) All other public road rights-of-way: 40 feet minimum.~~

115 ~~(c) All riparian lots or parcels that front on a public Town road right-of-way: 25 feet~~
116 ~~minimum.~~

117 **§ 350-38.E** R-1 Single-Family Residence District, Accessory building structures.

118 E. Accessory building structures. The total combined footprint area allowed for
119 ~~attached and detached~~ accessory building structures shall not exceed 10% of the
120 land area, excluding any road right-of-way. Each accessory building structure shall
121 satisfy all of the following standards: ~~[Added 2-15-2011 by Ord. No. 989-2011]~~

122 **§ 350-38.E.(2)** R-1 Single-Family Residence District, Accessory building structures.

123 (2) Height: 25 feet maximum; ground floor surface to peak. There shall be no
124 sidewalls above the ground floor ceiling joists, ~~unless attached to the dwelling unit.~~
125 Ground floor sidewalls shall not exceed 15 feet in height.

126 **§ 350-39.A.** R-2 Single-Family Mobile Home Residence District.

127
128 A. In the Class Two Residential District, all uses and structures shall be permitted that
129 are permitted in the regular ~~(Class One)~~ Single-family residential Residence
130 District, and, in addition thereto, mobile and manufactured homes occupied by a
131 single family shall be permitted. ~~[Amended 3-19-2019 by Ord. No. 2-2019]~~

132 **§ 350-39.E.(1)** R-2 Single-Family Mobile Home Residence District, Principal structure
133 setback and height standards.

134 (1) Highway setbacks: Refer to § 350-50A. ~~[Amended 11-14-2017 by Ord. No. 22-~~
135 ~~2017]~~ Street yard setback:

136 ~~(a) State trunk road rights-of-way: 67 feet minimum.~~

137 ~~(b) All other public road rights-of-way: 40 feet minimum.~~

138 ~~(c) All riparian lots or parcels that front on a public Town road right-of-way: 25 feet~~
139 ~~minimum.~~

140 **§ 350-39.F.** R-2 Single-Family Mobile Home Residence District, Accessory building

141 structures.

142

143 E. Accessory building structures. The total combined footprint area allowed for
144 ~~attached and detached~~ accessory building structures shall not exceed 10% of the
145 land area, excluding any road right-of-way. Each accessory building structure shall
146 satisfy all of the following standards: ~~[Added 2-15-2011 by Ord. No. 989-2011]~~

147 **§ 350-40.A.(13)** R-3 Multiple-Family Residence District, Permitted uses.

148 ~~(13) Reserved Temporary structure/use.~~

149 **§ 350-40.D.(1)** R-3 Multiple-Family Residence District, Permitted uses.

150 D. Principal structure setback and height standards.

151 (1) ~~Highway setbacks: Refer to § 350-50A. [Amended 11-14-2017 by Ord. No. 22-~~
152 ~~2017]~~ Street yard setback:

153 ~~(a) State trunk road rights of way: 67 feet minimum.~~

154 ~~(b) All other public road rights of way: 40 feet minimum.~~

155 ~~(c) All riparian lots or parcels that front on a public Town road right of way: 25 feet~~
156 ~~minimum. [Added 8-19-2014 by Ord. No. 1092-2014]~~

157 **§ 350-40.E.** R-3 Multiple-Family Residence District, Accessory structure standards.

158

159 E. Accessory building structures. The total combined footprint area allowed for
160 ~~attached and detached~~ accessory building structures shall not exceed 10% of the
161 land area, excluding any road right-of-way. Each accessory building structure shall
162 satisfy all of the following standards: ~~[Added 2-15-2011 by Ord. No. 989-2011]~~

163 **§ 350-40.E (3) & (4).** R-3 Multiple-Family Residence District, Accessory structure
164 standards.

165

166 (3) Area: ~~600~~ 1500 square foot maximum footprint (ground floor).

167 (4) Volume: ~~40,000~~ 25,000 cubic feet maximum volume.

168 **§ 350-40.F.** R-3 Multiple-Family Residence District, Accessory nonbuilding structure
169 standards.

170

171 ~~F. Accessory nonbuilding structure standards. For the purpose of this subsection,~~
172 ~~nonbuilding structures shall be structures that do not meet the definition of "building~~
173 ~~structure." The setback for nonbuilding structures from any ownership boundary line~~

174 of a lot or parcel shall be 1.1 times the overall height of that structure. The overall
175 height shall be measured from the lowest ground point adjacent to the structure to
176 the highest point of the structure.
177

178 **§ 350-41.B.(8)** R-4 Rural Residential District, Conditional uses.

179 (8) Kennel (must be on at least a 5 acre lot or parcel and only as an accessory use to
180 the residential use). [~~Added 3-19-2019 by Ord. No. 2-2019~~]

181 **§ 350-41.D.(1)** R-4 Rural Residential District, Principal structure setback and height
182 standards.

183 (1) Highway setbacks: Refer to § 350-50A. [~~Amended 11-14-2017 by Ord. No. 22-~~
184 ~~2017~~]Street yard setback:

185 ~~(a) State trunk road rights-of-way: 67 feet minimum.~~

186 ~~(b) All other public road rights-of-way: 40 feet minimum.~~

187 **§ 350-41.E.** R-4 Rural Residential District, Accessory structure standards.

188 E. Accessory structure standards. The total combined footprint area allowed for
189 ~~attached and detached~~ accessory building structures shall not exceed 10% of the
190 land area, excluding any road right-of-way. An accessory building structure shall
191 satisfy all of the following standards:

192 **§ 350-41.E.(2)** R-4 Rural Residential District, Accessory structure standards.

193 (2) Height: 25 feet maximum; ground floor surface to peak. There shall be no sidewalls
194 above the ground floor ceiling joist, ~~unless attached to the dwelling unit.~~ Ground
195 floor sidewalls shall not exceed 15 feet in height.

196 **§ 350-41.F.** R-4 Rural Residential District, Accessory nonbuilding structure standards.

197 ~~F. Accessory nonbuilding structure standards. For the purpose of this subsection,~~
198 ~~nonbuilding structures shall be structures that do not meet the definition of "building~~
199 ~~structure." The setback for nonbuilding structures from any ownership boundary line~~
200 ~~of a lot or parcel shall be 1.1 times the overall height of that structure. The overall~~
201 ~~height shall be measured from the lowest ground point adjacent to the structure to~~
202 ~~the highest point of the structure.~~
203

204 **Article V. Non-Building Structures, Amendments as follows:**

205 **§ 350-43.B.(4)(a)** Signs, On-site signs advertising business on premises.

206 (a) One on-site sign attached to a building structure advertising a business conducted
 207 or service available on the premises shall not exceed the height of the building
 208 structure it is attached to. Such sign shall not exceed ~~32~~ 50 square feet in gross
 209 area.

210 **§ 350-43.1.C. Fences.**

211 C. Open style agricultural fences, no greater than eight feet in height, are allowed,
 212 without a land use permit, on lands zoned A-1, A-2 & R-4.

213 **Article VI. Highway Setback Lines, Amendments as follows:**

214 **§ 350-50.A. Setback distances.**

215 A. Along highways generally. The setback distance from the center line or right-of-way
 216 line, at any point, for the respective classes of highways shall be as follows:
 217 [~~Amended 11-14-2017 by Ord. No. 22-2017; 3-19-2019 by Ord. No. 2-2019; 8-18-~~
 218 ~~2020 by Ord. No. 9-2020]~~

Highway Classification	Setback From Center Line (feet)	Setback From Street Lot Line (feet)
State trunk highways	110	Not less than 67
County trunk highways	75	Not less than 40
Town roads, except in platted subdivisions or non-riparian lots or parcels.	75	Not less than 40
<u>Town roads</u> Streets in platted subdivisions		30
<u>Town roads accessed by a riparian lot</u>		<u>25</u>

219

220 **Article IX. Administration and Enforcement, Amendments as follows:**

221 **§ 350-65.A. Land use permit.**

222 A. No building or structure or billboard or any part thereof, except as herein provided,
 223 shall hereafter be erected, enlarged, structurally altered, ~~repaired~~ or moved within
 224 the areas subject to the provisions of this chapter until a land use permit shall have
 225 been applied for, in writing, and obtained from the Land Use Planning and Zoning
 226 Department. Such permit shall be posted in a prominent place on the premises prior
 227 to and during the period of construction, alteration, repair or moving. Land use
 228 permits shall be valid for a period of one year from date of issue unless otherwise
 229 specified on the permit. A copy of such permit shall be filed with the Land Use

230 Planning and Zoning Department and with the inspector and clerk for the town in
231 which the permit is effective. Forms for the application for land use permits shall be
232 supplied by the Land Use Planning and Zoning Department. All such forms shall be
233 approved by the County Board. For a fee schedule refer to Article XII, Fee
234 Schedule. [~~Amended 11-14-2017 by Ord. No. 22-2017~~]

235 Article X. Enforcement, No changes.

236 **Article XI. Amendments, Amendments as follows:**

237 § 350-75.B. Rezoning amendment standards.

238 B. All rezone amendments that result in the creation of a new parcel or parcels shall
239 be done by certified survey map in accordance with § 315-38 of the Land Division
240 and Subdivision Ordinance. The rezone amendment shall not take effect until the
241 certified survey map, creating the rezoned parcel(s), is recorded in the Green Lake
242 County Register of Deeds office. If the required certified survey map is not
243 recorded within 12 months of the rezone amendment's approval, the rezone
244 amendment is void.

245 Article XII. Fee Schedule, No changes.

246 **Article XIII. Word Usage and Definitions, Amendments as follows:**

247 § 350-77 Word usage and definitions.

248 **ACCESSORY STRUCTURE**

249 A subordinate structure, detached from the principal structure, the use of which is
250 incidental to and customarily found in connection with the principal structure or use
251 of the property.

252 **BREEZEWAY**

253 An above-ground, roofed accessory structure that is utilized for the purpose of
254 connecting two structures or buildings, as between a house and a garage, with
255 either open or enclosed sides, with or without a foundation. A breezeway is not
256 considered part of a dwelling.

257 **DOG BREEDER**

258 A person who in any license year sells at least 25 dogs, from more than 3 litters,
259 which that person has bred and raised in this state. A person has bred and raised
260 dogs for purposes of this paragraph if that person has owned the dogs from birth
261 until sale, regardless of whether the person has contracted with an agent to raise

262 the dogs on real estate owner or occupied by that agent.

263 DOG BREEDING FACILITY

264 A place in this state where dogs are bred and raised and from which at least 25
265 dogs from more than 3 litters are sold in a license year.

266 ENTRYWAY

267 An inside area through which you enter a dwelling from outside of the dwelling
268 that leads to other rooms within a dwelling.

269 GARAGE

270 A structure or part thereof, used or intended to be used for parking and storage of
271 vehicles and/or other personal property.

272 A. ATTACHED: A garage sharing a common wall with the principal structure. The
273 attachment must extend from original grade to the roofline of one or more of the
274 connected structures, must be completely enclosed by a roof, walls and floor
275 (openings only for windows, skylights, and doors are allowed), and there must be
276 a direct connection from the 2nd floor of the principal structure to the 2nd floor of
277 the attached garage.

278 B. DETACHED: A garage that is not attached to ~~separate from~~ the principal
279 structure, being an accessory structure.

280 KENNEL

281 An establishment, that is not a dog breeding facility as defined in ATCP 16, in
282 which domestic animals are housed, boarded, groomed, sheltered, protected,
283 bred, trained or sold for a fee or compensation. A property where there are fewer
284 than 5 adult dogs is not considered a kennel.

285 LICENSE YEAR

286 Means the 12-month period ending on September 30th for a license granted by
287 the Wisconsin Department of Agriculture, Trade and Consumer Protection to
288 operate as a dog dealer, dog breeder or a dog breeding facility.

289 LIVING AREA

290 That area or space within a dwelling unit, devoted to the principal residential use
291 of the structure, excluding attached garages, porches, sheds, and other similar

292 appurtenances.

293 MUDROOM

294 A room in a dwelling designed especially for shedding of dirty or wet footwear and
295 clothing.

296 PASSAGEWAY

297 A narrow extended room that is open on both ends, having walls on either side
298 and under roof that allows unobstructed access to different rooms within a
299 dwelling.

300 STRUCTURE OR USE, TEMPORARY

301 ~~A structure or use on a property that requires a land use permit and meets all of the~~
302 ~~following:~~

303 ~~[Added 10-15-2013 by Ord. No. 1070-2013]~~

304 ~~A. That is present for not more than 90 days from the date of issuance of the land~~
305 ~~use permit.~~

306 ~~B. That complies with applicable dimensional and use standards.~~

307 ~~C. That there is no remaining evidence at the termination of the temporary structure~~
308 ~~or use.~~

309 Section 2. This ordinance shall become effective upon passage and publication.

310 Section 3. The repeal and recreation of any section herein shall not have any effect on
311 existing litigation and shall not operate as an abatement of any action or proceeding then
312 pending or by virtue of the repealed sections.

313 Section 4. All ordinances and parts of ordinances in conflict herewith are hereby
314 repealed.

ORDINANCE NO. 9-2020

Amending Chapter 350 - Zoning

The County Board of Supervisors of Green Lake County, Green Lake Wisconsin, duly assembled at its regular meeting begun on the 18th day of August 2020, does ordain as follows:

1
2 **NOW, THEREFORE, THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY**
3 **OF GREEN LAKE DOES ORDAIN AS FOLLOWS:**

4 Section 1. Green Lake County Ordinance, No. 146-76, as amended through Ord, No.
5 790-03, and as subsequently amended.

6
7 § 350-17 Dwelling design and construction.

8 A. All dwellings and buildings as defined and permitted by this chapter shall conform
9 to the following. They shall:

10 (1) Be attached to a permanent foundation meeting the requirements of the State of
11 Wisconsin Uniform Dwelling Code provisions in such a manner as to comply with
12 standards for vertical loading, uplift and lateral forces and so designed and constructed
13 that the floor elevation is reasonably compatible with other dwellings in the area.

14 (2) Have a first-story minimum area of 800 square feet and be not less than 20 feet in
15 their smallest horizontal dimension, exclusive of attached garage, carport or open deck.

16 (3) Have any wheels, axles, hitches, tow bars and other equipment necessary for
17 transporting on streets or highways removed when the structure is placed on the
18 foundation.

19 (4) Be constructed in accordance with accepted construction practices and building
20 codes. In no case shall a shipping or storage container(s), or parts thereof, be used as a
21 dwelling.

Roll Call on Ordinance No. 9-2020

Submitted by Land Use Planning &
Zoning Committee:

Ayes 18, Nays 0, Absent 1, Abstain 0

/s/ Curt Talma

Curt Talma, Chair

Passed and Enacted/~~Rejected~~ this 18th
day of August, 2020.

William Boutwell, Vice-chair

/s/ Harley Reabe

County Board Chairman

/s/ Harley Reabe

Harley Reabe

/s/ Elizabeth Otto

ATTEST: County Clerk
Approve as to Form:

/s/ Charles Buss

Charles Buss

/s/ Dawn N. Klockow

Corporation Counsel

/s/ Don Lenz

Don Lenz

22 § 350-17 Dwelling design and construction.

23 A. All dwellings and buildings as defined and permitted by this chapter shall conform
24 to the following. They shall:

25 (1) Be attached to a permanent foundation meeting the requirements of the State of
26 Wisconsin Uniform Dwelling Code provisions in such a manner as to comply with
27 standards for vertical loading, uplift and lateral forces and so designed and constructed
28 that the floor elevation is reasonably compatible with other dwellings in the area.

29 (2) Have a first-story minimum area of 800 square feet and be not less than 20 feet in
30 their smallest horizontal dimension, exclusive of attached garage, carport or open deck.

31 (3) Have any wheels, axles, hitches, tow bars and other equipment necessary for
32 transporting on streets or highways removed when the structure is placed on the
33 foundation.

34 (4) Be constructed in accordance with accepted construction practices and building
35 codes. In no case shall a shipping or storage container(s), or parts thereof, be used as a
36 dwelling.

22 § 350-19 Height regulations.

23 C. Height exceptions. Farm buildings not for human habitation; chimneys; cooling
24 towers; roof-mounted solar panel arrays ; elevator bulkheads; fire towers; monuments;
25 penthouses; stacks; scenery lofts; tanks; water towers; ornamental towers; spires;
26 wireless, television or broadcasting towers; masts or aerials; telephone, telegraph and
27 power transmission poles and lines; and microwave radio relay structures and necessary
28 mechanical appurtenances are hereby excepted from the height regulations of this chapter
29 and may be erected in accordance with other regulations or ordinances of Green Lake
30 County.
31

32 § 350-38 R-1 Single-Family Residence District.

33 A. Permitted uses.

34 (1) ~~Single-family dwellings, provided that the Board of Adjustment may permit the~~
35 ~~conversion of any single family dwelling existing on the effective date of this chapter to~~
36 ~~house not more than two families.~~ Trailers and mobile homes may not be used for
37 dwellings except as specifically permitted by this chapter.

38 E. Accessory building structures. The total combined footprint area allowed for
39 attached and detached accessory building structures shall not exceed 10% of the land
40 area, excluding any road right-of-way. Each accessory building structure shall satisfy all of
41 the following standards: [Added 2-15-2011 by Ord. No. 989-2011]

42 (1) Setbacks: same as principal structure.

43 (2) Height: 25 feet maximum; ground floor surface to peak. There shall be no sidewalls
44 above the ground floor ceiling joist, unless attached to the dwelling unit. Ground floor
45 sidewalls shall not exceed 15 feet in height.

46 (3) Area: 1,500 square foot maximum footprint (ground floor).

47 (4) Volume: 25,000 cubic feet maximum volume.

48 (5) Human habitation of a detached accessory building structure may be allowed,
49 however shall be limited to 20% of the footprint area or 300 square feet, whichever is less.
50 This standard shall apply to only one detached accessory building structure per lot or
51 parcel.
52

53 (6) In no case is a shipping or storage container(s) to be utilized as a residential
54 accessory building structure.

55

§ 350-39 R-2 Single-Family Mobile Home Residence District.

56 F. Accessory building structures. The total combined footprint area allowed for
57 attached and detached accessory building structures shall not exceed 10% of the
58 land area, excluding any road right-of-way. Each accessory building structure shall
59 satisfy all of the following standards: **[Added 2-15-2011 by Ord. No. 989-2011;**
60 **amended 11-14-2017 by Ord. No. 22-2017]**

61 (1) Setbacks: same as principal structure.

62 (2) Height: 25 feet maximum; ground floor surface to peak. There shall be no sidewalls
63 above the ground floor ceiling joist. Ground floor sidewalls shall not exceed 15 feet
64 in height.

65 (3) Area: 1,500 square foot maximum footprint (ground floor).

66 (4) Volume: 25,000 cubic feet maximum volume.

67 (5) Human habitation of a detached accessory building structure may be allowed;
68 however it shall be limited to 20% of the footprint area or 300 square feet,
69 whichever is less. This standard shall apply to only one detached accessory
70 building structure per lot or parcel.

71 (6) In no case is a shipping or storage container(s) to be utilized as a residential
72 accessory building structure.

73

74 § 350-40 R-3 Multiple-Family Residence District.

75 E. Accessory structure standards. Each unit of a multiple-family dwelling residence
76 shall be allowed one attached and one detached accessory building structure. In no
77 case shall the total combined footprint area of all accessory building structures for
78 the units exceed 10% of the lot or parcel area, excluding any road right-of-way.
79 Each detached accessory building structure shall satisfy all of the following
80 standards: [Amended 3-19-2019 by Ord. No. 2-2019]

81 (1) Setbacks: same as principal structure.

82 (2) Height: 25 feet maximum; ground floor surface to peak. There shall be no sidewalls
83 above the ground floor ceiling joist. Ground floor sidewalls shall not exceed 15 feet
84 in height.

85 (3) Area: 600 square foot maximum footprint (ground floor).

86 (4) Volume: 10,000 cubic feet maximum volume.

87 (5) In no case is a shipping or storage container(s) to be utilized as a residential
88 accessory building structure.

89 § 350-41 R-4 Rural Residential District.

90 E. Accessory structure standards. The total combined footprint area allowed for
91 attached and detached accessory building structures shall not exceed 10% of the
92 land area, excluding any road right-of-way. An accessory building structure shall
93 satisfy all of the following standards:

94 (1) Setbacks: same as principal structure.

95 (2) Height: 25 feet maximum; ground floor surface to peak. There shall be no sidewalls
96 above the ground floor ceiling joist, unless attached to the dwelling unit. Ground
97 floor sidewalls shall not exceed 15 feet in height.

98 (3) Area: 1,500 square foot maximum footprint (ground floor).

99 (4) Volume: 25,000 cubic feet maximum volume.

100 (5) Human habitation of a detached accessory building structure may be allowed,
101 however shall be limited to 20% of the footprint area or 300 square feet, whichever
102 is less. This standard shall apply to only one detached accessory building structure
103 per lot or parcel.

104 (6) In no case is a shipping or storage container(s) to be utilized as a residential
105 accessory building structure.

106 § 350-43.2 (Reserved) Solar Panel Arrays shall comply with the following:

107 (1) Ground-mounted solar panel arrays that can exceed 8 feet in adjusted height
108 (lowest adjacent grade to maximum vertical extent) or have a solar panel surface
109 area greater than 32 square feet must be authorized by a land use permit and are
110 required to meet all the required setback set forth in this chapter.

111 (2) Ground-mounted solar panel arrays shall not exceed 25 feet in height (lowest
112 adjacent grade to maximum vertical extent).

113 (3) Roof-mounted solar panel arrays are not subject to Section 350-19 and 350-20
114 of this chapter and are exempt from the land use permit requirement under Section
115 350-65.

116 § 350-50 Setback distances.

117 [Amended 8-19-2014 by Ord. No. 1092-2014]

118 Except as otherwise provided in the specific zoning district, the distances from the
119 center line, as defined by § 350-49 of this article, or from the front line to the
120 setback line shall be as provided by the following subsections. Whenever a
121 highway is improved to a classification requiring a greater setback distance than
122 that required by this chapter prior to such improvement, the setback distance shall
123 not be affected by such improvement. In cases where the provisions of this section

124 may be interpreted to provide for different setback distances, the greater setback
125 distance shall prevail, but this regulation shall not apply to streets in platted
126 subdivisions.

127 A. Along highways generally. The setback distance from the center line or right-of-way
128 line, at any point, for the respective classes of highways shall be as follows:
129 [Amended 11-14-2017 by Ord. No. 22-2017; 3-19-2019 by Ord. No. 2-2019]

	Setback From Center Line (feet)	Setback From Street Lot Line (feet)
Highway Classification		
State trunk highways	110	Not less than 67
County trunk highways	75	Not less than 40
Town roads, except in platted subdivisions	75	Not less than 40
Streets in platted subdivisions		3040

130
131 § 350-52 Structures permitted within setback lines.

132 A. The following kinds of structures may be placed between the setback lines and the
133 highway:

134 (1) Open fences, height not to exceed 4 feet (adjacent grade to maximum vertical
135 extent).

136 (8) Uncovered landings and steps, not exceeding 24 inches in height from adjacent
137 grade, the sole purpose of which is to provide ingress to and egress from a non-
138 conforming single-family dwelling to the highway setback. In these cases, these
139 structures shall be constructed to meet the minimum standards set forth in SPS
140 321.04, Wis. Admin. Code.

141 (9) Retaining and decorative landscape walls may be allowed in the street yard, side
142 yard and rear yard with a minimum zero foot setback.

143 § 350-57 Review and revocation of conditional use permits.

144 [Amended 11-14-2017 by Ord. No. 22-2017]

145 A. The Land Use Planning and Zoning Committee shall retain continuing jurisdiction
146 over all conditional uses for the purpose of resolving complaints against all
147 previously approved conditional uses. Such authority shall be in addition to the
148 enforcement authority of the Land Use Planning and Zoning Department to order

149 the removal or discontinuance of any unauthorized alterations of an approved
150 conditional use and the elimination, removal or discontinuance of any violation of a
151 condition imposed prior to or after approval, or violation of any other provision of
152 this chapter.

153 B. Complaint procedure. Upon written complaint by any citizen or official, the Land
154 Use Planning and Zoning Committee shall initially determine whether said
155 complaint indicates a reasonable probability that the subject conditional use is in
156 violation ~~or either~~ of either the purpose and intent of this chapter, a condition of
157 approval or other requirement imposed hereunder. Upon reaching a positive initial
158 determination, a hearing shall be held upon notice. Any person may appear at such
159 hearing and testify in person or be represented by an agent or attorney. The Land
160 Use Planning and Zoning Committee may, in order to bring the subject conditional
161 use into compliance with the standards set forth in this chapter or conditions
162 previously imposed by the Land Use Planning and Zoning Committee, modify
163 existing conditions upon such use and impose additional reasonable conditions
164 upon the subject conditional use. Additionally, the offending party may be subjected
165 to a forfeiture as set forth in Article X. In the event that no reasonable modification
166 of such conditional use can be made, the Land Use Planning and Zoning
167 Committee may revoke the subject conditional approval and direct the Land Use
168 Planning and Zoning Department and Corporation Counsel to seek the elimination
169 of the subject use. Following any such hearing, the decision of the Land Use
170 Planning and Zoning Committee shall be furnished to the current owner of the
171 conditional use, in writing, stating the reasons therefor. An appeal from a decision
172 of the Land Use Planning and Zoning Committee under this section may be taken
173 to the Board of Adjustment.

174 §350-77 Word usage and definitions

175 PRINCIPAL STRUCTURE

176 The main or primary structure on a land area that is utilized for the property's principal
177 use, ~~including structures attached or structures constructed in a manner that are~~
178 ~~utilized as if they were attached.~~

179 Section 2. This ordinance shall become effective upon passage and publication.

180 Section 3. The repeal and recreation of any section herein shall not have any effect on
181 existing litigation and shall not operate as an abatement of any action or proceeding then
182 pending or by virtue of the repealed sections.

183 Section 4. All ordinances and parts of ordinances in conflict herewith are hereby
184 repealed.