

ZONING ORDINANCE

IOWA COUNTY, WISCONSIN

Available at the Office of Planning and Development
222 N. Iowa Street, Dodgeville WI 53533
phone: (608) 935-0398 fax:(608) 930-1205
www.iowacounty.org

TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION		
SECTION	TITLE	PAGE #
1.0	Introduction	4
1.1	Authority and Purpose	4
1.2	Abrogation and Greater Restrictions	4
1.3	Interpretation	4
1.4	Severability	4
1.5	Repeal	4
1.6	Title	4
1.7	Effective Date	4
1.8	Official Zoning Map	4
CHAPTER 2: GENERAL PROVISIONS		
SECTION	TITLE	PAGE #
2.0	General Provisions	5
2.1	Jurisdiction	5
2.2	Compliance	5
2.3	Zoning Permit	5
2.31	Nonmetallic Mining and Excavation Sites – less than one acre	6
2.32	Ponds	6
2.4	Certificate of Compliance	7
2.5	Site Restrictions	7
2.6	Use Restrictions	8
2.7	Reduction or Joint Use	9
2.8	Violations	9
2.9	Penalties	9
CHAPTER 3: ZONING DISTRICTS		
SECTION	TITLE	PAGE #
3.0	Zoning Districts	10
3.1	Establishment	10
3.2	Agricultural Districts	10
3.3	Open Space / Recreational Districts	12
3.4	Residential Districts	14
3.5	Business Districts	18
3.6	RH-1 Rural Hamlet District	25
CHAPTER 4: CONDITIONAL USES		
SECTION	TITLE	PAGE #
4.0	Conditional Uses	27
4.1	Permit	27
4.2	Application	27
4.3	Fee	27
4.4	Review and Approval	27
4.5	Nonmetallic Mining	28
CHAPTER 5: PLANNED UNIT DEVELOPMENT		
SECTION	TITLE	PAGE #
5.0	Planned unit development	30
5.1	Definitions	30
5.2	Where Permitted	30
5.3	Application	30
5.4	Enforcement	30
5.5	Special Modification	30
5.6	Circulation	31
5.7	Residential Subdivisions in the Complex	32
5.8	Mobile home/manufactured home parks	32
5.9	Campgrounds	33

CHAPTER 6: HIGHWAY SETBACKS		
SECTION	TITLE	PAGE #
6.0	Highway Setbacks	34
6.1	Highway Setbacks	34
6.2	Visual Clearance Triangle	34
6.3	Driveways and Accesses	35
6.4	Parking Requirements	35
CHAPTER 7: STRUCTURAL MODIFICATIONS		
SECTION	TITLE	PAGE #
7.0	Structural Modifications	36
7.1	Height	36
7.2	Yards	36
CHAPTER 8: SIGNS		
SECTION	TITLE	PAGE #
8.0	Signs	37
8.1	Shape and Illumination, General	37
8.2	General Sign Regulations	38
8.3	Specific Regulations for Various Types of Signs	39
8.4	Allowed Signs by Zoning District	40
8.5	Prohibited Signs	40
8.6	Existing Signs	41
8.7	Dilapidated, Un-maintained and Abandoned Signs	41
CHAPTER 9: NONCONFORMING USES, STRUCTURES AND LOTS		
SECTION	TITLE	PAGE #
9.0	Nonconforming Uses, Structures and Lots	41
9.1	Existing and Nonconforming Uses	41
9.2	Abolishment or Replacement	42
9.3	Nonconforming Uses and Structures	42
9.4	Changes and Substitutions	42
9.5	Substandard Lots	42
9.6	Nonconformity Due to Public Works	42
CHAPTER 10: BOARD OF ADJUSTMENT		
SECTION	TITLE	PAGE #
10.0	Board of Adjustment	43
10.1	Establishment	43
10.2	Membership	43
10.3	Rules	43
10.4	Appeals	44
10.5	Powers	44
CHAPTER 11: CHANGES AND AMENDMENTS		
SECTION	TITLE	PAGE #
11.0	Changes and Amendments	44
CHAPTER 12: COMMON REVIEW AND APPROVAL PROCEDURES		
SECTION	TITLE	PAGE #
12.0	Common Review and Approval Procedures	46
CHAPTER 13: DEFINITIONS		
SECTION	TITLE	PAGE #
13.0	Definitions	48
Appendix A	Amendments	

SECTION 1.0 INTRODUCTION

1.1 Authority and Purpose

These regulations are adopted under the authority granted by Sections 59.69 and 59.694 of the Wisconsin Statutes. Therefore, the County Board of Supervisors of Iowa County, Wisconsin, do ordain as follows:

The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics and general welfare. This Ordinance is to implement the goals and policies of the Iowa County Comprehensive Plan as well as other goals related to growth, development and compatibility of land uses.

Whenever any provision of this Ordinance refers to or cites a section of the Wisconsin Statutes or Administrative Code and that section is later amended or superseded, the Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.2 Abrogation and greater restrictions

It is not intended by this Ordinance 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 laws. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

1.3 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. It shall be the duty of the Office to interpret this Ordinance. Appeals to interpretation shall be made following the procedures outlined in Section 10.4 of this Ordinance.

1.4 Severability

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

1.5 Repeal

When the provisions of this Ordinance are inconsistent with one another or when the provisions of the Ordinance conflict with provisions found in other adopted ordinances or regulations, the more restrictive provision shall govern unless the terms of the provisions specify otherwise.

1.6 Title

This Ordinance shall be known as, referred to, or cited as the "Iowa County Zoning Ordinance."

1.7 Effective date

This Ordinance shall be effective after adoption by the County Board of Supervisors in any Town in Iowa County when approved by the Town Board and when a certified copy of the approving resolution is filed with the County Clerk.

1.8 Official Zoning Map

The Official Zoning Map designates the location and boundaries of the various zoning districts within Iowa County and is incorporated herein by reference. Such boundaries shall be designated by metes and bounds, plat of survey or certified survey map. The Official Zoning Map shall be kept on file in the Office and available for public inspection during normal business hours.

The Official Zoning Map and all the notations thereon are hereby incorporated by reference and made part of this Ordinance.

Changes made in district boundaries or other matters portrayed on the Official Zoning Map shall be made in accordance with the provisions of this Ordinance. Changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the County Board of Supervisors with an entry on the Official Zoning Map. No amendment to this Ordinance, which involves matters portrayed on the Official Zoning Map, shall become effective until after the Map has been so changed.

The Office shall have the authority to interpret the map and determine where the boundaries of the different zoning districts fall.

SECTION 2.0 GENERAL PROVISIONS

2.1 Jurisdiction

The jurisdiction of this Ordinance shall include all lands and waters within Iowa County outside the limits of incorporated cities and villages. This Ordinance shall be in effect in all Iowa County Towns that have adopted this Ordinance.

2.2 Compliance

No structure, land, or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, converted, or structurally altered without full compliance with the provisions of this Ordinance and all other applicable local, county and state regulations.

The Office shall employ at least one full-time County employee charged to administer this ordinance by job description and shall have the following powers and duties:

1. Administer, supervise and enforce the provisions of this Ordinance and all sections of the Wisconsin Statutes pertaining to County zoning.
2. Receive applications for and issue building and zoning permits, sign permits, land use permits and conditional use permits subject to approval by the Committee as provided herein.
3. Advise interested persons as to the provisions of this Ordinance and other matters pertaining to County zoning.
4. Inspect from time to time the premises for which a permit or license has been issued under this Ordinance, report suspected violations of this Ordinance to the District Attorney or Corporation Counsel for prosecution and sign complaints and/or issue citations under the direction and supervision of the District Attorney and Corporation Counsel.
5. Enter upon premises or private property at reasonable times for the purpose of investigating complaints and enforcing the provisions of this Ordinance either with the permission of the property owner or by inspection warrant.

2.3 Zoning Permit

No building, sign or other structure or any part thereof shall hereafter be built, located, enlarged until a zoning permit has been obtained from the Office. A zoning permit is required before the use of any building or structure is changed from that originally permitted. Such permits shall be on the premises and accessible for review during the period of construction, alteration or moving. Applications for a zoning permit shall be made to and upon forms supplied by the Office. A record of all permits issued shall be kept for public inspection by the Office. All zoning permit applications are subject to review for compliance with all provisions of this Ordinance.

In the event that the placement or construction of a structure is started before a zoning permit has been issued for the structure in question, the instance shall be considered a violation subject to the procedures of Section 2.8 of this Ordinance.

All complete applications for a zoning permit shall be granted or denied in writing by the Office within thirty (30) days from receipt of the completed application. A complete application shall be considered one in which all required and requested information has been submitted to the Office. The permit shall expire within twelve (12) months unless substantial work has commenced as determined by the Office. Substantial work shall consist, at a minimum, of a foundation, framing, roofing and at least 50% enclosure for buildings and at least 51% completion of any other structure. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

1. Special Provisions
 - a) In the Agricultural Districts, portable nonresidential agricultural structures designed and intended for the sheltering of animal livestock with a maximum size of 300 square feet require a zoning permit to be located on a property, however may be moved to other locations on the same property without need to seek a subsequent permit, provided:

- 1) The structure is not altered or structurally modified.
- 2) The structure is not placed within a floodplain, shoreland area, wetland area or within a yard or street setback.
- 3) The structure is not enlarged or its use changed.
- b) In the A-1, AR-1, C-1 and CR-1 Districts, up to two camping units may be located on a vacant property or outside 300 feet of an existing principal structure from April 15th to December 15th of the same calendar year. Use beyond this time period will require permitting as residential structures, provided all other provisions of this ordinance are met. The intent is to allow the property owner or anyone with the owner's permission the occasional, temporary use of a camping unit on property not approved as a campground, provided:
 - 1) The unit(s) is not located within a delineated floodplain or wetland
 - 2) The unit(s) does not have any attached structure, such as a deck, patio, doorway, shed or other such appurtenance.
 - 3) The unit(s) is not connected to any water source.
 - 4) The unit(s) is not dismantled or wheels removed in any way as to make it unable to be removed from the property when necessary.
 - 5) The storage of camping units is allowed within 300 feet of or inside an existing principal building, provided none are being occupied or otherwise used and all are owned by the owner of the property on which being stored.
- c) Minor structures are exempt from the need of a zoning permit.

2.31 Nonmetallic Mining and Excavation Sites – less than one acre

- 1) PERMIT. Nonmetallic mining and excavation sites that are less than one acre may be permitted under this subsection by the issuance of a zoning permit with conditions listed below.
 - a) Reclamation. An application for a permit under this subsection shall include a detailed plan proposing the reclamation of the mining site and the site's final land use. Such a plan shall only be accepted if the reclamation is consistent with the zoning of the affected property.
 - b) Time of Operation. Nonmetallic mining sites permitted under this subsection shall not exceed 24 months of operation calculated from the date the zoning permit is issued and concluding upon the completion of final reclamation. If a site is proposed to exceed 24 months of operation, it shall seek a permit under Section 4.5 of this Ordinance.
 - c) Number. Multiple locations for extraction may be located on a property under single ownership, provided that the total of all locations combined do not exceed one acre.
 - d) Occurrence. A zoning permit issued under this subchapter shall not be permitted more than once in any 3-year period for the same property, calculated on the date that the zoning permit was issued.
 - e) Length of operation. Nonmetallic mining sites under this subchapter cannot be extended in duration.
 - f) Stockpiling. Stockpiling of any nonmetallic mineral, including stone, sand, gravel, clay and topsoil, shall not be permitted beyond final reclamation.

2.32 Ponds

- 1) PERMIT. A zoning permit shall be required for ponds in the following cases:
 - a) For any pond that is 10,000 square feet or greater shall require a zoning permit and shall comply with setbacks for structures as required in this Ordinance.
 - b) For any pond which, through the process of digging, excavating or scraping, creates spoils which are stockpiled on-site or removed from the property, and affect more than one acre of area shall require a nonmetallic mining permit and must comply with all mining regulations within this Ordinance, the Iowa County Nonmetallic Mining Reclamation Ordinance, and Wis. Admin. Code Ch. 135.
- 2) CONSTRUCTION OF PONDS. Pond construction shall include the following:

- a) All spoil material removed from the pond shall be thin spread, less than 12 inches in thickness, on upland portions of the parcel.
 - b) All disturbed areas associated with pond construction shall be stabilized.
 - c) Sites within the jurisdiction of floodplain and/or shoreland/wetland zoning regulations shall have to comply with said regulations.
- 3) SAFETY. If deemed necessary, the Office or Committee shall require safety measures, such as fencing and gates.
- 4) POND CONSTRUCTION PROPOSAL. All ponds which require a zoning permit or conditional use permit shall submit a plan and description. Plans and descriptions shall include:
- a) Size of pond
 - b) Location on site
 - c) Setbacks
 - d) Other existing or planned water features on the site
 - e) Spoil spreading locations
 - f) Disturbed land reclamation means
 - g) Property description
 - h) Site stability
 - i) Erosion control measures
 - j) Construction timing

2.4 Certificate of Compliance

No building or structure hereafter erected, altered or moved shall be occupied or used until a Certificate of Compliance is issued by the Office. The Certificate of Compliance shall show that the building or premises or part thereof and the proposed use thereof conform to the provisions of this Ordinance. Application for such certificate shall be concurrent with the application for a zoning permit, although it is the responsibility of the applicant to notify the Office for inspection.

The Office shall issue a Certificate of Compliance only if the building or premises and the proposed use thereof conform with all the requirements of this Ordinance.

2.5 Site Restrictions

Siting Criteria required at the time of any land use change shall be complied with at the time of construction. Siting Criteria are standards applied during the consideration of rezoning and are listed in the affected Town and County comprehensive planning documents. Any proposed variation from previously approved Siting Criteria established for a lot at the time of a land use change shall require a new review following the land use change process in Section 11.0 of this Ordinance.

Any structure that is to be connected to a water source or have internal plumbing must have a valid sanitary permit issued prior to any zoning permit.

All sites must comply with all provisions of county ordinances relating to floodplains, shorelands and wetlands.

In the case of any proposed new residence or the first proposed structure on a vacant zoning lot, the following shall apply:

- a) A written statement from the Town stating there is an approved driveway to serve the proposed structure must be submitted with the zoning permit application.
- b) A written statement from the Town stating all Town siting criteria have been met must be submitted with the zoning permit application.

As of Jan. 1, 2008 all lots shall abut upon a public street, except as provided in Section 5.0, and each lot shall have a minimum frontage of fifty (50) feet or the minimum frontage stated in the zoning district affecting the property at issue, whichever is greater. An irrevocable recorded access of 66 feet in width to a public right-of-way from an otherwise isolated single lot may be provided in lieu of owned abutment.

Any existing lot that has been provided access to a public road either by abutment or easement in the amount of at least fifty (50) feet will be considered consistent with this section provided said access has been recorded with the Register of Deeds prior to Jan. 1, 2008.

In the AR-1, R-1, R-2 and R-3 districts, all principal structures shall be located on a lot; and, except in the case of a planned unit development (Section 5.0), only one principal structure shall be located, erected, or moved onto a lot.

The Office reserves the right to review any proposed development for siting issues that may involve compliance with local or county ordinance provisions such as, but not limited to: floodplains; shorelands; wetlands; Natural Heritage Inventory data; nonmetallic mining regulations; mining data; groundwater data; etc. The intent is to be as holistic in reviewing proposed development as possible for the purpose of making the applicant aware of the need to comply with any other laws, ordinances or regulations that have jurisdiction.

2.6 Use Restrictions

The following use restrictions and regulations shall apply in all districts:

Only those principal uses specified for a district and their essential services shall be permitted.

Accessory Uses and structures are permitted in any district. All accessory uses must be common and typical to the permitted principal use. In platted subdivision, the principal structure must be present before an accessory use or structure is allowed.

Conditional uses and their accessory uses are considered as special uses requiring review, public hearing and approval in accord with Section 4.0 of this Ordinance. If approved, essential services shall be permitted. A conditional use may be allowed with or without the existence of the principal use. Any granting of such request may include conditions reasonable to the nature of the conditional use being requested and, if such conditions are not complied with at any time, the granted conditional use must cease until compliance is achieved. If compliance is not achieved, the conditional use shall be rescinded.

Unclassified or unspecified uses not classified or specified in this Ordinance may be permitted following the process of a Conditional Use as outlined in Section 4.0 of this Ordinance provided that such uses are similar in character to the principal or conditional uses permitted in the district.

Temporary uses may be permitted for a specified length of time by the Committee, provided they are similar in character to the allowed uses in the surrounding area and do not conflict with existing legal uses on or around the affected lot. No Temporary Use shall be allowed for more than a period of 12 consecutive months. In the case where an existing residence is to be replaced with a new residence, the existing residence may be occupied during the construction of the new residence provided that it is razed or otherwise removed from the property within six months of the issuance of the Certificate of Compliance for the new residence.

Mobile and manufactured homes within a mobile home/manufactured home park only may be attached to a temporary foundation and the wheels may be temporarily removed, but the vehicular frame shall not be destroyed or altered so as to prevent the home from being moved as a vehicle. No additions shall be built onto a home other than a porch or entryway which shall leave a clearance of not less than fifteen (15) clear feet between said appurtenance or porch and any structure. These restrictions do not apply outside a mobile home/manufactured home park.

There shall be no more than three (3) junked vehicles on any lot in any district unless properly zoned and/or approved by conditional use under the provisions of this Ordinance.

2.7 Reduction Or Joint Use

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

2.8 Violations

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, any person who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance.

In the event that the placement or construction of a structure is started before a zoning permit has been issued for the structure in question, a late application may be made and a permit issued providing the structure meets all other ordinance requirements. Construction is deemed to be started if there has been a commencement of concrete work, or the placement of any permanent part of the structure. The collection of the late permit fee shall not be a bar to prosecution for violation of any of the provisions of this Ordinance. Failure to seek a late permit after notification by the Office shall result in the issuance of a Cease Work Order and commencement of violation enforcement. The Office shall apply a late permit fee as established by the County Board unless special circumstances exist that meet the Office Director's satisfaction to deem the extra fee can be waived.

The Office is hereby authorized to issue a Cease Work Order for any construction that has commenced in violation with the provisions of this Ordinance. The Cease Work Order shall be accompanied by a notice of the provisions in violation, options for compliance and a date on which compliance shall be achieved.

If, after a reasonable amount of time, compliance has not been achieved, the Office shall issue a citation for each violation of this Ordinance as authorized by Ordinance No. 2-695-1995. In the case of violations that constitute an emergency as a result of safety or public concerns or violations that will create increased problems or costs if not remedied immediately, the Office may use any enforcement authority available to compel compliance.

Any violation under previous ordinances repealed by this Ordinance shall continue to be a violation under this Ordinance and be subject to penalties and enforcement under this Ordinance, unless the use, development, construction, or other activity complies with the provisions of this Ordinance.

2.9 Penalties

Violations may be pursued by either the issuance of a citation, referral to the District Attorney's Office as a formal complaint or both as authorized by Ordinance No. 2-695-1995.

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof via the formal complaint process, forfeit no less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) and costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

In the case where a citation is issued, the payment of the forfeiture shall not constitute compliance nor shall said payment bar the issuance of further citations, provided the violation remains.

SECTION 3.0 ZONING DISTRICTS

3.1 Establishment

For the purposes of this Ordinance, all lands under the jurisdiction of this Ordinance shall be zoned according to the following districts:

ZONING DISTRICTS		
ZONE	AGRICULTURAL DISTRICT	PAGE #
A-1	Exclusive Agricultural District	9
AC-1	Exclusive Agricultural Conservancy Overlay District	
ZONE	OPEN SPACE / RECREATIONAL DISTRICTS	PAGE #
C-1	Conservancy District	11
CR-1	Conservation Recreational District	11
H-1	Historic Preservation District	12
ZONE	RESIDENTIAL DISTRICTS	PAGE #
AR-1	Agricultural Residential District	13
R-1	Single Family Residential District	14
R-2	Multi-Family Residential District	14
R-3	Mobile/Manufactured Home District – Residential	15
R-4	Residential Boundary Agreement District	15
ZONE	BUSINESS DISTRICTS	PAGE #
RB-1	Recreational Business District	16
AB-1	Agricultural Business District	17
B-1	Local Business District	18
B-2	Highway Business District	19
B-3	Heavy Business District	20
B-4	Industrial Business District	21
B-5	Adult Entertainment Business District	23
RH-1	Rural Hamlet District	25

3.2 AGRICULTURAL DISTRICTS

A-1 Exclusive Agricultural District

It is the intention of this district to promote uses of a generally exclusive agricultural nature and to encourage the maintenance of historically productive and/or presently productive agricultural lands, on parcels of land of sufficient size, as a means for preserving agriculture as the primary economic base of the County.

In this district no new site development or construction will be permitted that is in conflict of the Iowa County Comprehensive Plan siting provisions and Section 2.5 of this Ordinance. Application for rezoning to or from this district shall require the applicant to submit evidence that siting provisions will be complied with.

The minimum lot size in this district shall be 40 acres described by survey plat or metes and bounds. A 'forty forty' commonly described by metes and bounds that is found by survey description to be less than 40.0 acres, shall be considered to meet the minimum lot size of this district only if all four quarter-quarter corners are identified as part of said survey description. If it is not clear whether the lot meets the minimum acreage, there shall be a survey prepared at the applicant's expense.

This district shall be deemed a farmland preservation zoning district as defined by Chapter 91, WI Statutes.

Permitted Principal Uses:

1. Farms, including the usual farm buildings, structures and a single-family residence, provided all

are intended and necessary for the farming operation. One additional single-family residence may be allowed if it is within the existing cluster of buildings and necessary for the farming operation. It is not intended to allow a second residence as a “guest house” or other convenience but as a necessary housing unit for family or hired employees of the farming operation. The cluster shall be the area within 300 feet of the primary grouping of agricultural buildings on the farm, served by a common driveway and not divided by any public road.

2. Allowable agricultural uses as defined in Ch. 91.01(2) WI Stats.
3. Farm residences, when no longer used as a farm dwelling, may be rented for full-time residential use throughout the reasonable and properly maintained life of the structure.
4. Household occupations are allowed if consistent with Ch. 91.01(1) WI Stats.
5. Roadside stands provided the following:
 - a) There is no permanent structure.
 - b) The only structure consists of a table or similar non-enclosed stand with a maximum display dimension of 100 square feet.
 - c) The stand shall be situated not less than thirty (30) feet from the public road right-of-way.
 - d) Only produce and farm products can be displayed that are produced on the premises.
 - e) There is adequate off-street parking provided so as there is no parking within the right-of-way of the public road.
6. Residential Kennel if on lot of 40 or more acres

Conditional Uses: (Conditional uses are permitted only after a public hearing and approval as specified in Section 4.0 of this Ordinance)

1. A single-family residence may be requested to be located outside the cluster of usual farm buildings. The intent is to provide for additional residential accommodations as necessary to maintain the viability of the farming operation where it is not practicable to site within the existing cluster of buildings.
2. Roadside stand for the sale of farm products that does not comply with number five under Permitted Principal Uses above if consistent with Ch. 91.01(1) WI Stats.
3. Private airstrips and landing fields may be requested, provided they associated with the farming operation on the affected property and would not be incompatible with surrounding land uses.
4. Cemeteries, including mausoleums and crematories, may be requested provided:
 - a) A cemetery that contains or proposes to contain more than one burial site must be platted in compliance with Chapter 157 WI Statutes, or as subsequently renumbered.
 - b) An affidavit or similar document recorded with the Iowa County Register of Deeds to inform of a granted conditional use permit for a single burial site cemetery shall be a required condition to any approved conditional use permit.
 - c) Any new mausoleum or crematory shall be conditioned with a minimum setback distance to all property lines and existing legal land uses that is reasonable to minimize potential conflict.
 - d) Adequate organizational structure and funding for care shall be maintained, absent a written agreement of the Town or Towns in which the cemetery is located, to provide for perpetual care.
5. Professional home offices may be requested if consistent with Ch. 91.01(1) WI Stats.
6. Recreational Residential Rental if consistent with Ch. 91.01(1) WI Stats.
7. Transportation, communications, pipeline, electric transmission, utility, or drainage uses if consistent with Ch. 91.46(4) WI Stats, including wind and solar energy systems where the energy generated is primarily to be used off site.
8. Commercial Kennel
9. Residential Kennel if on a lot of less than 40 acres

A-1 EXCLUSIVE AGRICULTURAL DISTRICT LOT DIMENSIONS AND BUILDING SETBACKS	
Lot Width	Minimum 50 feet
Lot Area	Minimum 40 acres
Building Height For Residence	50 Feet Maximum
Building Height For Nonresidential Structures	No Maximum
Yards, all structures	Minimum 20 feet or structure height, whichever is greater

--	--

AC-1 Exclusive Agricultural Conservancy Overlay District

This overlay district is intended to apply in combination with the underlying base A-1 zoning district to impose regulations and standards in addition to those required by the base A-1 zoning district. Specifically, no structural development is allowed in this overlay district. The requirements of the overlay district shall apply whenever they are in conflict with and are more stringent than those in the base district. The intention of this overlay district is to create an implementation tool for development density goals by creating an overlay district that preserves underlying agricultural uses but prohibits structural development.

As an overlay district, the AC-1 can only be used when the underlying land is zoned A-1 and meets the minimum contiguous lot size for the A-1 district. Any existing or proposed land division that would create a lot less than the required minimum lot size in the A-1 district is not eligible for this overlay district.

This district shall be deemed a farmland preservation zoning district as defined by Chapter 91, WI Statutes.

General Provisions:

1. All structures are prohibited.
2. The proposed location of this overlay district must comply with any siting criteria listed within the Iowa County Comprehensive Plan and, in all cases, shall require a recommendation of the affected Town or Towns.
3. Description of this overlay district shall be, at a minimum, be one that can be accurately mapped and provides the area in acres. If deemed necessary, a plat of survey that includes area in acres may be required.
4. Application for this overlay district shall follow the provisions of Section 11.0 of this Ordinance.
5. Applications for removal of lands from this overlay district may be made either by a Town Board, Committee or owner of the affected land.

Permitted Principal Uses:

All permitted principal uses allowed in the underlying A-1 Agricultural district.

Conditional Uses:

Transportation, communications, pipeline, electric transmission, utility, or drainage uses if consistent with Ch. 91.46(4) WI Stats, including wind and solar energy systems where the energy generated is primarily to be used off site.

AC-1 EXCLUSIVE AGRICULTURAL CONSERVANCY OVERLAY DISTRICT LOT DIMENSIONS AND BUILDING SETBACKS	
Zoning Lot Width	Minimum 50 feet
Zoning Lot Area	Minimum 1 acre No Maximum

3.3 OPEN SPACE/RECREATIONAL DISTRICTS

C-1 Conservancy District

The intention of this district is to provide for general agricultural and open-space activities with the prohibition of any structures or buildings. It is intended to be used as a tool to preserve tracts of land that are to remain free from structural development, but can continue to be cropped.

This district shall be deemed a farmland preservation zoning district as defined by Chapter 91, WI Statutes.

Permitted Principal Uses:

1. Agricultural cropping is allowed if for the purpose of earning an income or livelihood.
2. Agricultural livestock pasturing is allowed, following the animal unit allowances of Section 3.4 for lots under 40 acres.
3. Forestry is allowed.
4. Prairie and natural flora restoration projects are allowed.
5. Arboretums are allowed.

Conditional Uses:

1. Nature trails, defined as areas open to the public without charge for the purposes of viewing the natural fauna and flora, may be requested.
2. Agritainment accessory use as defined by §91.01(1) Stats.
3. Transportation, communications, pipeline, electric transmission, utility, or drainage uses if consistent with Ch. 91.46(4) WI Stats, including wind and solar energy systems where the energy generated is primarily to be used off site.

C-1 OPEN SPACE / RECREATIONAL DISTRICT LOT DIMENSIONS AND BUILDING SETBACKS	
Lot Width	Minimum 50 feet
Lot Area	Minimum 1 acre No Maximum

CR-1 Conservancy Recreational District

The intention of this district is to provide for a recreational use of property that does not involve commercial activities

Principal Permitted Uses:

1. Agricultural uses, such as but not limited to, cropping and pasturing. The animal unit allowances of Section 3.4 shall be followed for lots under 40 acres.

Conditional Uses:

1. Not-for-profit camps, which may contain lodging accommodations, including motels, hotels, cottage type facilities or tents owned by the management, eating and drinking establishments may be requested.

CR-1 CONSERVANCY RECREATIONAL DISTRICT LOT DIMENSIONS AND BUILDING SETBACKS	
Lot Width	Minimum 100 feet
Lot Area	Minimum 20 acres No Maximum
Yard Setback, all structures Principal Structure Height	Minimum 20 feet or structure height, whichever is greater Minimum 20 feet Maximum 50 feet

H-1 Historical Preservation District

It is the intent of this district to be used as a means for preserving those existing structures considered to have historical significance and importance that predate the adoption of the Zoning Ordinance and therefore may not meet the required setbacks or other stipulations. Examples would include single-room schoolhouses and churches or other similar places of worship.

This district may be used to classify land on which there already exists a historically significant structure or structures to be used as provided below. It is not to be used for new construction of a principal structure.

Permitted Principal Uses:

1. Churches and other similar places of worship are allowed.
2. Single family residential use of a historical structure is allowed.
 - a) Accessory structures, providing the highway setbacks of Section 6.1 are met and the provisions of Section 7.2 are met, are allowed.

Conditional Uses:

1. The division of an existing H-1 lot, where the result is the creation of a new lot that meets the dimensional standards of this section, may be requested.
2. Governmental uses including but not limited to meeting halls, public offices, and informational centers may be requested.
3. Cemeteries, including mausoleums and crematories, may be requested provided:
 - b) A cemetery that contains or proposes to contain more than one burial site must be platted in compliance with Chapter 157 WI Statutes, or as subsequently renumbered.
 - c) An affidavit or similar document recorded with the Iowa County Register of Deeds to inform of a granted conditional use permit for a single burial site cemetery shall be a required condition to any approved conditional use permit.
 - d) Any new mausoleum or crematory shall be conditioned with a minimum setback distance to all property lines and existing legal land uses that is reasonable to minimize potential conflict.
 - e) Adequate organizational structure and funding for care shall be maintained, absent a written agreement of the Town or Towns in which the cemetery is located, to provide for perpetual care.

H-1 HISTORICAL PRESERVATION DISTRICT LOT DIMENSIONS AND BUILDING SETBACKS	
Lot Width	Minimum 100 feet
Lot Area	Minimum 20,000 square feet Maximum 5 acres
Yard setbacks, all structures	Minimum 10 feet or height or structure, whichever is greater
Side Yards Setbacks	Minimum 10 feet
Street Yards Setbacks from ROW	State or Federal Highway Minimum 25 feet County Trunk Highway Minimum 15 feet Other public roads Minimum 10 feet
Street Yards Setbacks from Centerline	State or Federal Highway Minimum 75 feet County Trunk Highway Minimum 48 feet Other public roads Minimum 43 feet
Principal Structure Height	Maximum 50 feet

3.4 RESIDENTIAL DISTRICTS

AR-1 Agricultural Residential District

The intention of this district is to provide agricultural uses in a predominantly residential area or on lots that are not considered adequate to meet farm size.

Permitted Principal Uses:

1. One single-family residence is allowed per lot.
2. Accessory structures are allowed.
3. Household occupations are allowed.
4. General farming, meaning cropping and pasturing, is allowed provided the following animal unit allowances are not exceeded:

Lot Size	# of Animal Units Allowed
Less than 5 acres	by conditional use permit
5 to 9.99 acres	3 Animal Units
10-14.99 acres	5 Animal Units
15-24.99 acres	8 Animal Units
25-39.99 acres	11 Animal Units

Conditional Uses:

1. The division of an existing AR-1 lot.
2. Additional animal units may be requested provided the total number requested does not exceed twice the allowed total and evidence is submitted with the application stating the capability of the lot to support the intended animals. Each application shall include a waste management plan stating the anticipated volume to be generated on a monthly basis and how/where it is to be disposed of.
3. Professional home offices may be requested.
4. Cemeteries, including mausoleums and crematories, may be requested provided:
 - a) A cemetery that contains or proposes to contain more than one burial site must be platted in compliance with Chapter 157 WI Statutes, or as subsequently renumbered.
 - b) An affidavit or similar document recorded with the Iowa County Register of Deeds to inform of a granted conditional use permit for a single burial site cemetery shall be a required condition to any approved conditional use permit.
 - c) Any new mausoleum or crematory shall be conditioned with a minimum setback distance to all property lines and existing legal land uses that is reasonable to minimize potential conflict.
 - d) Adequate organizational structure and funding for care shall be maintained, absent a written agreement of the Town or Towns in which the cemetery is located, to provide for perpetual care.
5. Commercial Kennel
6. Residential Kennel
7. Recreational Residential Rental

AR-1 AGRICULTURAL RESIDENTIAL DISTRICT LOT DIMENSIONS AND BUILDING SETBACKS	
Lot Width	Minimum 100 feet
Lot Area	Minimum 1 acre Maximum 39.99 acres
Building Height For Residence	50 feet Maximum
Building Height For Accessory Structures	30 feet
Yards, all structures	Minimum 20 feet or structure height, whichever is greater

R-1 Single Family Residential District

Permitted Principal Uses:

1. One single-family residence is allowed per lot.
2. Accessory structures are allowed.
3. Household occupations are allowed.

Conditional Uses:

1. The division of an existing R-1 lot where the result is the creation of a new lot that meets the dimensional standards of this section may be requested.
2. Churches and similar places of worship and instruction including parish houses may be requested, provided there is adequate parking area.
3. Governmental uses including but not limited to meeting halls, public offices, and informational centers may be requested.
6. Structures and facilities associated with utilities are allowed, with no minimum lot size, provided all structures and uses are not less than fifty (50) feet from any residential district lot line.
7. Public, parochial and private elementary schools may be requested, provided the lot area is not less than five (5) acres and all principal structures and uses are not less than fifty (50) feet from any lot line, there is adequate parking area and an approved traffic flow plan.
8. Public parks, recreation areas, playgrounds and community centers, not including trailer or tent camping areas or mobile home/manufactured home parks, may be requested.
9. Professional offices may be requested.
10. Residential Kennel
11. Recreational Residential Rental

R-1 SINGLE FAMILY DISTRICT LOT DIMENSIONS AND BUILDING SETBACKS		
	<i>Without Public Sewer and Water</i>	<i>With Public Sewer and Water</i>
Lot Width	Minimum 100 feet	Minimum 100 feet
Lot Area	Minimum 1 acre	Minimum 20,000 sq. ft.
Building Height For Residence	Maximum 50 feet	Maximum 50 feet
Building Height for Accessory Structure	Maximum 30 feet	Maximum 30 feet
Yards, all structures	Minimum 20 feet	Minimum 15 feet

R-2 Multi-Family Residential District

Permitted Principal Uses:

1. One two-family or multi-family residence is allowed per lot.
2. Accessory structures are allowed.

Conditional Uses:

1. The division of an existing R-2 lot where the result is the creation of a new lot that meets the dimensional standards of this section may be requested.
2. Churches and similar places of worship and instruction including parish houses may be requested, provided there is adequate parking area.
3. Governmental uses including but not limited to meeting halls, public offices, and informational centers may be requested.
4. Structures and facilities associated with utilities are allowed, with no minimum lot size, provided all structures and uses are not less than fifty (50) feet from any residential district lot line.
5. Public, parochial and private elementary schools may be requested, provided the lot area is not less than five (5) acres and all principal structures and uses are not less than fifty (50) feet from any lot line, there is adequate parking area and an approved traffic flow plan.
6. Public parks, recreation areas, playgrounds and community centers may be requested, not including trailer or tent camping areas or mobile home/manufactured home parks.
7. Residential Kennel

R-2 MULTI-FAMILY DISTRICT LOT DIMENSIONS AND BUILDING SETBACKS		
	<i>Two Family Dwellings</i>	<i>Multi-Family Dwellings</i>
Lot Width	Minimum 100 feet	Minimum 200feet
Lot Area	Minimum 1 acre	Minimum 1 acre **
Building Height For Residence	Maximum 50 feet	Maximum 50 feet
Building Height for Accessory Structure	Maximum 30 feet	Maximum 30 feet
Yards, all structures	Minimum 20 feet	Minimum 15 feet

** With not less than 2,000 square feet per efficiency; 2,500 square feet per one-bedroom unit; 3,000 square feet per two-bedroom unit

R-3 Mobile/Manufactured Home District

Permitted Principal Uses:

1. Mobile home/manufactured home parks are allowed provided the special conditions specified for mobile home/manufactured home parks in Section 5.8 are met.
2. Accessory structures are allowed.

Conditional Uses:

1. The division of an existing R-3 lot where the result is the creation of a new lot that meets the dimensional standards of this section may be requested.
2. Structures and facilities associated with utilities are allowed, with no minimum lot size, provided all structures and uses are not less than fifty (50) feet from any residential district lot line.

R-3 MOBILE/MANUFACTURED HOME DISTRICT LOT DIMENSIONS AND BUILDING SETBACKS		
	<i>Without Public Sewer and Water</i>	<i>With Public Sewer and Water</i>
Lot Width	Minimum 100 feet	Minimum 100 feet
Lot Area	Minimum 10 acres	Minimum 10 acres.
Building Height For Residence	Maximum 50 feet	Maximum 50 feet
Building Height for Accessory Structure	Maximum 30 feet	Maximum 30 feet
Yards, all structures	Minimum 20 feet	Minimum 15 feet

R-4 Residential Boundary Agreement District

This district is established for high-density rural development within an approved Joint Cooperative Boundary Agreement area as prescribed by 66.023, 1995-96 Wisconsin Statutes. All property within this district must be serviced by a municipal water and sewer system. All development must occur within a platted subdivision. All construction must comply with the Uniform Dwelling Code (UDC) permits and inspections by Wisconsin certified UDC inspectors.

Permitted Principal Uses:

1. One single-family residence is allowed per lot, or
2. One two-family residence is allowed per lot, or
3. One multi-family residence with not more than three (3) dwelling units is allowed per lot.
4. An attached or detached garage with 750 square feet area maximum and 15 feet height maximum is allowed
5. Garden and yard equipment sheds with 200 square feet area maximum are allowed.

Conditional Uses:

1. Churches and similar places of worship and instruction including parish houses may be requested.
2. Public, parochial and private elementary and secondary schools may be requested.
3. Governmental uses including but not limited to meeting halls, public offices, and informational centers may be requested.
4. Structures and facilities associated with utilities are allowed, with no minimum lot size, provided all structures and uses are not less than fifty (50) feet from any residential district lot line.
5. Public parks, recreation areas, playgrounds and community centers may be requested, not including trailer or tent camping or mobile home/manufactured home parks.
6. Home occupations and professional home offices may be requested.
7. Daycare centers may be requested.
8. Real estate offices may be requested with the condition that only one sign shall be allowed with a maximum size of two (2) square feet.

R-4 RESIDENTIAL BOUNDARY AGREEMENT DISTRICT LOT DIMENSIONS AND BUILDING SETBACKS	
Lot Width	Minimum 80 feet
Lot Area	Minimum 8,000 square feet
Lot Area Per Dwelling Unit	Minimum 4,000 square feet
Principal Structure Height	32 feet Maximum
Street Yards	Minimum 25 feet (This has control over Section 6.1 setbacks)
Rear Yards	Minimum 25 feet
Side Yards	Minimum 20 feet total Minimum 8 feet per side
Percentage of Lot Coverage	Maximum 25% with structures

3.5 BUSINESS DISTRICTS

RB-1 Recreational Business District:

The intent of this district is for businesses of a recreational nature that generally require larger tracts of land. These businesses are often more of a destination, versus relying primarily on passing traffic for business.

Principal Uses:

Agricultural cropping

Conditional Uses:

1. The division of an existing RB-1 lot
2. Ski hills, including eating facilities and rental/retail sales may be requested.
3. Golf courses, including driving ranges, eating facilities and retail sales, may be requested.
4. Horse stables, including boarding, grooming, training and riding paths may be requested.
5. Motorized and non-motorized race facilities may be requested, including but not limited to, race cars, go-carts all terrain vehicles, dirt bikes, bicycle and 4-wheel drive trucks. This use may include racing events and limited retail sales.
6. Hunt clubs and hunting preserves may be requested.
7. Outdoor recreation facilities may be requested. These uses may include, but are not limited to, paintball fields, rockwall climbing, remote-controlled vehicle fields, sporting fields, etc.
8. Private boat launches may be requested.
9. Outdoor theatres, amphitheatres and playhouses may be requested.
10. Campgrounds may be requested, provided the requirements of Section 5.9 of this Ordinance are met

11. Amusement parks may be requested.
12. Boys/girls/church camps and resorts may be requested.
13. One single-family residence provided it is associated with an approved business activity.
14. Hotel, motel or tourist cottage.
15. Cemeteries, including mausoleums and crematories, may be requested provided:
 - a) A cemetery that contains or proposes to contain more than one burial site must be platted in compliance with Chapter 157 WI Statutes, or as subsequently renumbered.
 - b) An affidavit or similar document recorded with the Iowa County Register of Deeds to inform of a granted conditional use permit for a single burial site cemetery shall be a required condition to any approved conditional use permit.
 - c) Any new mausoleum or crematory shall be conditioned with a minimum setback distance to all property lines and existing legal land uses that is reasonable to minimize potential conflict.
 - d) Adequate organizational structure and funding for care shall be maintained, absent a written agreement of the Town or Towns in which the cemetery is located, to provide for perpetual care.
16. Commercial Kennel

RB-1 RECREATIONAL BUSINESS DISTRICT LOT DIMENSIONS AND BUILDING SETBACKS	
Lot Frontage and Width	Minimum 200 feet
Lot Area	Minimum 5 acres
Principal Structure Height	Maximum 50 feet
Yards, all structures	Minimum 20 feet or height or structure, whichever is greater

AB-1 Agricultural Business District:

It is the intent of this district to provide a classification for businesses that directly support the agricultural economy.

This district shall be deemed a farmland preservation zoning district as defined by Chapter 91, WI Statutes.

Permitted Principal Uses:

Agricultural cropping

Conditional Uses:

1. The division of an existing AB-1 lot where the result is the creation of a new lot that meets the dimensional standards of this section may be requested.
2. Feed mills, dryers and fertilizer plants may be requested.
3. Commercial grain storage bins may be requested.
4. Nonmetallic mining provided the provisions of Section 4.5 of this Ordinance are met and if consistent with Ch. 91.46(6) WI Stats..
5. Public airports, airstrips and landing fields may be requested provided the site area is not less than forty (40) acres and there is provided an approved plan that takes into consideration the impacts on surrounding land uses. This use must be consistent with Ch. 91.46(1) WI Stats.
6. Cheese factories, creameries, condensers and pea vineries may be requested, provided there is a satisfactory method of disposing of waste.
7. Agritainment if consistent with Ch. 91.01(1) WI Stats.
8. Commercial Livestock Operation, which may include an affiliated residence.
9. Implement dealerships.
10. Ethanol and bio-fuel plants.
11. Cemeteries, including mausoleums and crematories, may be requested provided:
 - a) A cemetery that contains or proposes to contain more than one burial site must be platted in compliance with Chapter 157 WI Statutes, or as subsequently renumbered.
 - b) An affidavit or similar document recorded with the Iowa County Register of Deeds to inform of

- a granted conditional use permit for a single burial site cemetery shall be a required condition to any approved conditional use permit.
- c) Any new mausoleum or crematory shall be conditioned with a minimum setback distance to all property lines and existing legal land uses that is reasonable to minimize potential conflict.
 - d) Adequate organizational structure and funding for care shall be maintained, absent a written agreement of the Town or Towns in which the cemetery is located, to provide for perpetual care.
 - e) This use qualifies under Ch. 91.46(5) WI Stats.
12. Transportation, communications, pipeline, electric transmission, utility, or drainage uses if consistent with Ch. 91.46(4) WI Stats, including wind and solar energy systems where the energy generated is primarily to be used off site.
13. Commercial Kennel

AB-1 AGRICULTURAL BUSINESS DISTRICT LOT DIMENSIONS AND BUILDING SETBACKS	
Lot Frontage and Width	Minimum 200 feet
Lot Area	Minimum 1 acre
Principal Structure Height	Maximum 50 feet
Yards, all structures	Minimum 20 feet or structure height, whichever is greater

B-1 Local Business District

This district is intended for compact, clustered developments, such as mini-malls or retail shopping outlets.

Permitted Principal Uses:

The following uses are allowed:

- | | | |
|--------------------------------|---|---|
| 1. art gallery | 25. heating supply | 43. public parking lots |
| 2. apartment hotels | 26. hobby shops | 44. publishing |
| 3. appliance stores | 27. hotels | 45. radio broadcasting studios |
| 4. bakeries | 28. kennels | 46. restaurants |
| 5. barber shops | 29. laundry and dry-cleaning establishments | 47. second-hand stores |
| 6. beauty shops | 30. liquor stores | 48. self-service and pickup laundry and dry-cleaning establishments |
| 7. business offices | 31. meat markets, not including the slaughtering of animals | 49. soda fountains |
| 8. caterers | 32. music stores | 50. sporting goods, not including sporting weapons |
| 9. churches | 33. newspaper offices and press rooms | 51. super markets |
| 10. clinics | 34. office supplies | 52. television broadcasting studios |
| 11. clothing repair shops | 35. optical offices | 53. tobacco stores |
| 12. clothing stores | 36. pawn shops | 54. trade and contractor's offices |
| 13. confectioneries | 37. pet shops | 55. upholsterer's shops |
| 14. crockery stores | 38. photographic supplies | 56. variety and liquidator stores |
| 15. delicatessens | 39. portrait studio | 57. vegetable stores. |
| 16. department stores | 40. printing | |
| 17. drug stores | 41. private schools | |
| 18. electrical supply | 42. professional offices | |
| 19. financial institutions | | |
| 20. furniture stores | | |
| 21. furniture upholstery shops | | |
| 22. gift stores | | |
| 23. grocery stores | | |
| 24. hardware stores | | |

Conditional Uses:

- 1. The division of an existing B-1 lot

2. Bars, clubs and night clubs
3. Sales and service of sporting weapons, such as firearms, archery equipment and knives.
4. Governmental uses including but not limited to meeting halls, public offices, and informational centers may be requested.
5. Structures and facilities associated with utilities are allowed, with no minimum lot size, provided all structures and uses are not less than fifty (50) feet from any residential district lot line.
6. Public passenger transportation terminals, such as bus and rail depots, may be requested provided all principal structures and uses are not less than one hundred (100) feet from any residential district boundary.
7. Drive-in banks and drive-in establishments serving food or beverages for consumption outside the structure may be requested.
8. Vehicle sales, including washing and repair, storage garages and automobile service stations may be requested subject to the following conditions:
 - a) No repair work can be performed out-of-doors.
 - b) Pumps, lubricating or other devices must be located at least twenty (20) feet from any lot line, street line or highway right-of-way.
 - c) All fuel, oil or similar substances must be stored at least thirty-five (35) feet distant from any street or lot line.
 - d) All automobile parts, dismantled vehicles and similar articles must be stored within a building.
9. Proposed and existing single-family residences may be requested provided they are affiliated with the principal business.

B-1 LOCAL BUSINESS DISTRICT LOT DIMENSIONS AND BUILDING SETBACKS	
Lot Frontage and Width	Minimum 60 feet
Lot Area	Minimum 20,000 sq. ft.
Principal Structure Height	Maximum 50 feet
Yards, all structures	Minimum 20 feet or structure height, whichever is greater

B-2 Highway Business District

This district is intended for business and commercial uses that provide a public benefit and are located in close proximity to a public highway adequate to serve the intended operation. In general, these are businesses that rely on passing traffic for a significant portion of their business.

Permitted Principal Uses:

Agricultural cropping

Conditional Uses:

1. The division of an existing B-2 lot
2. Retail sales and service businesses may be requested including, but not limited to:

<ol style="list-style-type: none"> a) Restaurants b) Bars c) Hotels and Motels d) Grocery stores e) Hardware stores f) Antique and gift stores g) Bowling alleys h) Skating rinks i) Greenhouses j) Miniature golf courses k) Driving ranges l) Dance halls 	<ol style="list-style-type: none"> m) Public and private parking lots n) Taxidermy o) Mini-storage warehouses p) Department stores q) Office of professional services including, but not limited to: <ol style="list-style-type: none"> 1) Physicians and other health care providers 2) Insurance agencies 3) Real estate agencies 4) Surveyors or Attorneys 5) Barbers and beauticians
---	---

6) Banks and financial institutions

3. Governmental uses including but not limited to meeting halls, public offices, and informational centers may be requested.
4. Structures and facilities associated with utilities are allowed, with no minimum lot size, provided all structures and uses are not less than fifty (50) feet from any residential district lot line.
5. Public passenger transportation terminals such as bus and rail depots may be requested provided all principal structures and uses are not less than one hundred (100) feet from any residential district boundary.
6. Drive-in establishments serving food or beverages for consumption outside the structure may be requested.
7. Vehicle sales, including washing and repair, storage garages and automobile service stations may be requested subject to the following conditions:
 - a) No repair work can be performed out-of-doors.
 - b) Pumps, lubricating or other devices must be located at least twenty (20) feet from any lot line, street line or highway right-of-way.
 - c) All fuel, oil or similar substances must be stored at least thirty-five (35) feet distant from any street or lot line.
 - d) All automobile parts, dismantled vehicles and similar articles must be stored within a building.
8. Boat liveryes and boat storage facilities may be requested.
9. Public and commercial swimming pools may be requested.
10. Tourist attractions where the public is charged admission for the privilege of viewing or using the premises may be requested.
11. re
12. All uses listed in the B-1 district not listed here may be requested provided at least one use has been approved specific only to the B-2 district and all uses are customarily related.
13. Tourist cottage
14. Cemeteries, including mausoleums and crematories, may be requested provided:
 - a) A cemetery that contains or proposes to contain more than one burial site must be platted in compliance with Chapter 157 WI Statutes, or as subsequently renumbered.
 - b) An affidavit or similar document recorded with the Iowa County Register of Deeds to inform of a granted conditional use permit for a single burial site cemetery shall be a required condition to any approved conditional use permit.
 - c) Any new mausoleum or crematory shall be conditioned with a minimum setback distance to all property lines and existing legal land uses that is reasonable to minimize potential conflict.
 - d) Adequate organizational structure and funding for care shall be maintained, absent a written agreement of the Town or Towns in which the cemetery is located, to provide for perpetual care.

B-2 HIGHWAY BUSINESS DISTRICT LOT DIMENSIONS AND BUILDING SETBACKS	
Lot Frontage and Width	Minimum 200 feet
Lot Area	Minimum 1 acre
Principal Structure Height	Maximum 50 feet
Yards, all structures	Minimum 20 feet or structure height, whichever is greater

B-3 Heavy Business District

This district is intended to provide an area of more intensive business activity that may involve assembly, light fabrication, repairs and other services. Consideration should be given to the compatibility of the proposed use with surrounding land uses. When deemed appropriate, there may be a buffer imposed between the heavy business use and adjacent land uses.

Permitted Principal Uses:

Agricultural cropping

Conditional Uses:

1. The division of an existing B-3 lot.
2. Implement dealers, construction companies, bottled gas dealers, and lumberyards may be requested.
3. Warehouses and transportation terminals, for exchange and storage of freight may be requested.
4. Food locker plants, commercial bakeries, cleaning, pressing and dyeing establishments may be requested.
5. Mobile home, manufactured home and modular home construction and sales may be requested.
6. Machine shops, printing and publishing may be requested.
7. Manufacture and sales of monuments, and burial vaults may be requested.
8. Governmental uses including but not limited to meeting halls, public offices, and informational centers may be requested.
9. Structures and facilities associated with utilities are allowed, with no minimum lot size, provided all structures and uses are not less than fifty (50) feet from any residential district lot line.
11. Proposed and existing single-family residences may be requested provided they are affiliated
12. All uses listed in the B-2 Highway Business District not listed here may be requested provided at least one use has been approved specific only to the B-3 district and all uses are customarily related

B-3 HEAVY BUSINESS DISTRICT LOT DIMENSIONS AND BUILDING SETBACKS	
Lot Frontage and Width	Minimum 200 feet
Lot Area	Minimum 1 acre
Principal Structure Height	Maximum 50 feet
Yards, all structures	Minimum 20 feet or structure height, whichever is greater

B-4 Industrial Business District

The intent of this district is to provide an area where more intensive commercial activities take place that may involve fabrication, manufacturing, trucking, use of chemicals, etc. Consideration for rezoning to this district should be given on the impacts to surrounding land uses.

General Conditions:

1. Manufacturing, fabricating, repairing, storing, cleaning, servicing and testing of materials, goods or products, shall be carried on in such a manner as not to be injurious or offensive to the public by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic or noxious materials, odors, fires, or explosive hazards, or glare or heat.
2. No activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted except as authorized by a special exception granted by the Committee. Such a special exception shall require submittal of a management plan approved by the county emergency government authority.
3. All activities involving the manufacturing, fabricating, repairing, storing, cleaning, servicing and testing of materials, products and goods shall be within completely enclosed buildings, or may be out-of-doors if completely screened by a solid wall or uniformly painted solid fence or suitable substitute at least eight (8) feet in height, and if there is no open storage at a greater height than that of screening element.
4. Utilities are permitted provided structures and uses are not less than fifty (50) feet from any residential lot line.
5. Public passenger transportation terminals are permitted provided all principal structures and uses are not less than one hundred (100) feet from any residential district boundary.
6. No building, structure or parcel of land shall be used for manufacturing, fabricating, repairing, storing, cleaning, servicing of materials, products, or goods, within five hundred (500) feet of any lot line adjoining a dwelling or residential district and, when directly across the street from a dwelling or

residential district, there shall be provided for such use a front yard not less than five hundred (500) feet in depth along such street frontage. These buffers do not apply to residences on the property zoned B-4, provided they are used in conjunction with the business.

7. Sanitary landfills may be requested, including municipally operated or leased sanitary land fills, for the proper dumping of trash or garbage, provided:
 - a) The use shall not be located nearer than one thousand (1000) feet to any zoned residential district or dwelling other than the lessee or owner of the site.
 - b) The operator of such sanitary landfill has obtained necessary state licenses and permits.

Permitted Principal Uses:

Agricultural cropping

Conditional Uses:

1. The division of an existing B-4 lot
2. Automotive body repairs; cleaning, pressing and dyeing establishments; commercial bakeries; distributors; laboratories; machine shops; manufacture and bottling of non-alcoholic beverages; painting, printing; publishing; storage and sale of machinery and equipment; trade and contractor's offices; warehousing and wholesaling, manufacture, fabrication, packing, packaging and assembly of products from furs, glass, leather, metals, paper, plaster, plastics, textiles, and wood all may be requested. Manufacture, fabrication, processing, packaging and packing of confections; cosmetics; electrical appliances; electronic devices; food, fish, and fish products, meat and meat products, and pea vining; instruments; jewelry; pharmaceuticals; tobacco and toiletries; taxidermy all may be requested.
3. Freight yards, freight terminals and transshipment depots, inside storage, breweries, and crematories may be requested.
4. Salvage yards.
5. Proposed and existing single-family residences may be requested provided they are affiliated
6. Manufacture and processing of abrasives, acetylene, acid, alkalis, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal, tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, felt, fuel, furs, gelatin, glucose, gypsum, hair products, ice, ink, insecticide, lampblack, lime, lime products, linoleum, matches, oil cloth, paint, paper, peas, perfume, pickle, plaster of paris, plastics, poison, polish, potash, pulp, pyroxylin, radium, rope, rubber shoddy, shoe manufacturing, processing and storage of building materials, explosives, dry ice, fat, fertilizer, flammable, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, beverages, bag cleaning, bleacheries, canneries, cold storage warehouses, electrical and steam generating plants; electroplating; enameling, foundries, garbage incinerators; lacquering; lithographing; offal, rubbish, or animal reduction; oil, coal and bone distillation; refineries; road test facilities; slaughterhouses; smelting; stockyards; tanneries; and weaving all may be requested.
7. Outside storage and manufacturing area, wrecking, junk, demolition and scrap yards may be requested provided they are surrounded by a solid fence or evergreen planting screen at least 8 feet high completely preventing a view from any other property or public right-of-way.
8. Commercial service facilities such as restaurants and fueling stations may be requested, provided all such services are physically and sales-wise oriented toward industrial district users and employees and other users are only incidental customers.
9. All uses listed in the B-3 Heavy Business District not listed here may be requested provided at least one use has been approved specific only to the B-4 district and all uses are customarily related.
10. Nonmetallic mining provided the provisions of Section 4.5 of this Ordinance are met.

B-4 INDUSTRIAL BUSINESS DISTRICT LOT DIMENSIONS AND BUILDING SETBACKS	
Lot Frontage and Width	Minimum 200 feet
Lot Area	Minimum 5 acres
Principal Structure Height	Maximum 50 feet
Yards, all structures	Minimum 20 feet or structure height,

	whichever is greater

B-5 Adult Entertainment Business District

The intent of this district is to provide for Adult Entertainment businesses where so designated within the Iowa County Comprehensive Plan.

General Conditions:

1. No adult entertainment business shall be located closer than 1320 feet from any residential zoning district.
2. No adult entertainment business shall be allowed within 1320 feet from an existing adult entertainment business.
3. No adult entertainment business shall be located closer than 1320 feet from any religious institution, school, park, playground or public building.

Permitted Principal Uses:

1. Adult bookstores, being establishments that sell or rent materials that depict, describe, or relate to specified sexual activities.
2. Adult entertainment, being establishments that feature topless or bottomless dancers, waitresses, waiters or entertainers or that include a theater in which the primary or principal attraction is the presentation of material that relates to specified sexual activities.
3. Casinos and other gambling, gaming or wagering establishments.

Conditional Uses:

1. The division of an existing B-5 lot

B-5 ADULT ENTERTAINMENT BUSINESS DISTRICT LOT DIMENSIONS AND BUILDING SETBACKS	
Lot Frontage and Width	Minimum 200 feet
Lot Area	Minimum 5 acres
Principal Structure Height	Maximum 35 feet
Yards, all structures	Minimum 20 feet or structure height, whichever is greater

3.6 RH-1 Rural Hamlet District

It is the intent of this district is to be used in recognition of small, unincorporated communities with a collection of mixed uses. Rural hamlets are generally not provided public water or sewer, are platted into sub-acre lots, and are predominantly residential with compliment of small-scale commercial uses.

This district proposes to maintain the viability of “historic” rural hamlets where homes, community services, public spaces and limited commercial uses are currently present. It is not the intent of this district to create new areas to be developed as hamlets. The following areas that will be considered eligible for this district are the existing historical communities of : Edmund in the Town of Linden, Helena in the Town of Arena, Jonesdale in the Town of Waldwick, and Mifflin in the Town of Mifflin.

Mixed uses, meaning one or more principal use, proposed on a single lot and/or within a single building are allowed following the designation of uses below.

Limited expansion of existing rural hamlets may be considered provided the proposed expansion is necessary to support existing development or for “in fill” development. Expansion areas shall be platted to a scale that is consistent with this section and with the existing, adjacent rural hamlet. Alteration and

combination of lots must comply with the land division and subdivision regulations of Iowa County.

Permitted Principal Uses:

1. One single-family, two-family and multi-family residence per lot
2. Household occupations
3. Home professional offices
4. Accessory structures
5. Churches or similar places of worship
6. Governmental uses, including but not limited to meeting halls, and public offices
7. Eating establishments without alcohol, liquor or malt beverages
8. Grocery store, confectionary, bakery, deli, and meat market
9. Retail establishment, indoor sales
10. Animal grooming, veterinary clinic
11. Mini-warehouse indoor storage
12. Recreational facility, indoor
13. Agricultural cropping
14. Personal or professional services such as Realtor, accountant, counseling, architect, heating/air conditioning, barbershop/salon, chiropractor, medical clinic and similar
15. Banks and similar financial institutions

Conditional Uses:

1. Public or private schools, provided the lot area is not less than 2 acres
2. Recreational Residential Rentals and Tourist Cottages
3. Public parks, recreational areas, playgrounds and community centers
4. Mobile home/manufactured home parks. Modifications may be considered to the standards of Section 5.8 of this office due to the physical characteristics of hamlet areas.
5. Cemeteries, including mausoleums and crematories, may be requested provided:
 - a) A cemetery that contains or proposes to contain more than one burial site must be platted in compliance with Chapter 157 WI Statutes, or as subsequently renumbered.
 - b) An affidavit or similar document recorded with the Iowa County Register of Deeds to inform of a granted conditional use permit for a single burial site cemetery shall be a required condition to any approved conditional use permit.
 - c) Any new mausoleum or crematory shall be conditioned with a minimum setback distance to all property lines and existing legal land uses that is reasonable to minimize potential conflict.
 - d) Adequate organizational structure and funding for care shall be maintained, absent a written agreement of the Town or Towns in which the cemetery is located, to provide for perpetual care.
6. Bars, clubs, night clubs and eating establishments with alcohol, liquor or malt beverages
7. Sales and service of firearms and archery equipment.
8. Vehicle sales, including washing and repair, storage garages and automobile service stations may be requested subject to the following conditions:
 - a) No repair work can be performed out-of-doors unless within an area screened on all sides from view.
 - b) Pumps, lubricating or other devices must be located at least twenty (20) feet from any lot line, street line or highway right-of-way.
 - c) All fuel, oil or similar substances must be stored at least thirty-five (35) feet distant from any street or lot line.
 - d) All automobile parts, dismantled vehicles and similar articles must be stored within a building or enclosed area.
9. Retail establishment, outdoor sales
10. Building material sales, outdoor sales, storage yard
11. Auction facility, flea market facilities
12. Recreational facility, outdoor
13. Hotel or motel
14. Light manufacturing or fabricating or assembly of parts
15. Residential Kennel

RH-1 RURAL HAMLET DISTRICT LOT DIMENSIONS AND BUILDING SETBACKS	
Lot Width	Minimum 50 feet
Lot Area	Minimum 4,500 square feet
Side and rear yard setbacks	Minimum 5 feet
Street Yards Setbacks	Setback averaging but not less than 33 feet from the centerline or 10 feet from the right-of-way, whichever is greater – a principal structure may be placed closer only if there are existing principal structures on each adjacent lot (each side) by use of setback averaging – no structure shall be allowed within the right-of-way
Principal Structure Height	Maximum 35 feet
Accessory Structure Height	Maximum 35 feet

SECTION 4.0 CONDITIONAL USES

A conditional use is 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. Conditional uses are generally not acceptable everywhere within a zoning district and, when approved, may be restricted by conditions reasonable to the proposed use. The granting of a conditional use is not guaranteed and shall only be granted if consistent with the purpose and requirements of this Ordinance. Conditions may be imposed that are related to the requested use and reasonable to ensure compliance with the purpose of this Ordinance.

4.1 Permit

The Committee may authorize the Office to issue a Conditional Use Permit (CUP) for conditional uses after review and approval at a public hearing, provided that such conditional uses or structure are in accordance with the provisions and intent of this Ordinance. The approval requirements in Section 4.4 must be complied with.

4.2 Application

Application for a conditional use permit shall be made on forms supplied by the Office. Review of each application shall involve an administrative review by the Office followed by a public hearing before the Committee. Review and approval by the full County Board is not required.

4.3 Fee

The application fee for a conditional use hearing shall be set by County Board resolution and shall be considered separate from any required subsequent hearing fee or permit fee.

4.4 Review, Action, Revocation

The applicant shall provide the opportunity for the Office to review the site, existing and proposed structures, architectural plans, neighboring use, parking areas, driveway locations, highway access, traffic generation, and circulation, drainage, sewerage and water systems, and the proposed operation.

The town or towns in which the affected property is located shall be provided the opportunity to provide a recommendation as part of the application process. The purpose of this recommendation is to solicit compatibility with any town plan or regulation that may be affected by the proposed use.

In reviewing a requested conditional use permit, the Committee shall consider the following requirements:

1. The proposed use complies with all applicable provisions of this Ordinance.
2. The proposed use is compatible with adjacent legal uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts).
3. There are no significant anticipated measurable adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use.
4. Any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent.
5. Public safety, transportation, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development.
6. Adequate assurances by the applicant of continuing maintenance are provided.
7. The proposed use is consistent with the Iowa County Comprehensive Plan.

Conditions may be imposed by the Committee upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance, provided they are consistent with 59.69(5e) Stats. If the applicant meets or agrees to meet the conditions and provides substantial evidence in support, the conditional use permit shall be approved.

Compliance with all other provisions of this Ordinance, such as lot width and area, yards, height, parking, loading, traffic and highway access, shall be required of all conditional uses.

A Conditional Use Permit shall remain in effect and transfer with the property unless a termination date or condition is imposed by the Committee.

The denial of a conditional use permit may be appealed within 30 days of the Committee decision by the applicant to the circuit court under the procedures contained in 59.694(10) WI Stats. Any other appeal may be made within 30 days of the decision of the Committee to the Iowa County Board of Adjustment following the procedures of Section 10 of this Ordinance.

Any conditional use permit may be revoked if it is found that the use is not being conducted in compliance with the plans and specifications submitted with the application and as subsequently approved, or if the use is being conducted in violation of the conditions imposed at approval. The revocation process shall involve the Committee holding a public hearing after providing written notice to the permittee of the conditional use permit citing the violation or compliance issues with the permit. Once notified in writing by the County, the permittee shall be allowed to present evidence on his/her behalf in writing and may attend the public hearing to provide testimony. After the public hearing, the Committee may revoke or modify the conditional use permit.

4.5 Nonmetallic Mining Sites - one acre or greater

- 1) APPLICATION. The following are minimum standards applicable to all nonmetallic mining sites that are one acre or greater of total affected acreage on property under single ownership. Nonmetallic mining sites may be permitted under this section only if it is determined that the site is in the public interest after consideration of the following:
 - a) The nonmetallic mining site complies with all provisions of this ordinance, the Iowa County Nonmetallic Mining Reclamation Ordinance, and Wis. Admin. Code Ch. NR135.
 - b) The establishment, maintenance, or operation of the mining use shall not endanger the public health, safety, or general welfare, nor impair significant aesthetic, scientific, educational, or agricultural values.
 - c) The establishment, maintenance, or operation of the mining use will not substantially affect the existing use of adjacent properties and will not have a substantial adverse effect on the most suitable long term future use for the area.
 - d) That adequate utility, access roads, drainage, traffic plans, and other site improvements are or will be provided.

- e) That the mining use shall conform to all government regulations and standards pertaining to the activity, including air and water quality standards and storm and waste water permit discharge requirements.
 - f) That the noise, vibration, and dust levels be within the standards as established by the state.
 - g) That an undeveloped buffer zone adjacent to extraction operations, extending not less than 50 feet from a property line into the mining site, or up to any other distance as the Committee finds necessary for the protection and safety of adjacent properties from mineral extraction sites, with a stable angle of repose being provided along property lines.
 - h) That the reclamation plan, which shall similarly be imposed as a condition of approval, will be enforceable and, as enforced, will result in the property being in a final conditional which is reasonably safe, attractive and, if possible, conducive to productive new uses for the site.
 - i) That the operation and reclamation shall be conducted in a manner that meets groundwater quality standards pursuant to Wis. Admin. Code ch. NR140.
 - j) That the operations and reclamation shall be conducted in a manner that does not cause a permanent lowering of the groundwater table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater available for reasonable use to future users.
- 2) **ADDITIONAL FINDINGS AND CONDITIONS.** Where deemed practicable and necessary by the Committee, the approval of a permit may be conditioned upon any of the following:
- a) Vegetative screening. An earthen bank, berm, solid fencing or vegetative screen shall be constructed and maintained to screen the mining operation from view.
 - b) Safety standards. The mining site shall be enclosed by at least a 3-strand barbed wire fence, maintained at all times, with warning signs posted to indicate the presence of a nonmetallic mining site at intervals agreeable to the affected town and the County. Fencing and signs shall be installed prior to commencement of operations.
 - c) Water from site dewatering and washing operations will meet the conditions of the required Wisconsin Pollution Discharge Elimination System (WPDES) permit from the Wisconsin Department of Natural Resources.
 - d) Any noise shall comply with all applicable OSHA standards. Verification of this requirement shall be provided to the Office upon written request.
 - e) Blasting shall, at a minimum, comply with the provisions listed in SPS 307, Wis. Administrative Rule. At sites where there is a principal structure on neighboring property within 500 feet of the shared property line with the mining site, blast charges may be required to be reduced in size as blasting activity nears the property line.
 - f) Any conditions reasonable to protect public health, safety, and welfare, including the factors listed above, may be imposed as part of the permit.
- 3) **ASSURANCE.** The Committee shall require reasonable assurance that the conditions it may impose will be satisfied. Such assurance shall be achieved through a combination of the following prior to commencement of operation activities:
- a) Performance bonds or substitute guarantees in the form of pledged collateral.
 - b) Clear identification of the relationships between landowners, lessees, licenses, and operators and the signing of written pledges by those persons who assume responsibility for various elements of the conditions imposed.
 - c) If there is any unresolved dispute between a claimant and the applicants with regard to permit conditions, the applicants agree that the same shall be submitted to arbitration in accordance with Wis. Stat. ch. 788, if the claimant so requests.
- 4) **TIME OF OPERATION.** Unless otherwise specified in this ordinance, the permit shall be in effect for not more than 5 years, and may be renewed by application to the County. All permitted operations may be inspected at least once every year by the Office and may be inspected at the time a request for renewal is submitted for the purpose of determining if all conditions of the operations are being complied with. Renewed permits shall be modified to be in compliance with all state, county, and local law in effect at the time of renewal. Permits may be amended on

application to the Committee to allow extensions or alterations in operations under new ownerships or managements.

- 5) **TERMINATION OF NONMETALLIC MINING ACTIVITIES.** If nonmetallic mining activities terminate for a period of 5 years or more on a site which is the subject of an approved permit, the permit holder is not entitled to a right of renewal at the end of the permit period, despite compliance of former operations with all conditions of the original permit, unless:
 - a) The discontinuance was specified as part of the original operations plan.
 - b) The operator has Committee approval of an amendment to the original permit placing the operation on inactive status with conditions as to interim or partial reclamation.
 - c) Within 2 years of the cessation of the operation all equipment, stockpiles, rubble heaps, other debris and temporary structures, except fences, shall be removed or backfilled into the excavation, leaving the premises in a neat and orderly condition.
 - d) As a condition of approval, the operator shall accept responsibility for remediation, or the permit may be revoked.

- 6) **STOCKPILING.** Stockpiling of any nonmetallic mineral, including stone, sand, gravel, clay, and topsoil shall not be permitted beyond final reclamation.

SECTION 5.0 PLANNED UNIT DEVELOPMENTS

5.1 Definitions

A planned unit development is a development on a large parcel of land, held in single ownership, where more than one principal use or building is to be permitted on a lot. Lot area and yard requirements as normally specified are not applicable to this situation. Planned unit developments may include realization in phases, each to be reviewed and approved before developed.

5.2 Where Permitted

A planned unit development may be permitted in any zoning district, except A-1, AC-1, C-1 and AB-1, provided all uses are permitted in the district as a principal or conditional use.

5.3 Application

Application and approval for a planned unit development shall follow the procedures specified for a conditional use permit. The application shall be accompanied with a fee as established by County Board Resolution

All applications shall include a plan showing the location and dimensions of all principal buildings and uses, circulation system, parking areas, permanent open space, pedestrian ways, utilities, and any other information that may be needed to enforce the requirements of this Ordinance. In the event the proposed developed is to take place over a period of time, the plan shall include each phase of development in as much detail as can be provided at the time of application. The Plan Committee shall have the discretion to approve or deny any portion of the plan and require subsequent review for each proposed phase.

5.4 Enforcement

Once the plan has been approved, uses and locations are fixed as shown on the plan. Modification, additions and deviation from the approved plan shall be permitted only after application and approval, following the same conditional use procedures required for approval of the original plan.

The approved plan shall be binding upon all present and future owners of the development. If a part of the development is sold or transferred to a new owner, the new owner shall build or improve his property only in accordance with the approved plan, or request a change in accordance with the procedure established above. Where permanent open space, streets, parking areas, utilities, etc., are designated on the plan they shall be maintained as such by present and future owners of the property.

5.5 Special Modification

Since more than one principal structure is permitted on a lot, the lot area, frontage and yard requirements of this Ordinance are not applicable for a Planned unit development. In every case, however, the average density of use shall be no greater than that which would otherwise be permitted for the district in which the development is located. Densities and structure layout shall not diminish or prevent the capability of emergency services, such as fire protection. The developer is encouraged to site buildings in clusters, or otherwise concentrate them so as to create usable open space areas.

In Residential Districts special types of residential structures such as garden apartments, row houses, and condominiums may be permitted. Single family homes or apartments may be arranged in cluster developments so as to make maximum use of open space areas to retain or enhance aesthetic values, or for efficiency of design.

Spacing and Orientation of Residential building groups shall conform to the following principles:

1. Walls containing main window exposures or main entrances shall be so oriented as to insure adequate light and air exposure.
2. Buildings shall be so arranged as to avoid undue exposure to concentrated loading or parking facilities and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.
3. A building wall exposing both windows and an entranceway shall be located no closer to another building than a distance equal to the height of the taller building of the two, but in no case less than fifty (50) feet.
4. A building wall exposing only windows or only an entranceway shall be located no closer to another building than a distance equal to the height of the taller building of the two, but in no case less than twenty-five (25) feet.
5. A building group may not be so arranged that any temporary or permanently inhabited building is inaccessible to emergency vehicles.
6. Structures that are clustered and have plumbing are encouraged to be connected to public water and sewer services. Where this is not feasible, additional area must be provided for private septic systems and consideration shall be given to shared systems.

Spacing and Orientation of Commercial and Industrial buildings shall conform to the following principles:

1. Exterior walls of opposite buildings shall be located no closer than a distance equal to the height of the taller building.
2. A building group may not be so arranged that any permanently or temporarily occupied building is inaccessible to emergency vehicles.
3. Structures that are clustered and have plumbing are encouraged to be connected to public water and sewer services. Where this is not feasible, additional area must be provided for private septic systems and consideration shall be given to shared systems.

5.6 Circulation

There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space.

There shall be an adequate amount, in a suitable location, of pedestrian walks, malls, and landscaped spaces to prevent pedestrian use of vehicular ways and parking spaces and to separate pedestrian walks, malls, and public transportation loading places from general vehicular circulation facilities.

Buildings and vehicular circulation open spaces shall be arranged so pedestrians moving between buildings are exposed to a minimum of vehicular traffic.

Paving and drainage shall be designed with grades, paving, gutter, drainage, and treatment of turf to handle storm waters, prevent erosion and formation of dust.

Signs and lighting devices shall be properly arranged with respect to traffic control devices and adjacent residential districts and comply with the provisions of this Ordinance.

5.7 Residential Uses and Subdivisions in the Complex

Residential development within the Complex shall comply with the standards and listed for the zoning classification at the site of the proposed development. Development proposing the creation of multiple lots must comply with the platting requirements of any local, county or state subdivision ordinance or statute.

5.8 Mobile home/manufactured home parks

Special requirements for a mobile home/manufactured home park are as follows:

1. The park shall be located on a well-drained site, properly graded to insure rapid drainage, and free from stagnant pools of water.
2. A park shall contain at least ten (10) acres.
3. No more than six (6) mobile/manufactured home sites shall be allowed per acre of land in the park.
4. Each home site must be large enough to physically locate a typical mobile or manufactured home and allow provide for all required setbacks.
5. A green belt planting strip at least twenty (20) feet in width shall be maintained along all lot lines of the park not bordering on a street, and shall be appropriately landscaped with trees, shrubs and ornamental fencing, so as to provide a buffer for noise and lights generated within the park.
6. Homes shall have a clearance of at least twenty (20) feet from any other home or any building on an adjacent site, except in end-to-end clearance. For homes parked end-to-end, the clearance shall be at least fifteen (15) feet.
7. Accessory structures must be at least ten (10) feet from any building on an adjacent site.
8. Homes shall not be located closer than fifty (50) feet to any property line of the park abutting upon a Public Street or highway. All spaces shall abut upon a driveway of not less than twenty-four (24) feet in width, which shall have unobstructed access to a public street, alley, or highway.
9. All thoroughfares within the park shall be hard-surfaced.
10. All thoroughfares shall be adequately lighted at night.
11. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and home spaces within the park, and each home space shall be connected to an approved sewage disposal system.
12. Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installation, and plumbing and sanitation systems as determined by the appropriate state agency.
13. Each service building shall be equipped with not less than two (2) five-gallon water hand-pump fire extinguishers, or three (3) 2 1/2 gallon soda and acid extinguishers; also, two (2) approved dry chemical extinguishers.
14. The addition or replacement of a mobile home or manufactured home shall require a zoning permit as indicated in Section 2.3 of this Ordinance, as well as any other relevant permits, such as sanitary, driveway, etc. However, the zoning permit for a replacement home shall be applied for no more than 24 hours from when the replacement home was moved to the property. In no case shall such a home be occupied until all required permits have been issued.

Garbage, Waste and Rubbish

Unless a garbage pick-up service is provided, metal garbage receptacles or a serviceable equivalent shall be provided on the basis of at least one (1) receptacle for every four (4) spaces and shall be located not farther than fifty (50) feet from any space. The cans shall be tightly covered and shall be kept in a sanitary condition. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow. Sufficient receptacles shall be provided to prevent littering the ground with rubbish and debris.

Application

The application for a mobile home/manufactured home park follows the Conditional Use Permit process as outlined in Section 4.0 of this Ordinance and shall be accompanied by a plan of the proposed

development drawn to scale showing all information listed in Section 5.8 of this Ordinance. The plan will show the location and paved width of internal vehicular circulation ways and the location of mobile/manufactured home sites as well as location of utilities, etc. as needed to show how the special conditions applicable to a mobile home/manufactured home park are to be met.

Mobile home/manufactured home park License

The application for a mobile home/manufactured home park must provide evidence at the time of application of the ability to achieve any local, state or federally required license. Granting of a proposed mobile home/manufactured home park may be made contingent upon securing such license.

Register of Occupants in Mobile home/manufactured home park

It shall be the duty of the license holder to keep a register containing a record of all homeowners and occupants located within the park. The register shall contain the following information:

1. Name and address of each lease holder.
2. The make, model license number and year of all homes.
3. The dates of arrival and departure of each home.

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three (3) years following the date of registration or departure.

5.9 Campgrounds

Special requirements for campgrounds are as follows:

1. A campground shall make its campsites available to campers on a temporary basis only, for not more than thirty (30) days.
2. The campground shall be located on a well-drained site, properly graded to insure rapid drainage, and free from stagnant pools of water.
3. A park shall contain at least five (5) acres.
4. No more than ten (10) campsites shall be allowed per acre of land in the park.
5. Campsites shall be located no closer than fifty (50) feet to any property line of the park. All spaces abut upon a driveway of not less than twenty (20) feet in width for two-way traffic, and ten (10) feet in width for one-way traffic, which shall have unobstructed access to public street, alley and highway.
6. An adequate supply of safe water for drinking and domestic purposes shall be available within reasonable walking distance of each cluster of campsites. Sanitary facilities shall be within reasonable walking distance of each cluster of campsites. Sites equipped with individual water and sewer connections for homes may be more remote, provided they are made available only to mobile units that are equipped to use them.
7. Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installation, and plumbing and sanitation systems as determined by the appropriate state agency.
8. Metal garbage receptacles or a serviceable equivalent shall be provided on the basis of at least one (1) receptacle for every four (4) spaces and shall be located not farther than fifty (50) feet from any space. The cans shall be tightly covered and shall be kept in a sanitary condition. Garbage and rubbish shall be collected and disposed of at least once a day. Sufficient receptacles shall be provided to prevent littering the ground with rubbish and debris.
9. Campgrounds shall be designed for camping units only and shall not allow the placement of buildings, structures or structural additions to camping units on any sites.

Plan

The plan accompanying the conditional use application shall be drawn to scale, showing all pertinent information required to evaluate the acceptability of the campground with respect to the terms of this

Ordinance.

Register of Occupants in Campgrounds

It shall be the duty of the permit holder to keep a register containing a daily record of the occupants of each campsite. The register shall contain the following information:

1. Name and address of each occupant.
2. The make, model and year of all automobile and mobile camping units.
3. License number and owner of each automobile and mobile camping unit, and the state issuing the license.
4. The date and time of arrival and date of departure.

The campground manager shall keep the register available for inspection at all times by law enforcement officers, and other officials whose duties necessitate acquisition of the information contained in the register. The register shall not be destroyed for a period of three (3) years following the date of registration.

Section 6.0 Highway Setbacks

6.1 Highway Setbacks

The minimum setback from the right-of-way line or centerline to any structure shall be established in accordance with the following table unless the normal yard requirements as established in the district requirements are greater, in which case the normal yard requirements shall be met.

Highway Class	Minimum Setback From Row	Minimum Setback From Centerline
State and Federal Highways	50 feet	110 feet
County Trunk Highways	42 feet	75 feet
Town Public Roads	30 feet	63 feet

6.2 Visual Clearance Triangle

In each quadrant of every public road intersection, there shall be a visual clearance triangle bounded by the road centerlines and a line connecting points on them by the visual clearance distance from the intersection, with dimensions as stated below:

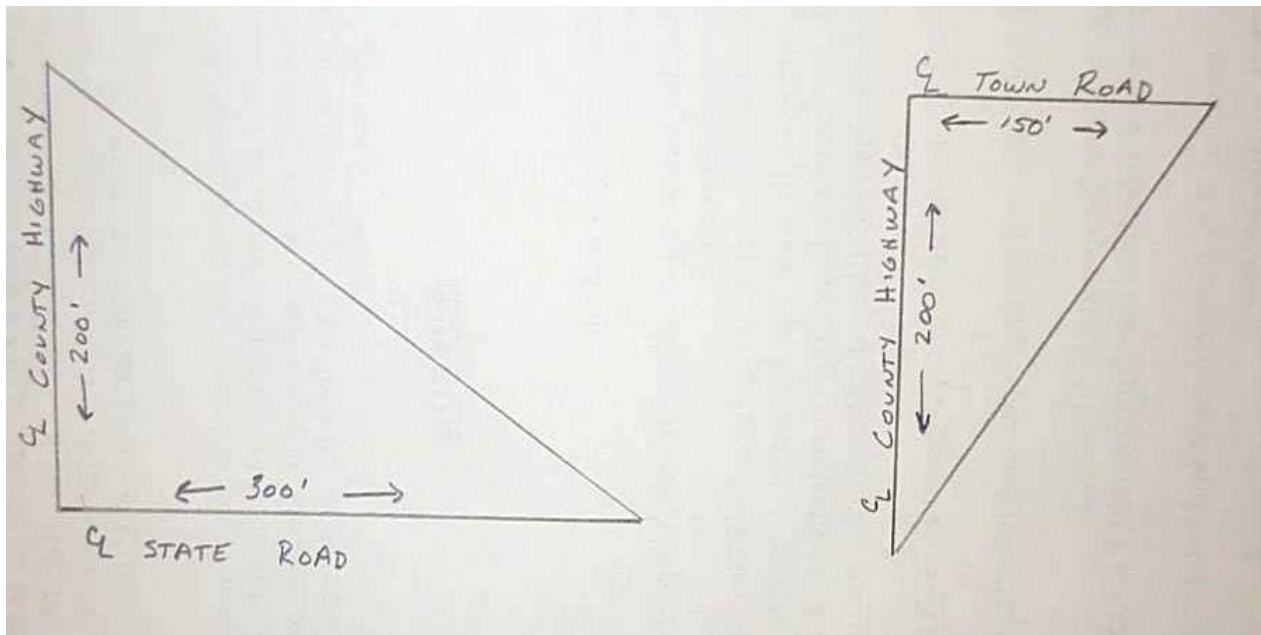
Highway Classification Visual Clearance Distance	
Highway Class	Distance
State and Federal Highways	300 feet
County Trunk Highways	200 feet
Other Roads	150 feet

The measurement is taken at the intersection of the centerlines of each public road as they traverse away from each other for the distances indicated above. A line is drawn between the conclusion of each centerline traverse to create the hypotenuse of the Visual Clearance Triangle.

No visual obstructions, such as structures, parking, or vegetation with the exception of annual agricultural crops above a height two and one-half (2 1/2) feet or less than ten (10) feet above the plane passing through the mean centerline grades shall be permitted in any district within the area of the visual clearance triangle. Open fences and utility poles are permitted.

Illustration of Visual Clearance Triangle

Example:



6.3 Driveways and Accesses

All accesses and driveways installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet the following requirements. For the purposes of this Ordinance, an access shall be that portion of a driveway that is within the right-of-way of a public road with the driveway being that portion from the right-of-way to the point of termination.

1. When there is a dispute as to the adequacy of an alleged existing or proposed access to a public road, the governmental unit having jurisdiction over the road to be accessed shall control. Evidence of approval shall be a written approval from the governmental unit having jurisdiction over the public road to be accessed.
2. All alleged existing and proposed driveways located shall be approved in writing by the Town or Towns in which the driveway is located, provided there is a Town driveway ordinance in effect. Evidence of an approved driveway shall be submitted with any zoning permit application in the form of a written driveway approval signed by the Town approving authority.

6.4 Parking Requirements

In all districts and in connection with every use there shall be provided at the time any use or building is erected, enlarged, or increased off-street parking stalls for all vehicles in accordance with the following:

Adequate Access to a public street shall be provided for each parking space.

Size of each parking space shall be not less than one hundred and eighty (180) square feet exclusive of the space required for the ingress and egress.

Surfacing of all off-street parking areas shall be graded and surfaced so as to be dust free and properly drained. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.

Curbs and Barriers shall be installed so as to prevent the parked vehicles from extending over any lot line.

Number of Parking Stalls Required shall be, unless otherwise approved as a condition of the conditional use approval:

1. Single-family dwellings and multi-family dwellings: 2 stalls for each dwelling unit
2. Mobile and manufactured homes: 2 stalls for each dwelling unit.

3. Hotels, motels: 1 stall for each guest room plus 1 stall for each 3 employees.
4. Hospitals, clubs, lodges, dormitories, lodging and boardinghouses: 1 stall for each bed plus 1 stall for each 3 employees
5. Sanitariums, institutions, rest and nursing homes: 1 stall for each 5 beds plus 1 stall for each 3 employees
6. Medical and dental clinics: 3 stalls for each doctor
7. Churches, theatres, auditoriums, community centers, vocational and night schools, and other places of public assembly: 1 stall for each 5 seats
8. Colleges, secondary and elementary schools: 1 stall for each 2 employees
9. Restaurants, bars, places of entertainment, repair shops, retail and service stores: 1 stall for each 150 square feet of floor area
10. Manufacturing and processing plants, laboratories and warehouses: 1 stall for each 2 employees.
11. Financial institutions; business, governmental and professional offices: 1 stall for each 300 square feet of floor area.
12. Funeral homes: 1 stall for each 4 seats.
13. Bowling alleys: 5 stalls for each alley.
14. Uses Not Listed. In the case of structures or uses not mentioned the provision for use that is similar shall apply.

Combination of any of the above uses shall provide the total of the number of stalls required for each individual use.

SECTION 7.0 STRUCTURAL MODIFICATIONS

7.1 Height

The district height limitations stipulated elsewhere in this Ordinance may be exceeded in accord with the following:

1. Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys shall not exceed in height their distance from the nearest lot line, but in no case shall exceed fifty (50) feet in height.
2. The following structures are exempt from height limitations of this Ordinance: agricultural structures, such as barns, silos, grain elevators; gas tanks; radio and television receiving antennas; manufacturing equipment and necessary mechanical appurtenances; cooling towers; fire towers; substations; and smoke stacks,
3. Essential public services, such as water towers, electrical power and communications, transmission and distribution lines are exempt from the height limitations of this Ordinance.
4. Public and semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of fifty (50) feet.
5. Accessory structures shall not exceed thirty (30) feet in height unless otherwise stated within this Ordinance.

7.2 Yards

The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

1. Uncovered stairs, landings and fire escapes may project into any side or rear yard but not by more than six (6) feet and shall not be closer than three (3) feet to any lot line.
2. Architectural projections, such as chimneys, flues, sills, belt courses and ornaments, may project into any required yard up to two (2) feet.
3. Accessory uses and detached accessory structures are permitted; they shall not be closer than ten (10) feet to the principal structure, shall not occupy more than twenty (20) percent of the yard area, and shall not be closer than ten (10) feet to any lot line, except in the A-1 and AR-1 districts. In any platted subdivision, accessory buildings are not allowed in the front yard.
4. Essential services, such as electrical power and communications transmission and distribution lines are exempt from the yard and distance requirements of this Ordinance, but shall not impede visibility of traffic as determined by the authority with highway jurisdiction.

5. Lots not abutting a public right-of-way shall follow the street yard setbacks as listed by zoning district.

SECTION 8.0 SIGNS

The purpose of this section is to protect the public health, safety and general welfare by:

1. Promoting well maintained and attractive signage within the County;
2. Providing for adequate business identification, advertising, and communication for promoting a healthy economy, and;
3. To foster public safety along public and private streets within the community by assuring that all signs are in safe and appropriate locations.
4. To have administrative review procedures that are the minimum necessary to:
 - a) Balance the county's objectives and regulatory requirements with the reasonable advertising and way finding needs of business.
 - b) Allow for consistent enforcement of these regulations.
 - c) Minimize the time required to review a sign application.
 - d) Provide flexibility as to the number and placement of signs to the regulations are more responsible to business needs while maintaining the county's standards.

8.1 Permit Required and Permit Exempt

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, repaired or structurally altered without a sign permit, unless excepted within this section, without being in conformity with the provisions of this Ordinance. The fee for a sign permit shall be set by County Board resolution. All sign permits shall expire 12 months from the issue date of the permit unless a Certificate of Compliance is issued before said 12-month period expires. The permit holder is responsible to contact the Office of Planning and Development for said Certificate of Compliance to avoid the expiration of the sign permit. Any sign located, erected, moved, reconstructed, extended, enlarged, repaired or structurally altered without a valid sign permit shall be removed or, if an after-the-fact permit can be issued, said after-the-fact permit shall include a late fee as established by County Board Resolution.

Any sign proposed that is not described or defined in this section may be considered for approval by the Iowa County Planning & Zoning Committee, either as a temporary or permanent sign. Any such sign that is approved shall:

- be subject to all applicable provisions within this section and ordinance, such as size and placement requirements
- be compatible with surrounding permitted signs to the extent as to not create a competitive advantage or disadvantage for competing business operations
- require a permit

The following signs do not require a permit and are allowed in any zoning district:

1. Signs giving the name of a farm, company or business or the farm, company or business owner or farm directory signs on premises of the owner where the farm, company or business is located, provided:
 - a) no such sign exceeds 32 square feet in display area
 - b) one such sign is allowed per premises
2. Agricultural test plot signs, provided the specifications of Section 8.3 are met.
3. Private property protection signs, such as but not limited to: no trespassing; warning; no hunting; blasting area; etc., provided no such sign is greater than 2 square feet in display area.
4. Signs advertising the sale of agricultural products produced on the premise the sign is located, not to exceed 32 square feet of display area for single-sided sign and 64 square feet for multi-sided sign, provided:
 - a) There is no more than one sign per direction of travel
 - b) Any such sign is located within ¼ mile of the premise selling the advertised produce
 - c) Any such sign is erected no sooner than 30 days before the advertised produce is available and removed within 30 days after the advertised produce is no longer available

5. Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure
6. Residential owner or occupant signs stating the names of the property owner and/or occupant of the residence on the property where the sign is located, provided no such sign exceeds six (6) square feet
7. Temporary Signs, being any sign installed for a period to not exceed 30 consecutive days in a 60-day period, with up to 16 square feet of display area for a single-sided sign and 32 square feet for multi-sided sign. No more than one temporary sign shall be allowed per tax parcel or lot. Examples where temporary signs may be employed include special events or real estate signs.
8. Election/campaign/political signs, provided no such sign is placed within a public road right-of-way

8.2 General Sign Regulations

The regulations contained in this section shall apply to signs in all zoning districts. The regulations set forth in this section do not supersede the requirements set forth in section 8.3.

1. Signs shall not:
 - a) resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals, or devices
 - b) obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices
 - c) be placed so as to obstruct or interfere with traffic visibility, nor block or interfere with the visibility for ingress or egress of a driveway.
2. No signs may be affixed to a fence, utility pole or structure, tree, shrub or other natural object.
3. Externally illuminated signs shall:
 - a) not flash, oscillate, or rotate, except when associated with an electronic message center permitted under this ordinance
 - b) be shaded, shielded or directed away from surrounding properties and traffic, and when there is a dispute as to the adequacy of the shading or shielding from surrounding properties and/or vehicular traffic, the County's decision shall prevail.
4. All signs, including support structures, shall be constructed in accordance with local and state building and electrical codes
5. The immediate premises around a sign shall be kept free from trash and debris. However, no person may damage, trim, destroy or remove any trees, shrubs or other vegetation located within the right-of-way of any public street or road for the purpose of increasing or enhancing the visibility of any sign unless approved in writing from the highway authority. Nor shall such work be performed on property that is not under the ownership or control of the person performing or responsible for such work, unless done pursuant to the express authorization of the person owning the property where such trees, shrubs or vegetation are located. The immediate premises around the sign shall be maintained in a neat and orderly fashion.
6. No sign shall be placed in the Visual Clearance Triangle as described in Section 6.2 of this Ordinance.
7. For all signs, the height measurement shall be the distance from the mean centerline grade or ground, depending on sign type, to the top of the display area. The height is intended to include the entire sign display area, not just supports or poles.
8. No sign shall be closer than 10 feet to any property line or right-of-way line
9. No sign shall overhang a property line or right-of-way line.
10. No sign shall be placed within the right-of-way of a public road without the written approval from the highway authority and if allowed elsewhere within this ordinance.
11. The measurement of total display area shall be as described in Section 12.0 of this ordinance and, in the case of a conglomerate of signs affixed to a single support the display area shall be the total of each individual sign.
12. Distance measurements shall be measured along the pertinent right-of-way lines when determining separation between signs or distance from intersections.
13. Electronic may be allowed as on-premise signs only, except when used for official signs or public service information.
14. Any change in copy on an existing legal sign shall be allowed without need of a permit. A permit is required if said change involves a change in size or shape, or a change in position, location, construction or supporting structure of a sign.

8.3 Specific Regulations for Various Types of Signs

1. Electronic message centers (signs that utilize a screen for displaying an electronic image, which may or may not include text) may be used only to advertise activities conducted or goods and services available on the property on which the signs are located or to present public service information. Electronic message centers must comply with the following:
 - a) No message may be displayed for less than one-half second
 - b) No message may be repeated at intervals of less than 2 seconds
 - c) No segmented message may last longer than 10 seconds
 - d) No traveling message may travel at a rate slower than 16 light columns per second or faster than 32 columns per second
 - e) Any transition duration of a message shall take no more than one second
 - f) The illumination brightness shall not exceed 0.3 foot candles over ambient lighting conditions when measured at distances based on the sign size as recommended by the International Sign Association or other recognized authority at the choice of the County
2. On-premise ground signs shall not exceed 35 feet in height above the existing ground level where placed and shall not exceed 150 square feet of total display area for a single-sided sign or 300 square feet for multi-sided signs
3. Off-premise signs shall not:
 - a) exceed 35 feet in height above the existing ground level where placed or 50 feet above the mean centerline grade for the adjacent road, whichever is lesser
 - b) exceed 500 square feet of total display area for a single-sided sign or 1000 square feet for multi-sided signs
 - c) be more than 200 feet from the right-of-way line of the public road along which they are located
 - d) be permitted along a county road or town road without a conditional use permit following the process outlined in Section 4.0 of this Ordinance
 - e) be placed within 500 feet from any legally permitted residence without express written permission from the owner of said residence at the time of erection of said sign
 - f) be allowed until a lawful use has been established on the zoning lot on which the sign is to be erected
4. Wall signs placed against the exterior walls of buildings shall not:
 - a) extend more than 6 inches outside of a building's wall
 - b) exceed 15% of the building wall square footage that the sign is affixed to for display area, not to exceed 300 square feet
5. Projecting signs fastened to, suspended from, or supported by a building shall not:
 - a) exceed 100 square feet in area for any one premises
 - b) be less than 10 feet from all side lot lines
 - c) exceed a height of 20 feet above the supporting building
 - d) be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley
6. Window signs shall:
 - a) be placed only on the inside of commercial buildings
 - b) not exceed 25 percent of the glass area of the pane upon which the sign is displayed
7. Portable Signs shall not exceed 32 square feet of display area
8. Agricultural test plot signs used to mark test plot areas shall not exceed 3 square feet of display area or 10 feet in height from ground elevation. Such signs shall be located not less than 50 feet from the site advertised on the sign, and there shall not be more than one such sign per row of crop. Such signs are only permitted while the crop is being grown and for no more than 30 days after harvest.
9. Ground signs shall be those supported by posts or similar supports and shall not:
 - a) exceed 35 feet in height above existing ground elevation or 50 feet above the mean centerline grade for the adjacent road, whichever is lesser
 - b) exceed 150 square feet of total display area for single-sided signs or 300 square feet of total display area for multi-sided signs

8.4 Allowed Signs by Zoning District

The table below illustrates the types of signs allowed by permit within specific zoning districts, provided all applicable provisions of this Section are met. (See Section 8.1 for signs that do not require a permit and are allowed in all zoning districts.)

Zoning districts:

- A-1 Agricultural
- AC-1 Agricultural Conservancy Overlay
- C-1 Conservancy
- CR-1 Conservation Recreation
- H-1 Historical Preservation
- AR-1 Agricultural Residential
- R-1 Single Family Residential
- R-2 Multi Family Residential
- R-3 Mobile/Manufactured Home
- RB-1 Recreational Business
- AB-1 Agricultural Business
- B-1 Local Business
- B-2 Highway Business
- B-3 Heavy Business
- B-4 Industrial
- B-5 Adult Entertainment Business

	A-1	C-1	CR-1	H-1	AR-1	R-1	R-2	R-3	RB-1	AB-1	B-1	B-2	B-3	B-4	B-5
Electronic Message Center					x	x	x	x	x	x	x	x	x	x	x
On-Premise ground sign	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Off-Premise ground sign	x				x					x	x	x	x	x	x
Wall sign	x			x	x	x	x	x	x	x	x	x	x	x	x
Projecting sign	x			x	x	x	x	x	x	x	x	x	x	x	x
Window sign	x			x	x	x	x	x	x	x	x	x	x	x	x
Portable sign	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x

*Note: Signs in the AC-1 district follow the allowances of the underlying A-1 district.

8.5 Prohibited Signs

The following shall be prohibited in all zoning districts:

1. Animated, flashing, rotating signs and festoons, inflatable signs, tethered balloons, banners, pennants, searchlights, streamers, exposed light bulbs, strings of lights not permanently mounted to a rigid background, and any clearly similar features, except those permitted for a special event approved by the Iowa County Planning & Zoning Committee or electronic message centers as permitted in Section 8.3.
2. Signs on vehicles or trailers when the vehicle or trailer is placed in a location not normally expected for such vehicles or trailers, and the location apparently has the primary purpose of attracting attention or providing advertising
3. Abandoned signs, defined as a sign which for a period of at least 60 consecutive days or longer no longer advertises or identifies a legal business establishment, product or activity. This includes the advertisement or identification of an event or establishment that has ended or is no longer in operation.
4. Any signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or directional signals or official street signs.
5. Merchandise, equipment, products, vehicles or other items which are not available for purchase, but are intended to attract attention, or for identification or advertising purposes.
6. Signs located on trees, utility poles, public benches or any other form of public property or within any public right-of-way unless explicitly permitted by the jurisdictional authority over said right-of-way.
7. Other signs or attention getting devices that raise concerns substantially similar to those listed above.

8.6 Existing Signs

For the purposes of this section, signs lawfully existing at the time of the adoption or amendment of this Ordinance shall be considered legal nonconforming structures although the use, size, or location does not conform with the provisions of this Ordinance. No such sign shall be repaired or replaced due to damage caused by vandalism, natural disaster or normal use without first obtaining a sign permit, however no permit shall be issued when said damage exceeds 50 percent of the current assessed value of said sign. If the cost of repair or maintenance exceeds 50 percent of the current assessed value of said sign, the sign shall have to be made to comply with all provisions of this Ordinance or removed.

8.7 Dilapidated, Unmaintained and Abandoned Signs

Dilapidated and Unmaintained Signs. Signs allowed by this Ordinance shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting, repainting, cleaning and other acts required for proper maintenance of the sign. Signs that are determined by the County to be dilapidated unmaintained and/or unsafe shall be subject to the razing provisions of Section 66.05, Wis. Statutes.

Abandoned Signs shall be removed by the owner or lessee of the premises, when, for a business sign, the business it advertises is no longer conducted; and for an advertising or directional sign, when lease payment and rental income are no longer provided. If the owner or lessee fails to remove the sign, the County shall give the owner 60 days written notice to remove said sign. Upon failure to comply with this notice, the County may cause removal to be executed, the expenses of which will be assessed to the tax roll of the property on which the abandoned sign is located.

SECTION 9.0 NONCONFORMING USES, STRUCTURES AND LOTS

9.1 Nonconforming Uses

A nonconforming use is the use of land or a structure that lawfully existed prior to the adoption of land use regulations but does not comply with said regulations. A nonconforming use may be continued although the use does not conform with the provisions of this Ordinance; however:

Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provision of this Ordinance

1. Substitution of new equipment may be permitted if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

Any legal nonconformity under any previous ordinances repealed by this Ordinance is also a legal nonconformity under this Ordinance, as long as the situation that resulted in the nonconforming status under the previous ordinances continues to exist.

Any zoning change or conditional use permit approved under a previous version of this Ordinance shall remain valid even if not consistent with a subsequent revision to this Ordinance. Any conditions imposed previously shall remain in force unless duly modified or rescinded by the Committee.

9.1 Nonconforming Structures

A nonconforming structure is one that lawfully existed prior to the adoption of land use regulations but does not comply with said regulations. A nonconforming structure may be repaired, maintained, renovated, rebuilt or remodeled provided:

1. All permits required under this ordinance are obtained, and
2. The three-dimensional footprint is not enlarged

As part of the permit application process, evidence must be supplied by the owner/applicant that verifies the structure at issue is a lawful nonconforming structure. If deemed a lawful nonconforming structure by the Office, the owner/applicant may be required to provide a site plan prepared by a professional surveyor or engineer that clearly defines the existing structure's three-dimensional footprint and the distance said structure is in feet from the nearest lot line and centerline of the nearest public road.

9.2 Abolishment or Replacement

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure or land shall conform to the provisions of this Ordinance. It is the applicant's burden to prove a nonconforming use has not been discontinued or terminated. The restoration of a nonconforming structure that has been damaged or destroyed on or after March 2, 2006 due to violent wind, vandalism, fire, flood, ice, snow, mold or infestation may take place provided it is restored to the size, location and use that it had immediately before the damage or destruction occurred. The size of the structure can be larger than the size it was immediately before the damage or destruction only if necessary for the structure to comply with applicable state or federal requirements.

9.3 Nonconforming Uses and Structures

Any nonconforming use or structure under previous ordinances repealed by this Ordinance shall continue to be nonconforming under this Ordinance and be subject to penalties and enforcement under this Ordinance, unless the use, development, construction, or other activity complies with the provisions of this Ordinance. All other nonconforming uses or structures created while this Ordinance is in effect shall be considered violations and subject to enforcement.

9.4 Changes and Substitutions

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Adjustment has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substitute use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Adjustment.

9.5 Substandard Lots

A substandard lot is a lot that was legally created and met any applicable lot size requirement when created, but does not meet current lot size requirements. A nonconforming lot may:

1. Be conveyed in its entirety: The alteration of the lot description may eliminate the substandard status and require compliance with current lot size requirements and land division regulations.
2. Be used as a building site provided:
 - a. The substandard lot has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
 - b. The substandard lot is developed to comply with all other County ordinances.

In the A-1 District a parcel of record, less than 40 acres in separate ownership, on file in the County Register of Deeds Office on or before October 17, 1978, may be subject to a conditional use permit request for construction of a single family residence and accessory structures provided Ch. 91.46(2)(c) WI Stats is complied with.

SUBSTANDARD LOTS LOT DIMENSIONS AND BUILDING SETBACKS	
Principal Building Height	Maximum 50 feet
Street Yards	Minimum 25 feet, the second street yard on corner lots shall be not less than 10 feet
Rear Yards	Minimum 25 feet
Side Yards	Minimum 16% of frontage, but not less than 5 feet

9.6 Nonconformity Due to Public Works

In the event that a public works project, such as highway expansion, public park creation, etc., where land title is transferred through the process of eminent domain, or similar means, and the transfer creates a lot or lots that are substandard in area for the present zoning district, the following shall apply:

1. Any existing legal uses on the resultant lot or lots can continue, provided the scope and intensity is not significantly increased.

2. Any such lot that is vacant of structures or buildings shall not be eligible for any permit to build a structure or building without first making said lot compliant with the present zoning ordinance provisions.
3. Any such lot that has existing buildings may allow for the expansion of said buildings or construction of additional buildings, provided they are accessory to the existing legal uses and do not in any way constitute a new use for said lot. All such buildings or additions must comply with all setbacks in effect at the time of seeking a permit.
4. In no circumstance shall such a lot be eligible for the construction of a residence unless it is to replace an existing residence, provided all other requirements of this ordinance are met, without bringing the lot into conformity with the present ordinance requirements.

It shall be the responsibility of the property owner to provide all documentation necessary to justify the provisions of this section applying to his/her property. Further, it shall be the determination of the Director of the Office of Planning and Development to decide if the property at issue shall benefit from the provisions of this section. Said determination can be appealed following the provisions of Section 10 of this ordinance.

SECTION 10.0 BOARD OF ADJUSTMENT

10.1 Establishment

There is hereby established a Board of Adjustment for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this Ordinance in harmony with the purpose and intent of the Ordinance.

10.2 Membership

The Board of Adjustment shall consist of three (3) members to be appointed by the Chairman of the County Board of Supervisors with the approval of the County Board to include two (2) alternates as required by Sec. 59.694(2)(am)m Wis. Statutes. The terms of the members so appointed shall be for 1, 2, and 3 years, respectively. Successors shall be appointed in like manner at the expiration of each term and their terms of office shall be three (3) years in all cases, beginning July 1 in the year appointed. The members of the Board of Adjustment shall all reside within the County and outside the limits or incorporated cities and villages; provided, however, that no two (2) members shall reside in the same Town. No member shall be a member of the County Board of Supervisors, any Town Board of any Town under the jurisdiction of this Ordinance or any Plan Committee of any Town under the jurisdiction of this Ordinance. The Board of Adjustment shall choose its own chairman. Vacancies shall be filled for the unexpired term of any members whose term becomes vacant in the same manner as the original appointment. The members of the Board of Adjustment shall be compensated at the same per diem and mileage rates as paid the County Board of Supervisors.

10.3 Rules

The Board of Adjustment will meet at a fixed time and place as may be determined by the Chairman to review at a public hearing, appeals referred to it. Other meetings may be called by the Chairman of the Board of Adjustment.

All meetings of the Board of Adjustment shall be open to the public.

Notice of any public hearing which the Board of Adjustment is required to hold under the terms of this Ordinance shall specify the date, time and place of hearing and the matters to come before the Board of Adjustment at such hearing, and such notice shall be given in each of the following ways:

By sending notice, not less than ten (10) days prior to the date of such hearing, to each of the Towns affected by the matters to come before the Board of Adjustment at such hearing.

By first class mail to the applicant and landowner of the property affected by the matters to come before the Board of Adjustment at such hearing.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its

examinations and other official actions, all of which shall be immediately filed in the Office and shall be a public record. The Board of Adjustment shall appoint one of its members to act as Secretary with the primary duty of taking minutes at all hearings. Action shall require a quorum present and majority vote of those members present.

The Board of Adjustment shall have power to call on any other county departments for assistance in the performance of its duties and it shall be the duty of such other departments to render all such assistance as may be reasonably required.

The Board of Adjustment may adopt such rules as are necessary to carry into effect the regulations of the County Board.

In the case of all appeals, the Board of Adjustment shall call upon the Committee for all information pertinent to the decision appealed from.

Hearings of the Board of Adjustment shall be held on a date determined by the Board. An application presented to the Board of Adjustment shall be accompanied by a fee set by County Board Resolution.

10.4 Appeals

Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of Iowa County affected by any decision of the Office. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Adjustment, by filing with the Office and the Board of Adjustment a notice of appeal specifying the ground thereof. The Office shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Office shall certify to the Board of Adjustment after notice of appeal shall have been filed that by reason of facts stated in the certification a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application on notice to the Office and on due cause shown.

The Board of Adjustment shall fix a reasonable time for the hearings of the appeal, file public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearings, any party may appear in person or by agent or by attorney.

10.5 Powers

The Board of Adjustment shall have the following powers:

1. Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Office.
2. Variations. To consider appeals for variances consistent with 59.694(7)(c) WI Stats.
3. Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Committee has made a review and recommendation.
4. Assistance. The Board may request assistance from other County officers, departments, Committees and boards.
5. Oaths. The chairman may administer oaths and compel the attendance of witnesses.

SECTION 11.0 CHANGES AND AMENDMENTS

The Board of Supervisors of Iowa County may from time to time amend, supplement or change by ordinance the boundaries of districts or regulations herein established. A petition for such amendment, supplement, or change shall first be filed with the County Clerk, (1) by any property owner in the area to be affected by the matter of such petition, (2) by the Town Board of any town wherein the ordinance is in effect, (3) by any member of the County Board, or (4) by the Committee. The County Clerk shall present such petition to the Committee for its consideration recommendation and report. The County Clerk may

authorize the Office to act on his/her behalf by accepting said applications.

The Committee shall hold a public hearing on such petition for amendment, supplement or change of the county zoning ordinance, giving notice of the time and place of such hearing by publication thereof once each week for 2 successive weeks in the official newspaper of the County and in addition, if the Committee deems it essential under the circumstances, by similar publication in other newspapers of the Committee's choice, by posting or by mailing of notices to certain parties affected. A copy of such notice shall be mailed by registered mail to the Town Clerk of each town affected by the proposed amendment, supplement, or change at least 10 days prior to the date of the hearing. Such hearing may be held in the town hall or other convenient place in the town affected by the proposed change or at the option of the County may be held at the Courthouse or another convenient place in the County.

The Committee may, at its option, hold more than one public hearing in regard to any proposed change if it appears to the Committee that the number of towns affected by such change is too large or too widely distributed throughout the county to be reasonably accommodated at one place of meeting.

The Committee shall act upon the petition as soon as possible after the public hearing, and if such action is favorable to granting the change requested by such petition, the Committee shall cause an ordinance to be drafted effectuating such change. Such ordinance shall be submitted directly to the County Board with the recommendations of the Committee. If the Committee after its public hearing acts to deny the petition, it shall submit a recommendation to the County Board including the reasons for such denial. Proof of publication of the notice of the public hearing held by the Committee and proof of the giving notice to the Town Clerk of each town affected by the matter of the petition shall be attached to the report of the Committee.

Upon receipt of such Committee report the County Board may adopt the ordinance as drafted by the Committee or with amendments, or it may deny the petition for amendment, or it may refuse to deny the petition as recommended by the Committee in which case it shall re-refer the petition to the Committee with directions to draft an ordinance to effectuate the petition and report the same back to the County Board which may then adopt or reject such ordinance.

In case a protest against a proposed amendment be filed with the County Clerk at least 24 hours prior to the date of the meeting of the County Board at which the report of the Committee is to be considered, duly signed and acknowledged by the owners of at least 20% or more of the area proposed to be altered, or by the owners of at least 20% of the frontage directly opposite and across a public street, highway or alley, from the area proposed to be altered, action on such ordinance may be deferred until the Committee shall have had a reasonable opportunity to ascertain and report to the County Board as to authenticity of such ownership statements. Each signer shall state the amount of area of frontage owned by him and shall include a description of the lands owned by him. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of three-fourths of the members of the County Board present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present such protest may be disregarded.

In acting upon a petition, the County shall consider the stated purpose of the proposed zoning district and shall approve the rezoning petition only if it finds that:

1. The petition is consistent with the Iowa County Comprehensive Plan and the comprehensive plan of any Town affected by said petition.
2. Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available as required by the petition while maintaining adequate levels of service to existing development.
3. Provisions of public facilities to accommodate the petition will not place an unreasonable burden on the ability of affected local units of government to provide the.
4. The petition will not result in significant adverse impacts upon surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife and vegetation.
5. The land associated with the petition is suitable for the proposed development and said development will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas.
6. The petition will not be used to legitimize a nonconforming use or structure.
7. The petition is the minimum action necessary to accomplish the intent of the petition, and an

administrative adjustment, variance, or Conditional Use Permit could not be used to achieve the same result.

8. The petition will not result in illegal "spot zoning" (i.e. use is inconsistent with surrounding properties and serves only a private, rather than public interest).

Within seven (7) days after its adoption, the County Clerk shall send duplicate copies of such amendatory ordinance by registered mail to the Town Clerk of each town affected by such ordinance. If the amendatory ordinance relates only to the location of the boundaries of districts, duplicate copies thereof shall be sent as provided above only to the clerk or clerks of that town or those towns in which such ordinance causes a change in district boundaries.

The amendatory ordinance shall be in full force and effect in all the towns affected by it after 40 days from the date of its adoption by the County Board unless, within such 40 days, a majority of the towns receiving copies of the ordinance have filed, with the County Clerk, certified copies of resolutions disapproving the ordinance.

The amendatory ordinance shall be in full force and effect within a shorter time, if, within such shorter time, a majority of such towns have filed, with the County Clerk, certified copies of resolutions approving the ordinance.

An application for a district boundary or land use change or other ordinance amendment shall be accompanied by a fee as set by County Board Resolution. An application for a district boundary or land use change to a zoning district that does not have any permitted principal uses shall include a request for conditional use permit.

SECTION 12.0 COMMON REVIEW AND APPROVAL PROCEDURES

The general provisions of this section apply to all development applications and procedures, including zoning permits, rezoning, conditional use permit, variance, etc.

Authority to File Applications

Applications may be initiated by:

1. All the owners of the property that is the subject of the application;
2. The owners' authorized agents; or
3. Any review or Decision-Making Body that does not have final decision-making authority on the matter. When a review or Decision-Making Body initiates action under this Ordinance, it does so without prejudice toward the outcome.

Application Completeness

An application will be considered complete if it is submitted in the required number and form, includes all mandatory information and is accompanied by the applicable fee. The Office shall make a determination of application completeness within 14 days of application filing. If an application is determined to be incomplete, the Office shall notify the applicant of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the application within 30 days of when notice was sent of the deficiencies, the application shall be considered withdrawn.

Pre-application Meetings

Applicants shall be responsible for scheduling preapplication meetings with the Office when they are required. The purpose of a preapplication meeting is to inform the applicant of applicable procedures, submittal requirements, development standards, alternatives and other pertinent matters before the applicant finalizes the development proposal. Application forms may be made available during preapplication meetings. Office staff opinions presented during preapplication meetings are informational only and do not represent a commitment on behalf of Iowa County regarding the acceptability of the development proposal.

For most proposed development, a preliminary development review form will be required to be completed by the applicant for the purposes of identifying any issues before the applicant has invested significant

time, money and effort in the project. This review will review resources available to the Office including, but not limited to, floodplain data, zoning data, shoreland/wetland data, Natural Heritage Inventory data, mining data, groundwater data, soils data, etc.

Notices

1. Content. All notices required under this Ordinance shall comply with the Class I or Class II notice requirements of Wis. Stat. Chapter 985. In addition, all notices required under this Ordinance must:
 - a) Indicate the time and place of the public hearing or action;
 - b) Describe the property involved by street address or by legal description;
 - c) Describe the nature, scope and purpose of the application or proposal being advertised; and
 - d) Indicate where additional information can be obtained.
2. Written (Mailed) Notice: When the provisions of this Ordinance require that written or mailed notice be provided, the Office shall be responsible for preparing and mailing the written notice. The Office shall mail notice to all property owners within 300 feet of the subject parent property boundary, unless otherwise specified in this Ordinance. Ownership information shall be provided by the applicant and obtained from the Iowa County Treasurer's Office.
3. Published Notice: When the provisions of this Ordinance require that notice be published, the Office shall be responsible for preparing the content of the notice and publishing the notice in the newspaper of general circulation that has been selected by Iowa County.
4. Constructive Notice: Minor defects in a notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.
5. Continuation of Public Hearings: A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Ordinance, provided that the continuance is set for a date within 90 days and the date and time of the continued hearing is announced at the time of the continuance.
6. Burden of Proof of Persuasion: The burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant. The burden is not on the County or other parties to show that the criteria have not been met.
7. Conditions of Approval: In approving development applications, the decision-making body shall be authorized to impose such conditions upon the premises benefited by the approval as may be necessary to reduce or minimize any potential adverse impact upon other property in the area, or to carry out the general purpose and intent of the Iowa County Comprehensive Plan or this Ordinance, so long as the condition relates to a situation created or aggravated by the proposed use or development and is roughly proportional to its impact.

Simultaneous Processing

Whenever two or more forms of review and approval are required under this Ordinance (Ex: a rezoning and a conditional use permit), the applications for those development approvals may, at the option of the applicant, be processed simultaneously, so long as all applicable state and local requirements are satisfied for both applications.

Coordination with Towns, Cities and Villages

Coordination with policies and/or procedural requirements between the County and towns, cities and villages is encouraged whenever possible in order to further the purposes of this Ordinance. However, no specific actions are required to achieve this coordination unless specified in this Ordinance.

Approval by Affected Town Boards

Approval of proposed amendments to this Ordinance and rezoning petitions by affected town boards shall be pursuant to the procedures as follows:

1. Town Board Approval or Disapproval at Public Hearing Stage:
 - a) If a town which has approved this Ordinance and which is affected by the proposed amendment or rezoning disapproves of the action, the town board of such town may file a certified copy of a resolution adopted by such board disapproving of the action with the Committee prior to, at, or within 10 days after the public hearing.
 - b) A town may extend its time for disapproving any proposed amendment or rezoning by 20 days if the town board adopts a resolution and files it with the County Clerk. The 20-day extension shall remain in effect until the town board adopts a resolution rescinding the 20-day extension and files a certified copy of the resolution with the County Clerk.

- c) If the town boards of a majority of the towns affected file such resolutions disapproving of the proposed amendment or rezoning, the Committee may not recommend approval of the action, without change, but may only recommend approval with change or recommend disapproval.
2. Town Board Approval or Disapproval of Adopted Resolutions
 - a) If the amendment or rezoning, as adopted by the Iowa County Board of Supervisors, makes only the change sought in the petition, and if the petition was not disapproved at or within 10 days after the public hearing by the town boards of a majority of the towns affected, it shall become effective on passage.
 - b) Any other amendment or rezoning adopted by the Iowa County Board of Supervisors shall be submitted within seven days after adoption in duplicate by the County Clerk by registered mail to the town clerk of each town that has approved this Ordinance in which lands affected by such amendment or rezoning are located. If, after 40 days from the date of such adoption, a majority of such towns have not filed certified copies of resolutions disapproving such amendment or rezoning with the County Clerk, or if within a shorter time a majority of the towns have filed certified copies of resolutions approving the amendment or rezoning with the County Clerk, the amendment or rezoning shall thereupon take effect.
3. There will be a public hearing held at least once every ten (10) years with the towns to consider the adequacy of this Ordinance with the intent of providing a forum for towns to petition the county board for a comprehensive revision.

Public Hearings

Where required, the purpose of a public hearing shall to provide an opportunity for members of the public to review, comment and question the proposal before the Committee. Input from the public shall be considered in the decision of the Committee.

SECTION 13.0 DEFINITIONS

For the purposes of this Ordinance, the following definitions shall be used: Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

Accessory Use

A use subordinate to the principal use of land or a building on a lot and customarily incidental thereto.

Adult Entertainment

Any business engaged in the sale or display of books, videos and other materials of a pornographic nature offensive to a significant segment of the population. Includes live performances and movie theater showings of a pornographic nature. Also includes gambling and wagering facilities.

Agritainment

A farm based activity, enterprise, or business that combines the elements and characteristics of agriculture and tourism, which is not necessarily located in an existing building and may have more than one full time employee. Examples of agritainment include: corn mazes; hay rides; sleigh rides; petting farms; on farm tours; agricultural related museums; demonstrations of farming practices, techniques and methods; haunted barns and similar activities which are related to agriculture.

Alley

A special public right-of-way affording only secondary access to abutting properties.

Animal Unit

One animal unit shall be defined as being the equivalent of: one dairy cow, steer, bull or horse over six months of age; two steers, calves or horses under six months of age; two pigs; two sheep; two goats; two llamas; or twenty-five fowl. Other animal, fowl or fish types shall be considered on an individual basis on specific application.

Animated Sign

A sign with all, part, parts, or portion that moves either by mechanical or by natural, such as wind, means.

Arterial Street

A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.

Automobile Service Station (Gas Station)

A building or premises used for dispensing or offering for sale at retail, any automotive fuels or oils, or having pumps and storage tanks thereof; or battery, tire or any similar service is rendered, and where vehicles are not parked for purposes of inspection and sale.

Basement

That portion of any structure located partly below the average adjoining lot grade.

Building

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

Building Area

The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways and unfinished attics.

Building Principal

A building, including covered porches, carports and attached garages, in which is conducted the principal use of the lot on which it is situated.

Campgrounds

Any premises established for overnight habitation by persons using equipment designed for the purpose of temporary camping for which a fee is charged.

Camping Unit

For the purposes of this Ordinance, a camping unit shall be considered a tent, pop-up camper, travel trailer or recreational vehicle, not including park models.

Cemetery

One or more burial sites or lots used or intended to be used for the disposal of human remains.

Clothing Repair Shops

Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery and millinery shops.

Cluster or Cluster of Farm Buildings

This refers to within 300 feet of any buildings on a farm in the A-1 Agricultural district that exist at the time of application for a zoning permit.

Commercial Kennel

Includes animal shelters, commercial kennel services, pet resorts or hotels, dog training centers, doggie day cares, animal rescue shelters, and principal uses where animals are bred for sale to other persons or entities. This use may include training, boarding, grooming, sales of food, sales of supplies, and other customary uses. All such uses may be defined or limited by conditional use permit. Does not include a residential kennel as defined in this Ordinance.

Use standards:

- a) The animals shall be securely detained on the applicant's property, whether by fencing, leash, restraint, or other humane means.
- b) Each animal shall be provided with an indoor containment area
- c) No excessive barking, cries, howling, or other noise shall be permitted. The term "excessive barking, cries, howling or other noise" includes but is not limited to the creation of any noise by a dog or cat that can be heard at the property line by any person and that occurs continuously or incessantly for a period of ten continuous minutes or intermittently for thirty minutes or more, except in instances where it can be demonstrated that such noise was associated with a person trespassing or threatening to trespass upon the private property where the kennel is situated or in instances where the animals are being teased or provoked.
- d) There shall be adequate exercise space for each animal
- e) Outdoor dog runs or exercise pens shall have the following setbacks:
 - i. located at least 20 feet from a lot line
 - ii. located at least 200 feet from an existing legal residence or other structure occupied at least 51% of the time on adjacent property – this setback may be reduced if the adjacent property owner agrees in writing
- f) All pens, yards, structures or areas where animals are kept shall be maintained in a nuisance free manner. Droppings and manure shall be removed and disposed of properly so not to attract insects or rodents, become unsightly or cause objectionable odors.
- g) The lot or parcel size shall be considered as to whether adequate in size for the proposed use and its proximity to adjacent legal uses for potential negative impacts.
- h) Within any farmland preservation zoning district, such uses shall be subject to the following limitations:
 - i. Be conducted by the owners or operators of the farm and employ not more than four additional persons
 - ii. Require no buildings, structures, or improvements other than a preexisting farm residence, an agricultural accessory structure, or both
 - iii. Not impair the current or future agricultural use of the farm or of the other farmland within the farmland preservation district

Commercial Livestock Operation

A livestock operation taking place on a lot of less than 40 acres consisting of horses, cattle, hogs, goats, sheep, chickens, turkey or other animals that are fed, milked or otherwise kept for the primary purpose of propagation or resale as a commodity. Such operations may only be considered on lots with existing improvements that are designed for a similar use and that have had a similar use in recent history. All such operations shall require an operational plan that, at a minimum, includes the total number and type of animals. Such operations may include an affiliated residence.

Committee

The Iowa County Planning and Zoning Committee.

Contiguous or Contiguity

Land shall be considered contiguous if no portion of it is less than 50 feet in width.

Corner Lot

A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Direction or Directory Sign

A sign displaying the name of a person, community, home, farm, area or locality of interest, business or a kind of business or service conducted at a specific location, but not any general brands, products or services whether related or unrelated to such specific location. Such a sign may also display necessary brief directions, including the distance to the location to which it refers.

Display Area for Signs

That portion of a sign used to display any picture, text or message intended to be viewed and shall be measured by the smallest square or rectangle which will encompass the entire sign.

Driveways Access

Any area where travel occurs from a public road over land (whether by easement or ownership) not considered to be part of the public road for the purpose of gaining access to land or improvements.

Duplex and Two-Family Residence

A building with 2 dwelling units with a separate entrance for each.

Dwelling

A detached building designed or used exclusively as a dwelling unit, but does not include boarding or lodging houses, motels, hotels, or tents.

Dwelling Unit

One or more rooms designed for living and sleeping purposes and may include such common residential accommodations such as furniture, appliances, a stove or other heat source, cabinetry, kitchenette, cots or beds.

Efficiency

A dwelling unit consisting of one principal room with no separate sleeping rooms.

Emergency Shelter

Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare; fire, flood, windstorm, riots and invasion.

Essential Services

Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, wires, pedestals, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

Existing Nonconforming Uses or Structures

Any structure, land, or water lawful used, occupied, or erected at the time of the effective date of this Ordinance or amendments thereto which does not conform to the regulations of this Ordinance or amendments thereto. 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.

Expressway

A divided arterial street or highway with full or partial control of access and with or without grade separated intersections.

Family

Any number of persons related by blood, adoption, foster care or marriage, or not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity.

Farm

All land under common ownership that is primarily devoted to agricultural use.

Farm Residence

Any of the following structures located in a farmland preservation zoning district:

- a) A single-family or duplex residence that is the only residential structure or is occupied by any of the following:
 - i. An owner or operator of the affected property
 - ii. A parent or child of an owner or operator of the affected property
 - iii. An individual who earns more than 50 percent of his or her gross income from the affected property

Flashing Sign

A sign whose illumination is not kept constant in intensity at all times when in use, and which exhibits changes in light, color, direction, reflection, or animation.

Freeway

An expressway with full control of access and with fully grade separated intersections.

Frontage

The smallest dimension of a lot abutting a public street measured along the street line.

Gift Stores

Retail stores where items such as art, antiques, jewelry, books and notions are sold.

Hardware Stores

Retail stores where items such as plumbing, heating and electrical supplies, sporting goods and paints are sold.

Height

Overall height of the top of a structure measured from the ground level at the front yard to the highest point of the structure.

Hotel

A building of more than two dwelling units and more than one story used for the temporary accommodation of visitors that includes receipt of payment or other consideration.

Household Occupation

Any occupation for gain or support conducted entirely within a residence by resident occupants, excluding rental properties, which is customarily incidental to the principal use of the premises, does not exceed the

area of one floor.

Interchange

A grade separated intersection with one or more turning lanes for travel between intersection legs.

Junkyard

See Salvage Yard

Junked Vehicle

A truck, automobile or other motorized vehicle which is incapable of operation or use upon a highway and which does not have a valid license. Agricultural and construction equipment shall not be considered within this definition.

Land Use Change

The change of zoning districts on a lot or lots. See also Rezoning.

Loading Area

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

Lot

Land with a boundary description occupied or intended to be occupied by one building and its accessory buildings which at the time of filing for a building permit is designated by its owner to be used, developed or built upon as a unit under single ownership or control. A lot shall not exist unless described on a document filed with the Iowa County Register of Deeds.

Lot Width

The lot width is that portion of a zoning lot at the proposed building site, being where construction or development requiring a permit is proposed.

Machine Shops

Shops where lathes, presses, grinders, shapers and other wood and metal working machines are used, such as blacksmith, tinsmith, welding and sheet metal shops; plumbing, heating and electrical repair and overhaul shops.

Manufactured Home

A dwelling structure or component thereof as is defined in the Wisconsin Stats. 101.91(2) (see below), fabricated in an off-site manufacturing facility for installation or assemble at the building site bearing a HUD label or insignia certifying that it is built in compliance with the Federal Manufacturing Housing Construction Standards under 42 U.S.C. Sec. 5401 to 5426. WI Stats. 101.91(2): "Manufactured home" means either of the following:

- (a) A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.
- (b) A structure, which meets all the requirements of paragraph (a) except the size requirements, and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under 42 U.S.C. 5401 to 5425.

Mean Centerline Grade

As addressed in Section 8.0 of this Ordinance, this shall mean the average grade along the centerline of any public road or highway from which, at any point, the sign is visible. In the case where the sign is visible from more than one public road or highway, the mean of all the affected public road or highway centerline grades shall be the mean centerline grade.

Minor Structures

Any nonresidential, accessory structure that is no larger than one hundred (100) square feet.

Mobile Home

A transportable factory built structure as is defined in the Wisconsin Stats. 101.91(1) (see below), designed for long term occupancy built prior to June 15, 1976, the effective date of the Federal Manufactured Housing Construction Standards under 42 U.S.C. Sec. 5401 to 5426. WI Stats. 101.91(1): "Mobile home" means a vehicular 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 non-collapsible 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.

Mobile home/manufactured home park

A housing development used for the purpose of supplying location and accommodations for mobile and manufactured homes and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such park; unoccupied homes which are parked for the purposes of inspection and sale may be placed in a mobile home/manufactured home park if they are incidental to the operation of said mobile home/manufactured home park.

Motel

A building of more than two dwelling units and only one story used for the temporary accommodation of visitors that includes receipt of payment or other consideration.

Multi-Family Residence

A building with more than 2 dwelling units to be used by more than two (2) families.

Nursing Home

A building other than a hotel, motel, or hospital where for compensation, meals, lodging and physical care are provided for three (3) or more persons. This definition shall include rest homes, convalescent, old people's home and similar establishments.

Nonconforming Uses or Structures

Any structure, land, or water lawful used, occupied, or erected while this Ordinance is in effect which does not conform to the regulations of this Ordinance or amendments thereto. Any such nonconforming use or structure shall be considered a violation.

Nonfarm Residence

A single-family, duplex or multi-family residence other than a farm residence.

Nonmetallic Mining

Nonmetallic mining means operations or activities involving the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or off-site use. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading, dredging, stockpiling, blending of materials, crushing, screening, scalping and dewatering. Nonmetallic mining may include activities such as the significant change in topography, such as leveling hills or knolls, provided materials are used off-site.

Office

The Iowa County Office of Planning and Development.

Off-Premise Sign

A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere other than the same premises that the sign is located.

On-Premise Sign

A sign which directs attention to a business, commodity, service, items or entertainment sold, offered or conducted on the same premises that the sign is located.

Parking Lot

A graded and surfaced area of not less than one hundred and eighty (180) square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

Parties In Interest

Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontage.

Planned unit development

A planned unit development is a development on a large parcel of land, held in single ownership, where more than one principal use or building is to be permitted on a lot. See Section 5.0 of this Ordinance.

Portable Sign

A sign not permanently attached or affixed to a stationery building, post, or structure and that is transported to a location for temporary display.

Poster Panel

See "Off-premise sign"

Premise

As this refers to signs, a premise shall be a property described by zoning lot description or legal description as used to transfer property. A property described in a lease shall not be considered a premise.

Professional Home Office

Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects,

professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, beauticians, barbers or other recognized professions used to conduct their professions where the office does not exceed one-half (1/2) the area of only one floor of the residence and only one nonresident person is employed.

Recreation Camp

An area containing one or more permanent buildings used occasionally or periodically for the accommodation of members of associations or groups for recreational purposes.

Recreational Residential Rental

The use of land or a building, whole or in part, for the temporary accommodation of visitors, but does not include the accommodation of visitors without receipt of payment or other consideration, where the accommodation is incidental to and normally associated with the permitted residential use of a dwelling unit.

Rear Yard

A yard extending across the full width of the lot the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or, on a corner lot, shall be opposite the street yard to which the building is facing.

Residence

see Dwelling

Residential Kennel

Includes the breeding and/or rearing, of between 3 and 6 dogs or cats combined owned by the owner of the affected property, in association with the residential or agricultural principal use of the land and related buildings or structures. A litter of pups or kittens, kept for less than 6 months from birth shall not contribute to the number limit, provided there is not more than a single litter per year per species, not animal, on the premises. This use may not include training, boarding, grooming, sales of food, or sales of supplies. Does not include commercial kennels as defined in this Ordinance. Exceeding the animal number limits may be considered by conditional use permit provided all use standards listed below are complied with.

Use standards:

- a) All dogs and cats must be licensed by the appropriate town if the town maintains a licensing requirement, and regardless, the use shall be subject to all applicable town, county, and state regulations.
- b) The animals shall be securely detained on the applicant's property, whether by fencing, leash, restraint, or other humane means.
- c) Outdoor dog runs or exercise pens shall have the following setbacks:
 - i. located at least 20 feet from a lot line
 - ii. located at least 200 feet from an existing legal residence or other structure occupied at least 51% of the time on adjacent property – this setback may be reduced if the adjacent property owner agrees in writing
- d) No excessive barking, cries, howling, or other noise shall be permitted. The term “excessive barking, cries, howling or other noise” includes but is not limited to the creation of any noise by a dog or cat that can be heard at the property line by any person and that occurs continuously or incessantly for a period of ten continuous minutes or intermittently for thirty minutes or more, except in instances where it can be demonstrated that such noise was associated with a person trespassing or threatening to trespass upon the private property where the kennel is situated or in instances where the animals are being teased or provoked.
- e) All pens, yards, structures or areas where animals are kept shall be maintained in a nuisance free manner. Droppings and manure shall be removed and disposed of properly so not to attract insects or rodents, become unsightly or cause objectionable odors.

- f) The lot or parcel size shall be considered as to whether adequate in size for the proposed use and its proximity to adjacent legal uses for potential negative impacts.
- i) The limit of dogs or cats can be limited where a conditional use permit is required if the limitation is to mitigate potential negative impacts to adjacent legal land uses or due to the subject lot or parcel size.
- j) Within any farmland preservation zoning district, such uses shall be subject to the following limitations:
 - i. Be conducted by the owners or operators of the farm and employ not more than four additional persons
 - ii. Require no buildings, structures, or improvements other than a preexisting farm residence, an agricultural accessory structure, or both
 - iii. Not impair the current or future agricultural use of the farm or of the other farmland within the farmland preservation district

Rezoning

The change of zoning districts on a lot or lots. See also Land Use Change.

Road

see street

Roadside Stand

A temporary structure, not enclosed, and so designed and constructed that the structure is easily portable and can be readily moved.

Salvage Yard

A parcel of land upon which wastes or used or secondhand materials are bought, sold, exchanged, stored, processed or handled. Materials shall include, but are not limited to, scrap iron and other metals, paper, rag, rubber tires, vehicles, equipment and bottles.

Setback, Highway

The minimum horizontal distance from the centerline of a highway or its right-of-way line to the nearest part of the building, exclusive of permitted projection, measured at right angles to the right-of-way line.

Semi-trailer or Trailer Sign

Any semi-tractor trailer, panel trailer, or other trailer, with or without the capability to be licensed for operation on the highway, used exclusively for the purposes of providing surface area for attached or painted signage parked or located off a public highway or road.

Side Yard

A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal street.

Sign

Any object, device, fixture, placard, or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, announce the purpose of, or attract attention to an object, person, institution, organization, business, product, service, event or location, either on the lot or on any other premises, by any means, including words, letters, figures, designs, or graphics, symbols, fixtures, colors, illumination, or projected images, and which is visible from any place on the main-traveled way of any highway, public street, road or other vehicular right-of-way.

Single-Family Residence

A building with no more than one dwelling unit to be used by a single family.

Street

A public right-of-way not less than sixty-six (66) feet wide providing primary access to abutting properties.

Street Yard

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.

Street Line

A dividing line between a lot, tract or parcel of land and an adjacent street right-of-way.

Structure

Any construction, excluding fills and fences, or any production or piece of work artificially built or composed of parts joined together in some definite manner having form, shape and utility. Examples include, but are not limited to, buildings, towers, mobile homes, manufactured homes; carports, additions, decks, swimming pools, and sheds.

Structural Alterations

Any replacement in excess of 50% of any supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

Tourist Cottage

A building of no more than two dwelling units used for the temporary accommodation of visitors that includes receipt of payment or other consideration.

Turning Lanes

An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes including grade separated interchange ramps.

Utilities

Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

Vehicle Sign

Any vehicle, including semi-trailers, trailers, campers, buses, automobiles, trucks, vans and other like vehicles parked on property primarily as advertising for the property, product or service. Such vehicles that are moved on a daily basis shall not be considered vehicle signs.

Yard

An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. The measurements of a yard shall be construed as a minimum horizontal distance between the lot line and the exterior wall of a building or

structure.

Zoning Lot

A lot as shown on the Official Zoning Map.

Appendix A: Amendments

Year	Section(s)	Summary	
1978	2.3	permit fees	
	2.5	50 foot wide access	
	3.1	added AB-1 District to listing	
	3.3	language amendment	
	3.5	added AB-1 District B-2 language amendment	
	3.6	uses amendment	
	9.1	A-1 parcel of record	
	10.3	Board of Adjustment filing fee	
	11.0	Zoning Hearing fee	
	12.0	added: farm, lot, residence	
1981	2.3	late permit fee	
1982	3.35	added AR-1 District	
1987	2.6	removed language	
	3.35	removed language	
	7.2	removed language	
	8.2	added “or Director”	
	8.3	removed 15 foot setback	
	8.4	removed setback	
	8.5	removed setback	
	12.0	removed language	
1995	2.3	permit fees	
	2.6	added junked vehicles restriction	
	3.3	removed 200 foot distance added prime soils restriction	
	3.5	added mini-storage warehouses to B-2 added portrait studio & art gallery to B-1 added taxidermy to B-2 and M-1 added kennels, etc to B-1	
	4.3	conditional use permit fee	
	5.9	removed camp ground permit requirement	
	8.1	sign permit fees and renewal requirement	
	9.1	50% rule to value at time of application	
	10.3	Board of Adjustment filing fee	
	11.0	Zoning Hearing filing fee	
	12.0	added: dwelling unit, single-family residence, duplex or two-family residence, multi-family residence, junked vehicle	
	1996	3.3	removed mobile home allowance
		3.35	excluded septic systems as development replace “residence” with “dwelling”
3.4		replace “residence” with “dwelling”	

	3.5	replace “residence” with “dwelling”
	3.6	replace “residence” with “dwelling”
	4.4	added alteration or reduction of lot
	6.3	up to 4 users maximum on private drive
	10.3	regular monthly meetings
	12.0	added: mobile home, manufactured home
1997		multiple statute renumbering
	2.3	permit fees for R-4
	2.3	permit fees
	3.1	add H-1 District
	3.3	added conditional uses
	3.35	added conditional uses
	3.4	added R-4 District
		removal of conditional uses from R-1 & R-2
	8.0	sign provision
	12.0	sign definitions
1998	3.3	driveway/prime soils exemption
2000	3.3	prime soils exemption
		restructure text
	3.35	prime soils restriction
		metes and bounds description
	12.0	cluster definition
		prime soils definition
2002	2.3	permit fees & permit life
2003	8.0	signs
	12.0	definitions relating to signs
2004	8.4	allowed signs
2005		Comprehensive Revision: adopted by the Iowa County Board of Supervisors March 15, 2005
2005	2.6, 7.2	County Board Resolution May 17, 2005
2007	several sections	clarification text easement width tourist cottage agritainment recreational residential rental commercial livestock operation wind turbine setback& more per County Board Resolution 1-0907
2008	10.1	Board of Adjustment from 5 to 3 members
2013	2.4	ten days to respond to Certificate of Compliance request
	8.4(3)	increase display area of on-premise ground signs
	13	define “cemetery”
	3.0	“cemetery” or “cemeteries” as conditional use permit option in A-1, AB-1, RB-1, B-2, H-1 and AR-1 districts
	10.3	notice requirements for Board of Adjustment hearings

2014	2.31	created per Resolution 5-0214
	2.32	created per Resolution 5-0214
	3.5	AB-1 & B-5 nonmetallic mining language revised per Resolution 5-0214
	4.5	created per Resolution 5-0214
2014-2	13.0	Nonmetallic Mining definition added per Resolution 5-014
	3.2	Removal of text relating to wind energy systems Removal of text relating to telecommunication towers
2016	7.1	Removal of text relating to wind energy systems Removal of text relating to telecommunication towers
	2.8 & 2.9	Removal of grace period; clarification of penalties
2016	8.0	Sign regulations
2017	3.2; 3.5; 5.0; 9.5; 13	Farmland preservation zoning standards
	3.2, 3.3, 3.5	Add utilities, solar, wind as CUP option
	2.3	camper use outside campgrounds
2018	3.6	RH-1 Rural Hamlet District
	multiple	nonconforming uses; substandard lots; variances; establish permitted uses in multiple districts; "committee" replace "commission"; duplex definition; B-5 district reorganization
	Section 4.0	conditional use permits
2019	Section 3.0 & 13.0	Commercial Kennel; Residential Kennel
2019	Section 3.4	Recreational Residential Rental as CUP in AR-1 & R-1

Ordinance No. 400.17

SECTION I – GENERAL PROVISIONS

1.0 Title This ordinance is entitled the Iowa County Wind Energy System Siting Ordinance.

2.0 Purpose The purpose of this ordinance is to adopt and incorporate the requirements of Wis. Stat. § 66.0401 and Wis. Admin. Code Ch. PSC 128 as a local ordinance and to establish local regulations on the installation and use of wind energy systems that are authorized by, compliant with, and no more restrictive than the rules promulgated by the Wisconsin Public Service Commission and that serve to preserve or protect the public health or safety, do not significantly increase the cost of the system or significantly decrease its efficiency, or allow for an alternative system of comparable cost and efficiency.

3.0 Authority This ordinance is adopted pursuant to Wis. Stat. § 66.0401 and Wis. Admin. Code § PSC

128.

4.0 Applicability This ordinance applies to all lands within the boundaries of the county lying outside the limits of incorporated cities and villages.

5.0 Severability If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

6.0 Administration This ordinance shall be administered by the Iowa County Office of Planning & Development.

SECTION II – DEFINITIONS

“Committee” means the Iowa County Planning and Zoning Committee.

“Department director” or “director” means the director of the Iowa County Office of Planning and Development or the department director’s designee.

“Office” means the Iowa County Office of Planning and Development.

“Large wind energy system” or “large wind” means a wind energy system that has a total installed nameplate capacity of more than 300 kilowatts and that consists of individual wind turbines that have an installed nameplate capacity of more than 100 kilowatts.

“Permit” means a zoning permit issued by the Iowa County Office of Planning and Development.

“PSC 128” means Wis. Admin. Code Ch. PSC 128, Wind Energy Systems.

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

“Wind energy system” means equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy.

SECTION III – PERMIT, APPLICATION, AND FILING REQUIREMENTS

1.0 Permit Requirement and Fee The owner, or his agent, of the property on which a wind energy system is proposed to be installed, constructed, or expanded must apply for and receive a zoning permit from the Office before any such work can commence. The applicant shall pay an application review fee, which is applied to the cost of reviewing the application. The applicant shall pay a separate permit fee before any permit is issued by the director. All fees shall be established by the resolution by the Iowa County Board of Supervisors. For large wind energy systems: a.) The applicant is responsible for paying all costs incurred by the county in connection with the review and processing of the application, including the cost for services provided by outside attorneys, engineers, environmental specialists, planners, and other consultants and experts deemed necessary by the county. b.) The county shall make the applicant aware of any such costs prior to incurring the cost and, if the applicant decides not to pay the costs, the application shall be denied. c.) The county shall invoice the applicant for the actual and necessary costs incurred pursuant to this ordinance. The applicant will be provided 15 days from the date of the invoice to reimburse the county. d.) The office is authorized to contract with one or more engineers, environmental specialists, planners, and other consultants and experts to perform necessary services in connection with this ordinance. e.) The corporation counsel is authorized to contract with outside legal counsel to perform services in connection with this ordinance.

2.0 Permit Expiration and Extension A zoning permit issued under this ordinance shall expire if at least 51% of the project construction has not been completed within 12 months of the permit issue date. An extension may be requested in writing to the director for up to 12 additional months provided the original permit has not yet expired. The director shall grant an extension provided the project is not inconsistent with any subsequently enacted law, rule or regulation under the purview of the office.

3.0 Application Requirements

3.1 For small wind energy systems -An owner shall file an application with the office that, at a minimum, includes the following information:

- a.) Wind energy system description and maps showing the locations of all proposed wind energy facilities
- b.) Technical description of wind turbines and wind turbine sites
- c.) Timeline and process for constructing the wind energy system
- d.) Information regarding anticipated impact of the wind energy systems on local infrastructure
- e.) Information regarding noise anticipated to be attributable to the wind energy system
- f.) Information regarding shadow flicker anticipated to be attributable to the wind energy system
- g.) Information regarding the anticipated effects of the wind energy system on existing land uses adjacent to the wind energy system
- h.) Information regarding the anticipated effects of the wind energy system on airports and airspace
- i.) Information regarding the anticipated effects of the wind energy system on line-of-sight communications
- j.) A list of all state and federal permits required to construct and operate the wind energy system
- k.) Information regarding the planned use and modification of roads during the construction, operation, and decommissioning of the wind energy system, including a process for assessing road damage caused by wind energy system activities and for conducting road repairs at the owner's expense

L.) A representative copy of all notices issued under sub. (5) and ss. PSC 128.105(1) and 128.42(1), which are:

- (1) PSC 128.105(1): Pre-application notice – At least 60 days before an owner files an application to construct a wind energy system, an owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:

- Adjacent landowners to the planned wind turbine host property
- Political subdivisions within which the wind energy system may be located

3.2 For large wind energy systems -An owner shall file an application with the office that, at a minimum, includes the following information:

- a.) All information required under 3.1(a-f) and (h-k) of this ordinance
- b.) Information regarding the anticipated effects of the wind energy system on existing land uses within 0.5 mile of the wind energy system
- c.) A representative copy of all notices issued under sub. (5) and ss. PSC 128.105(1) and 128.42(1), which are:

(1) PSC 128.105(1): Pre-application notice – At least 90 days before an owner files an application to construct a wind energy system, an owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following: -Land owners within one mile of the planned wind turbine host property -Political subdivisions within which the wind energy system may be located -Emergency first responders and air ambulance service providers serving the political subdivisions within which the wind energy system may be located -The Wisconsin department of transportation -The public service commission -The Wisconsin department of natural resources -The Wisconsin department of agriculture, trade and consumer protection -The office of the deputy undersecretary of the U.S. department of defense

(2) PSC 128.42(1): Notice of process for making complaints – Before construction of a wind energy system begins, an owner shall provide written notice of the process for making complaints and obtaining mitigation measures to all residents and landowners within 0.5 mile of any wind energy system facility. An owner shall include in the notice the requirements under PSC 128.40(1) for submitting a complaint to the owner, a petition for review to the political subdivision, and an appeal to the commission, and shall include a contact person and telephone number for the owner for receipt of complaints or concerns during construction, operation, maintenance and decommissioning.

d.) A copy of all emergency plans developed in collaboration with appropriate first responders under s. PSC 128.18(4)(b). An owner may file plans using confidential filing procedures as necessary.

e.) A decommissioning and site restoration plan providing reasonable assurance that the owner will be able to comply with s. PSC 128.19.

3.3 For all applications, the owner shall ensure that information contained in the application is accurate.

3.4 Evidence shall be included for all applications to show that, on the same day an owner filed an application under this ordinance, the owner did, under use commercially reasonable methods to provide written notice of the filing of the application to property owners and residents located within one mile of the proposed location of any wind energy system facility. The notice shall include all of the following:

- a.) A complete description of the wind energy system, including the number and size of the wind turbines.
- b.) A map showing the location of all proposed wind energy system facilities.
- c.) The proposed timeline for construction and operation of the wind energy system.
- d.) Locations where the application is available for public review.
- e.) Owner contact information.

SECTION IV – LOCAL REGULATIONS

4.0 Airport Approach Protection An owner may not construct any wind energy system that does not comply with the Iowa County Airport Zoning Ordinance which, in part, controls the height of structures within close proximity of the Iowa County Airport.

4.01 Abandonment and Decommissioning

4.011 For small wind energy systems:

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

4.012 For large wind energy systems:

a.) An owner with a nameplate capacity of one megawatt or larger shall provide the county with financial assurance of the owner's ability to pay the actual and necessary cost to decommission the wind energy system before commencing major civil construction activities. b.) An owner shall provide the county with 3 estimates of the actual and necessary cost to decommission the wind energy system. The cost estimates shall be prepared by third parties agreeable to the owner and the county. The amount of financial assurance required by the county will be the average of the 3 estimates. c.) An owner shall establish financial assurance that is acceptable to the county and that places the county in a secured position. The financial assurance must provide that the secured funds may only be used for decommissioning the wind energy system until such time as the county determines that the wind energy system has been decommissioned, as provided for in PSC 128.30(5)(b), or the county approves the release of the funds, whichever occurs first. The financial assurance must also provide that the county may access the funds for the purpose of decommissioning the wind energy system if the owner does not decommission the system when decommissioning is required. d.) The county may periodically request information from the owner regarding industry costs for decommissioning the wind energy system. If the county finds that the

future anticipated cost to decommission the wind energy system is at least 10 percent more or less than the amount of financial assurance provided under this section, the county may correspondingly increase or decrease the amount of financial assurance required.

e.) The county may require an owner to submit a substitute financial insurance of the owner's choosing if an event occurs that raises material concern regarding the viability of the existing financial assurance.

f.) An owner shall, within 30 days of consulting with any federal or state agency about the construction, operation, or decommissioning of the wind energy system, provide the county with information about the reason for the consultation.

e.) An owner shall, within 30 days of receiving any non-binding recommendation for the construction, operation, or decommissioning of the wind energy system from any federal or state agency, provide the county with information about the consultation

federal or state agency, provide the county with information about the consultation

federal or state agency, provide the county with information about the consultation

4.02 Lighting

4.021 For small wind energy systems:

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

4.03 Noise

4.031 For small wind energy systems:

a.) The noise generated by the operation of a small wind energy system may not exceed 50 dB(A) during the daytime hours and 45 dB(A) during the nighttime hours as measured at the outside wall of a nonparticipating residence or occupied community building that existed when the owner gave notice pursuant to PSC 128.105(1) or for which complete publicly available plans for construction were on file with a political subdivision within 30 days of the date when the owner gave notice pursuant to PSC 128.105(1).

b.) The owner of an adjacent nonparticipating residence or adjacent occupied community building may relieve the owner of the small wind energy system of the requirement to meet any of the noise limits in this section by written contract as provide in PSC 128.14(5) and (6).

c.) The owner shall provide the notice as prescribed by PSC 128.61(4). d.) If an owner receives a complaint of a violation of the noise standards contained in PSC 128.14 and the owner has not provided the department with the results of an accurate test conducted within 2 years of the date of the complaint showing that the small wind energy system is in compliance with the noise standard at the location relating to the complaint, the owner shall promptly conduct a noise study to evaluate compliance with the noise standards at that location using the most current version of the noise measurement protocol as described in PSC 128.50(2).

4.032 For large wind energy systems:

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

4.04 Ownership Change An owner shall provide the county with notice of any change in ownership of the small wind energy system on or before the effective date of the change.

For large wind energy systems, a notice of change in ownership of the wind energy system shall include information showing that the financial responsibility specified under section 4.012 of this ordinance will be met by the new owner.

4.05 Setbacks

4.051 For small wind energy systems:

a.) A small wind energy system must be set back at least 1.0 times the maximum blade tip height from any nonparticipating property line, nonparticipating residence, occupied community building, or overhead communication and electrical transmission line, not including utility service lines to individual houses or outbuildings. b.) The owner of an adjacent nonparticipating residence or adjacent occupied

community building may waive the required setback distance by providing a written agreement with the owner to the office and if the director is in agreement.

4.052 For large wind energy systems:

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

Setback Description Setback distance Occupied Community Buildings The lesser of 1,250 feet or 3.1 times the maximum blade tip height

e maximum blade tip height

er of 1,250 feet or 3.1 times the maximum blade tip height

Participating Property Lines none

imes the maximum blade tip height

the maximum blade tip height

Overhead Communication and Electric 1.1 times the maximum blade tip Transmission or Distribution Lines – not height including utility service lines to individual houses or outbuildings

Overhead Utility Service Lines – Lines to None Individual houses or outbuildings

SECTION V – LOCAL PROCEDURE

5.0 Application Processing

5.1 Within 10 days of receiving the application, the office shall notify the applicant whether the application is complete and, if it is not, what the applicant must do in order to make it complete.

- a.) The applicant shall provide the additional information specified in the notice to the office within 60 days of the date of the notice.
- b.) If the applicant fails to provide additional information specified in the notice to complete the application within 60 days of the date of the notice, the application shall be deemed abandoned. The owner may file a new application at a later date, subject to payment of a new application fee. There is no limit to the number of times that an owner may file an application.
- c.) An application shall be deemed complete if it complies with the filing requirements of section 3.0 of this ordinance and of PSC 128.50.

5.2 As soon as possible after receiving a complete application, the office shall publish a class 1 notice, under ch. 985 Stats., stating that an application for approval has been filed with the county. If the application is deemed incomplete, the notice shall state the reason for the determination. The office will accept written comments on the application for a period of 10 days following the date of the published notice.

5.3 The county shall make a record of its decision making on an application for approval, including a recording of any public hearing, copies of documents submitted at any public hearing, and copies of any other documents provided to the political subdivision in connection with the application for approval.

5.4 The county shall base its decision on an application for approval on written findings of fact that are supported by the evidence in the record of any public hearing.

5.5 The county shall approve or disapprove an application for approval no later than 90 days after the day on which it notifies the applicant that the application for approval is

complete. The county may extend this time period in writing provided the extension is done during the initial 90-day period, except the total amount of time for all extensions granted may not exceed 90 days. Any combination of the following extensions may be granted:

a.) An extension of up to 45 days if the county needs additional information to determine whether to approve or deny the application. b.) An extension of up to 90 days if the applicant makes a material modification to the application. c.) An extension of up to 90 days for other good cause specified in writing by the county.

If the county fails to act within the initial 90 days, or within any extended time period, the application is considered approved.

5.6 For large wind energy systems, the county may deny an application if the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development as shown in an adopted comprehensive plan.

5.7 The denial by the county of any application shall be made in writing to the applicant and must include the reasons for denial. Any denial by the county of an application may be appealed to the Iowa County Board of Adjustment following the procedure outlined in Chapter 10 of the Iowa County Zoning Ordinance. Any decision made by the county may be appealed to the Iowa County Board of Adjustment following the procedure outlined in Chapter 10 of the Iowa County Zoning Ordinance.

5.8 The county shall provide a written decision to the applicant and the public service commission. Said decision shall contain findings of fact supported by evidence in the record.

SECTION VI – MODIFICATIONS TO AN APPROVED SYSTEM

6.0 Material change An owner may not make a material change in the approved design, location or construction of a wind energy system without the prior written approval of the office. An owner shall submit an application for a material change to an approved wind energy system to the county. The county may not reopen the merits of the earlier approval, but shall consider only those issues relevant to the proposed change.

An application for material change is subject to PSC 128.35.

At its discretion, the county may hold at least one public meeting to obtain comments on and to inform the public about a proposed material change to an approved wind energy system.

SECTION VII – THIRD PARTY CONSTRUCTION INSPECTOR

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

SECTION VIII – POSTCONSTRUCTION FILING REQUIREMENT

Within 90 days of the date a wind energy system commences operation, the owner shall file with the office and the public service commission an as-built description of the wind energy system, an accurate map of the wind energy system showing the location of all wind energy system facilities, geographic information system information showing the location of all wind energy system facilities, and current information identifying the owner of the wind energy system.

An owner shall label each wind turbine location described in its filing and shown on the map of the wind energy system with a unique identifier consistent with the information posted at the wind turbine location under PSC 128.18 (1).

SECTION IX – COMPLIANCE MONITORING

This subsection applies to large wind energy systems only. An owner shall maintain a maintenance log for each wind turbine. The log must contain the following information:

a.) date and time maintenance was performed b.) nature of the maintenance performed c.) reason for the maintenance An owner shall, at the owner's expense, provide the office with a copy of the maintenance log for each wind turbine for each month upon the request of the county.

The office may retain such consultants or experts as it deems necessary to assess and determine whether the wind energy system facilities are compliant or to assess whether the wind energy system facilities are being maintained in good repair and operating condition.

SECTION X – DECOMMISSIONING REVIEW

An owner shall file a notice of decommissioning completion with the county and any political subdivision within which its wind energy system facilities are located when a wind energy system approved by the county has been decommissioned and removed.

The office shall conduct a decommissioning review to determine whether the owner has decommissioned and removed the wind energy system as required by PSC 128.29(1)(a) and whether the owner has complied with its site restoration obligation under PSC 128.29(4).

The owner shall cooperate with the county by participating in the decommissioning review process.

SECTION XI – APPEALS

A decision by the office that the application is not complete, to approve or disapprove the application, or to impose a restriction on a small wind energy system may be appealed to the public service commission.

Any action by the county to enforce a restriction on a small wind energy system may be appealed to the public service commission.

An appeal must be filed with the public service commission within 30 days after the date of the decision or the start of the enforcement action that is being appealed.

SECTION XII – COMPLAINTS

12.1 Complaint process for wind energy systems

12.11 An aggrieved person who has made a complaint to an owner in accordance with PSC 128.40 may petition the county for review of the complaint if it has not been resolved within 45 days of the day the owner received the original complaint.

12.12 The petition for review must be filed with the office within 90 days of the date of the original complaint and shall contain the following:

- a.) name, address, and telephone number of the person filing the petition
- b.) copy of the original complaint to the owner
- c.) copy of the owner's original response
- d.) statement describing the unresolved complaint
- e.) statement describing the desired remedy
- f.) any other information the complainant deems relevant to the complaint
- g.) notarized signature of the person filing the petition

12.13 The office shall forward a copy of the petition to the owner by certified mail within 10 days of the office receiving the petition.

12.14 The owner shall file an answer to the petition with the office and provide a copy of its answer to the complainant within 30 days of its receipt of the petition.

12.15 The answer must include the following:

- a.) name, address, and telephone number of the person filing the answer
- b.) statement describing the actions taken by the owner in response to the complaint
- c.) statement of the reasons why the owner believes that the complaint has been resolved or why the complaint remains unresolved
- d.) statement describing any additional action the owner plans or is willing to take to resolve the complaint
- e.) any other information the owner deems relevant to the complaint
- f.) notarized signature of the person filing the answer

- 12.16 The complainant and the owner may, within 30 days following the owner's filing of its answer, file such additional information with the office as each deems appropriate.
- 12.17 The office may request such additional information from the complainant and the owner as it deems necessary to complete its review.
- 12.18 The office may retain such consultants or experts as it deems necessary to complete its review.
- 12.19 The office shall issue a written decision and may take such enforcement action as it deems appropriate with respect to the complaint.
- 12.120 The decision of the office and enforcement action is subject to review under Wis. Stat. § 66.0401(5).

12.2 Additional process for large wind energy systems

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

SECTION XIII – VIOLATIONS, ENFORCEMENT, AND PENTALTIES

13.0 Violations

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

13.1 Enforcement

13.11 Office Authority. The office shall enforce this ordinance and may conduct inspections and investigate complaints relating to compliance with this ordinance.

13.12 Inspection Authority. The office may request permission to inspect, at a reasonable time and date, any premises or structure for which a permit has been applied for or granted to determine compliance with this ordinance. Refusal to grant permission is grounds for denial or revocation of a permit. If permission is not given, the office may apply for, obtain, and execute a special inspection warrant pursuant to Wis. Stat. § 66.0119.

13.13 Notice of Noncompliance. If the office finds a violation of any provision of this ordinance, the office may issue a written notice to the owner stating the conditions of non-compliance, specifying the action required to come into compliance, and providing a reasonable amount of time within which compliance is required.

13.14 Permit Revocation Authority. The office may revoke a permit for substantial noncompliance with any provision of this ordinance, refusal to permit inspection of wind energy systems facilities for which a permit has been granted, or failure to comply with the action requirement contained in a notice of noncompliance.

13.15 Citation Authority. The office may issue a citation for any violation of this ordinance. The office is not required to issue a notice of noncompliance or take any other action prior to issuing a citation.

13.16 Legal Referral. The office may refer a violation of this ordinance to corporation counsel for legal action, including an action seeking injunctive relief. The office is not required to issue a notice of noncompliance or take any other action prior to referring a violation to corporation counsel.

13.17 Other Enforcement Means. Nothing in this section may be construed to prevent the county from using any other lawful means to enforce this ordinance.

13.2 Penalties

13.21 A person will, upon conviction for any violation of this ordinance, forfeit not less than \$100 nor more than \$1,000 for each offense, together with the costs of prosecution for each violation, and may be ordered to take such action as is necessary to abate the offense within a specified time.

13.22 The minimum and maximum forfeitures specified in this section are doubled each time that a person is convicted for the same violation of this ordinance within any 12 month period.

13.23 A person who has the ability to pay a forfeiture entered pursuant to this ordinance, but who fails or refuses to do so may be confined in the county jail until the forfeiture and costs are paid, but the period of confinement may not exceed 30 days. In determining whether a person has the ability to pay, all items of income and all assets may be considered regardless of whether the income and assets are subject to garnishment, lien, or attachment by creditors.

13.24 The failure of a county employee, official, or officer to perform an official duty imposed by a section of this code will not subject the employee, official, or officer to a penalty unless the section imposing the duty also specifies the penalty.

SECTION XIV -EFFECTIVE DATE

This ordinance is effective on the day following publication per Wisconsin Statute.

Adopted this _____ day of _____, 20__.

John M. Meyers Iowa County Chairman

ATTEST:

Gregory T. Klusendorf Iowa County Clerk

CERTIFICATION OF ADOPTION

This is to certify that the above ordinance was duly adopted by the County Board of Iowa County on the _____ day of _____, 20__.

Gregory T. Klusendorf Iowa County Clerk Iowa County,
Wisconsin



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Dodgeville Street, Suite 1223
Dodgeville, WI 53533
608-935-0333/608-553-7575/fax 608-935-0326
Scott.Godfrey@iowacounty.org

Wind Siting Frequently Asked Questions

1. What authority does the county have to regulate wind turbine projects?

The county cannot regulate wind projects using zoning authority, but can adopt a siting ordinance consistent with PSC 128 Wis. Admin. Code, §66.0401 Wis. Stats. and §196.491 Wis. Stats.

2. Can the county deny a wind project that is 100 megawatts (MW) or larger?

No. For wind projects of 100 megawatts or larger, the county does not have authority to approve or deny the project. This authority lies with the Public Service Commission. [§196.491 Wis. Stats]

3. Can the county deny a wind project that is under 100 megawatts (MW)?

For wind projects under 100 megawatts, the county can approve or deny a project based on consistency with an adopted siting ordinance that enacts the standards of PSC 128. The county cannot be more restrictive than PSC 128.

4. What are the required setbacks for wind projects?

The maximum setbacks are established in PSC 128 and the county cannot impose a greater setback. The current county siting ordinance includes these setbacks.

5. What role does the county have in a proposed wind project of 100 megawatts or larger?

The county can participate in the Public Service Commission review of the project and provide comments and information like other interested parties. If the Public Service Commission approves the project, and the county disagrees with the approval, the county can challenge the decision through the judicial review under Wis. Stat. Chapter 227.

6. What role does the public have in a proposed wind project 100 megawatts (MW) or larger?

For projects of 100 megawatts or larger, the public may provide comments to the Public Service Commission through its website as well as during the required public hearing(s) held by the Commission.

7. What role does the public have in a proposed wind project under 100 megawatts (MW)?

For projects under 100 megawatts, there is a public hearing process at the county as required by the county's siting ordinance. The county can only respond to concerns that it has jurisdiction of under its ordinance.

8. What impact will revising the county's siting ordinance to include all of the PSC 128 standards have on a proposed wind project of less than 100 MW?

The current ordinance does not include the PSC 128 siting standards relating to:

- Noise – cannot exceed 50 dBA during daytime or 45 dBA during nighttime
- Shadow flicker – cannot cause more than 30 hours per year of shadow flicker at nonparticipating residences or occupied community building; such buildings are eligible for mitigation if modeling shows experiencing 20 hours or more per year of shadow flicker
- Stray voltage – owner must work with local power company to test all dairy and confined animal operations within 0.5 mile and rectify any issues caused by the wind project
- Signal interference – must use reasonable and commercially available technology to mitigate interference caused by the wind system to commercial and personal communication signals

If these are incorporated into the county's ordinance, a project under 100 MW will need to be planned to comply with the minimum standards as outlined in PSC 128.

9. Is the county going to amend the wind siting ordinance to include all of the standards that are available under PSC 128?

After consideration at three consecutive meetings, the Iowa County Planning & Zoning Committee took action at its January 26, 2021 meeting to not make any revisions to the county's wind siting ordinance at that time. The county is continuing to gather and research information to potentially consider whether the current ordinance should be updated in the future, what PSC standards should be included, and how the changes would be implemented.

10. What additional costs could the county incur if it were to revise its siting ordinance to include all the PSC 128 standards?

Most of the additional application review costs can be passed onto the applicant. Most of the ongoing monitoring costs can be passed onto the wind system owner. However, the costs associated with investigating complaints will be borne solely by the county.

These costs may include:

- Staff time: take in complaint, start record documentation, request relevant information from owner, investigate, analyze information, determine if a violation exists, propose potential resolution(s)
- Third party experts: depending upon the nature of the complaint, the county may need to hire one or more experts to perform studies, analyze data, etc.

- Monitoring Committee: the county may choose to create a Monitoring Committee as authorized under PSC 128. It would maintain a record of all complaints and recommend a reasonable complaint resolution to the county. These individuals presumably will be paid a per diem, mileage, etc.
- County Board: Ultimately, the board will need to accept the suggested complaint resolution, which will likely entail one or more meetings of a committee and/or the full board. As with any administration of an ordinance, the county may be subject to litigation by anyone who feels it either was not followed or there was an excess of authority exercised.

It is difficult to put a number to the potential additional costs as it will be dependent upon the nature, frequency and number of complaints.

11. Can complaints be made after a wind project is in operation?

Yes. Regardless if there is a county siting ordinance, complaints must first be made to the wind system owner. The owner has 45 days to resolve the complaint. If unresolved after 45 days, the complainant may either petition the county for review if the project is under 100 MW, or the Public Service Commission if the project is 100 MW or larger.

If the county has established a Monitoring Committee, said committee will investigate the complaint and propose a reasonable resolution. Absent such a committee, this responsibility will fall to the office and/or staff designated by the County Board.

If the resolution is not satisfactory to either the complainant or system owner, the county's decision may be appealed to the Public Service Commission.

When a complaint involves a wind system that crosses more than one political jurisdiction, there needs to be collaboration between the jurisdictions.

12. Why does the county have more authority over other development, such as building a house, than it does over wind projects?

In Wisconsin, counties only have authority granted by State statutes. The statutes authorizing county zoning are different than the statutes that authorize wind siting. The wind siting statutes preempt county zoning authority.

13. Is there anything that the public and/or county can do to express concerns or opposition to the State wind siting law?

Ultimately, it is the State Legislature that has the ability to change the statutes relating to wind siting. Petitions can be made to the Legislature to revise or update the siting standards to better reflect the current wind technology. The current PSC 128 standards are largely unchanged since enacted in 2012.

14. What is the wind siting application review timeline?

See the attached flow chart created by the Public Service Commission. It can also be found at: [localGovtApprovalTimeline.pdf \(wi.gov\)](#)

15. What impact will a large wind system have on property values?

This is a question that is difficult to definitively answer. Where most land is currently planned and zoned for agricultural use, the development of a wind project may have minimal impact as that land use is largely able to continue. An argument can also be made that the income generation potential of a wind project on agricultural land increases its overall value, which encourages its continued agricultural use.

However, where land is anticipated to be converted from an agricultural use to a residential or other use, a wind project may have a negative impact on the property value. Such a project can be denied if proposed in an area planned for primarily residential or commercial development in an adopted comprehensive plan.

16. What are the possible negative health impacts of large wind projects?

To date, there are many anecdotal accounts and studies that wind projects cause negative health effects. However, there are few if any peer-reviewed scientific studies that draw a conclusive cause/effect.

The Wisconsin Wind Siting Council filed a 2014 report to the State Legislature summarizing health effects associated with the operation of wind systems. The report can be found at: [windSitingReport2014.pdf](#)

Another source is a joint statement of the Environmental Health Sciences Research Center at the University of Iowa College of Public Health, Iowa Policy Project, and the Iowa Environmental Council, which summarizes the results of the best research available. It concludes there is little scientific evidence that sound from wind turbines represents a risk to human health among neighboring residents. The statement can be found at:

[IEC19001 Wind Health Paper v4.indd \(iowapolicyproject.org\)](#)

17. Why is there so little information available to the public about large wind projects of 100 MW or larger?

Because a wind developer does not have to seek local approval of a project of 100 megawatts or larger, it will usually not provide detailed information until required to provide a pre-application notice to the county. The pre-application notice is required by State law to be filed with several parties, to include landowners within one mile of a planned wind turbine host property as well as the political subdivisions within which the wind energy system may be located, at least 90 days prior to submitting an application to construct a wind energy system with the Public Service Commission. If the turbines are to be 600 feet or taller, an additional pre-application notice must be filed with the PSC at least 180 days before the application for construction of the system is submitted to the PSC.

Until a preapplication notice is submitted to the county, the county has no definitive information on any proposed project.

18. Can the county negotiate for local benefits from wind projects, such as access to energy, local jobs, etc.?

The county may propose a developer's agreement, but has no authority to require one.

19. What impact might a county renewable energy plan have on future wind projects?

It is possible that such a plan may be taken into consideration by the Public Service Commission when considering an application, but that would be solely the Commission's discretion. However, such a plan would not change the statutory authority provided to the county as pertaining to renewable energy projects on land not owned by the county.

20. How likely is it that an application for a wind project will "catch the county off guard"?

Any wind project under 100 MW must file a pre-application notice with the county and all landowners within one mile of the planned project area at least 90 days before submitting an application for county review under its ordinance. Any wind project 100 MW or larger must file a pre-application with the county and all landowners within one mile of the planned project area at least 90 days before submitting an application for Public Service Commission review. Any project proposing turbines in excess of 600 feet must file a pre-application notice with the Public Service Commission at least 180 days before submitting an application.

WIND SITING – POLITICAL SUBDIVISION APPLICATION REVIEW TIMELINE*

08/16/12

***CAUTION: THIS CHART DOES NOT IDENTIFY ALL STEPS THAT MAY BE NECESSARY TO OBTAIN APPROVAL FROM A POLITICAL SUBDIVISION FOR A WIND ENERGY SYSTEM IN WISCONSIN.**

This flow chart is provided for informational purposes only, and may contain errors. It does not constitute legal advice.

For more information, please see Wis. Admin. Code PSC Ch. 128, and Wis. Stat. § 66.0401 or consult an attorney.

