

## CHAPTER 17 - ZONING CODE (Rep. &amp; recr. #2004-10-443)

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#### DIVISION 17.1 - INTRODUCTION AND DEFINITIONS

##### 17.1.01 - TITLE.

This chapter shall be known, cited and referred to as the "Lincoln County Zoning Ordinance" except as referred to herein, where it shall be known as "this chapter".

##### 17.1.02 - AUTHORITY.

This chapter is enacted pursuant to the authority granted by Wisconsin Statutes. Specific statutory references are provided within the body of this chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive and shall not be construed so as to limit the application or interpretation of this chapter. Applicable statutory references include §§59.69, 59.692, 59.694, 59.696, 59.697, 87.30, 281.31, and Chs. 236, 287, 289, and 823, Wis. Stats., as amended from time to time.

##### 17.1.03 - LEGISLATIVE INTENT.

In enacting this chapter, special attention has been given to ensuring a relationship to the Lincoln County comprehensive plan. The general intent of this chapter is to implement goals and objectives of the comprehensive plan that are best addressed through zoning approaches, as enabled by Wisconsin Statutes.

##### 17.1.04 - PURPOSE.

This chapter is adopted under the authority granted by §59.69(1), Wis. Stats., for the purpose of protecting the public health, safety, morals, comfort, convenience and general welfare of the residents of Lincoln County. More specifically, this chapter is designed to control and lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote adequate light and air; to encourage the protection of groundwater resources; to prevent the overcrowding of land; to preserve, protect and promote property values; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities; and to preserve burial sites as defined in §157.70(1), Wis. Stats.

##### 17.1.05 - SEPARABILITY AND NONLIABILITY.

It is hereby declared to be the intention of the County Board that the several provisions of this chapter are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge invalid any provision of this chapter, such judgment shall not affect any other provisions of this chapter not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this chapter to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, water, building, or structure not specifically included in said judgment.
- (3) If any requirement or limitation attached to an authorization given under this chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.
- (4) The County does not guarantee, warrant or represent that only those areas designated as floodplains on the Official Zoning Map will be subject to periodic inundation and hereby asserts that there is no liability on the part of the County, its officers, employees, agents, or representatives for any flood damages, sanitation problems, or structural damages.

#### 17.1.06 - ABROGATION AND GREATER RESTRICTIONS.

- (1) If any other legally adopted County or town ordinance is more restrictive than this chapter or any amendments thereto, such other County or town ordinance continues in all respects to the extent of the greater restrictions, but not otherwise.
- (2) It is not otherwise intended by this chapter to abrogate, repeal, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

#### 17.1.07 - INTERPRETATION.

- (1) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare, and shall be liberally construed in favor of the County and shall not be construed to be a limitation or repeal of any other power now granted by Wisconsin Statutes and possessed by the County.
- (2) Where a provision of this chapter is required by a standard in NR 115, Wis. Adm. Code, and where the provision is unclear, the provision shall be interpreted in light of the NR 115 standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment of this chapter.
- (3) Where property is affected by the regulations imposed by any provision of this chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this chapter, no land shall be developed or used, and no structure erected or maintained in violation of any State or Federal regulations.

#### 17.1.08 - JURISDICTION.

This chapter is applicable to all territory located within those portions of the unincorporated areas of Lincoln County in which the associated town board has adopted this chapter pursuant to §59.69(5), Wis. Stats. Per Wisconsin Statutes, regulations associated with the FW Floodway Overlay, FF Floodfringe Overlay, GFP General Floodplain Overlay, S Shoreland Overlay, SW Shoreland-Wetland Overlay, and W Wetland Overlay zoning districts shall apply throughout the unincorporated areas.

#### 17.1.09 - REENACTMENT AND REPEAL.

- (1) It is the intention of this chapter to continue in force such existing provisions of the previous code known as "Chapter 17, Zoning Code" so that all rights and liabilities that have accrued there under are preserved and may be enforced, unless explicitly surrendered by specific provisions of this chapter or altered by the Official Zoning Map.
- (2) All provisions of the Chapter 17 of the Lincoln County Code of Ordinances which existed prior to December 21, 2004, and which are not reenacted herein are hereby repealed.
- (3) The adoption of this chapter shall not adversely affect the County's right to prosecute any violation of the predecessor Chapter 17, provided that such violation occurred while that chapter was in effect.

#### 17.1.10 - EFFECTIVE DATE AND REVIEW.

- (1) This chapter shall become effective upon passage, posting, and adoption by affected town boards according to §59.69, Wis. Stats.
- (2) Within one year following County Board adoption of this chapter, the Zoning Administrator shall invite representatives from the County Land Services Committee and from all Lincoln County towns to a meeting to consider amendments to this chapter to address previously unforeseen issues. All proposed amendments resulting from said meeting and any subsequent efforts shall proceed in accordance with Section 17.8.20. (Am. #2018-05-659)

## 17.1.11 - MUNICIPALITIES AND STATE AGENCIES REGULATED.

Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this chapter and obtain all necessary permits for projects occurring within this chapter's jurisdiction. State agencies are required to comply when §13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of State highways and bridges by the Wisconsin Department of Transportation are exempt when §30.12(4)(a), Wis. Stats., applies.

## 17.1.12 - LINCOLN COUNTY COMPREHENSIVE PLAN. (Am. #2012-01-581; # )

The County Board of Supervisors of the County of Lincoln, Wisconsin, does, by enactment of this ordinance, formally adopt the amended Lincoln County Comprehensive Plan 2022—2031, dated March 2022, pursuant to §66.1001(4)(c), Wis. Stats.

## 17.1.13 - WORD USAGE.

In the interpretation of words used in this chapter:

- (1) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (2) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.
- (3) The masculine gender shall include the feminine, and vice versa.
- (4) The words "shall", "must" and "will" are mandatory.
- (5) The words "may", "can", "should", and "might" are permissive.
- (6) The word "person" includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.
- (7) If there is any ambiguity between the text of this chapter and any caption, illustration, table, or appendix, then the text shall control.

## 17.1.14 - DEFINITIONS. (Am. #2006-11-491)

The following words, terms and phrases shall have the meanings ascribed to them by this section with the exception of certain livestock facilities covered under Wis. Adm. Code ATCP 51. See ATCP 51 for applicable definitions.

ACCESSORY NONRESIDENTIAL STRUCTURE (land use): See Section 17.3.09.

ACCESSORY RESIDENTIAL STRUCTURE (land use): See Section 17.3.09.

ACCESSORY STRUCTURE: A detached subordinate structure which is clearly incidental to and customarily found in connection with the principal structure to which it is related and which is located on the same lot as the principal structure, except as otherwise permitted in this chapter.

ACCESSORY USE: A use incidental to the principal use of a lot. Accessory uses include, but are not limited to:

- (1) Workshops in a residential zoning district not conducted for compensation.
- (2) Storage of merchandise normally in stock on the same lot or parcel with any business use.
- (3) Storage of goods used in or produced by manufacturing activities on the same lot or parcel.
- (4) Storage of materials for personal use on a residentially zoned property.

ACRE: 43,560 square feet.

ADDITION: An enlargement of an existing structure that is physically attached to the existing structure.

ADJACENT: Abutting, or located directly across a street or rail right-of-way or easement from, a separate lot.

ADULT BOOKSTORE: A type of adult use having as a substantial or significant portion of its stock in trade, for sale, rent, lease, inspection or viewing, books, films, video cassettes, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or related to specific sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale, rent, or display of such material.

ADULT ENTERTAINMENT ESTABLISHMENT: A business having as its substantial or significant business purpose the offering to the public or its members of a produce or service, including, but not limited to, entertainment, intended to provide sexual stimulation or sexual gratification, and which product or service is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

ADULT USE (land use): See Section 17.3.04.

AGRICULTURAL COMMERCIAL USE (land use): See [Section 17.3.02](#).

AGRICULTURAL RECREATION AND HOBBY USE (land use): See [Section 17.3.02](#).

AIRPORT OR LANDING STRIP (land use): See [Section 17.3.06](#).

AIRPORT, PUBLIC: Any airport which complies with the definition contained in §144.013(3), Wis. Stats., or any airport which serves or offers to serve common carriers engaged in air transport.

ALTERNATIVE SUPPORT STRUCTURE: A structure including but not limited to a clock tower, steeple, silo, light pole, water tower, freestanding chimney, utility pole, tower, building or similar structure that may also support telecommunications facilities.

ANIMAL, EXOTIC: An animal raised for commercial purposes that does not fall into traditional categories of livestock raised in Lincoln County, including but not limited to ostrich, emu, alpaca, and bison, but not including dangerous or predatory species.

ANIMAL HOSPITAL: A building or premises for the medical or surgical treatment of animals or pets, including dog, cat and veterinary hospitals.

ANIMAL UNIT: See definition in [Section 17.5.09](#).

ANTENNA: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include devices having active elements extending in any direction, and directional beam type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

ANTENNA, BUILDING MOUNTED: Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building.

ANTENNA, GROUND MOUNTED: Any antenna with its base placed directly on the ground.

APPURTENANCE: An attachment or addition to the main volume of a building, such as a porch, deck, stoop, or balcony.

ARTISAN STUDIO: A building or portion thereof used for the preparation, display and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leather craft, hand-woven articles, and related items.

AWNING: A roof-like cover that projects from a wall or building and overhangs the wall or building, primarily intended to provide shelter from sun or rain.

BASE ZONING DISTRICT: A zoning district that primarily regulates the use of land and intensity or density of such use.

BASELINE CONDITIONS REPORT: A report submitted with an application for a permit for a metallic mineral exploration, prospecting, and/or mining use, with said report describing and analyzing conditions of the proposed site, town, and County if the use were not to occur, including a projection of such baseline conditions over the proposed project life of the proposed use. Baseline conditions include geology, vegetation, groundwater, surface water, wetlands, shoreland areas, floodplains, wildlife habitat, air quality, noise, economic activity, land use patterns, visual appearance, community character, traffic, demographics, utilities, community facilities, and public services.

BASEMENT: An area of a building located wholly underground; or an area of a building located partly underground, and having a ceiling grade not more than 3 feet above the grade at the front elevation of the building. Basements that contain the appropriate number and dimension of exits under ILHR 21.03 (Wisconsin Uniform Dwelling Code) are considered livable areas to be included in gross floor area calculations.

BED AND BREAKFAST ESTABLISHMENT (land use): See [Section 17.3.04](#).

BEST MANAGEMENT PRACTICES (BMPs): Practical and economically achievable practices for preventing or reducing nonpoint source pollution from land development or alteration activities. Forestry BMPs are included in Wisconsin's Forestry Best Management Practices for Water Quality Field Manual. Agricultural BMPs are included in the United States Department of Agriculture - Natural Resource Conservation Service (NRCS) Technical Guide. Development site stormwater management BMPs are included in the WisDNR Wisconsin Stormwater Manual. Development site erosion control BMPs are included in the WisDNR Wisconsin Construction Site Best Management Practice Handbook.

BOARDING HOUSE (land use): See [Section 17.3.04](#).

BUFFERYARD: Any permitted combination of distance, vegetation, fencing and/or berming which results in a reduction of visual and other interaction with an adjoining property. Also referred to as "landscaped bufferyard."

**BUILDABLE LOT:** A lot on which a principal building may legally be constructed, not including outlots or lots dedicated for public park use.

**BUILDING:** A structure or part of a structure built, maintained, or intended for the shelter or enclosure of persons, animals, or property, excluding pet houses and children's playhouses.

**BUILDING, ACCESSORY:** A detached subordinate building which is clearly incidental to and customarily found in connection with the principal building to which it is related and which is located on the same lot as the principal building, except as otherwise permitted in this chapter.

**BUILDING COVERAGE:** The percentage of a lot covered by principal and accessory buildings, including all structures with a roof.

**BUILDING ELEVATIONS:** A graphic depiction of the exterior walls of a proposed building or expansion to an existing building, drawn to scale, which shows features such as wall materials, colors, windows, doors, and other features as may be specified in this chapter.

**BUILDING FOOTPRINT:** The land area covered by a building, frequently defined by the edges of the building foundation.

**BUILDING HEIGHT:** The vertical distance measured from the highest point of the roof (excluding chimneys, vents or antennae) to the finished lot grade along the street yard face of the structure.

**BUILDING LINE:** A line parallel to a lot line, road right-of-way line, or ordinary high water mark at a distance from it that complies with the various yard requirements established under this chapter.

**BUILDING, PRINCIPAL:** A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

**BUILDING SEPARATION:** The narrowest distance between 2 buildings.

**CAMOUFLAGED TOWER:** Any telecommunications tower that due to design or appearance hides, obscures, or conceals the presence of the tower and antennas. Camouflaging may be accomplished by a suitable combination of the following examples: lack of lighting, low tower height, noncontrasting colors, screening and landscaping, and others.

**CAMPING RESORT (land use):** See [Section 17.3.05](#).

**CAMPING UNIT (land use):** See [Section 17.3.03](#).

**CARETAKER'S RESIDENCE (land use):** See [Section 17.3.09](#).

**CARPORT:** A space for the housing or storage of motor vehicles and enclosed on not more than 2 sides by walls.

**CARRIER:** A company licensed by the Federal Communications Commission (FCC) to build personal wireless telecommunications facilities and operate personal wireless telecommunications services. Also referred to as a "provider."

**CEMETERY:** Land used for the burial of the dead and dedicated for cemetery purposes.

**CLINIC:** An establishment where patients are not lodged overnight, but are admitted for examination or treatment by a group of physicians, dentists, or other medical professionals practicing together.

**CLUB:** A building, facility, or site owned or operated or both for social, educational, recreational, or athletic purposes for members and their guests, but not primarily for profit and not primarily to render a service customarily carried on as a business activity.

**CO-LOCATION:** A telecommunications facility comprised of a single telecommunications tower or building supporting multiple antennas, dishes, or similar devices owned or used by more than one public or private entity.

**COMMERCIAL ANIMAL SERVICES AND BOARDING (land use):** See [Section 17.3.04](#).

**COMMERCIAL APARTMENT (land use):** See [Section 17.3.09](#).

**COMMERCIAL INDOOR LODGING (land use):** See [Section 17.3.04](#).

**COMMERCIAL LOGGING OPERATION:** The cutting of forest products for the purpose of selling those products.

**COMMERCIAL VEHICLE:** Any motor vehicle used for business or institutional purposes or having painted thereon or affixed thereto a sign identifying a business or institution or a principal product or service of a business or institution. Agricultural equipment used as part of a permitted agricultural principal use shall not be considered a commercial vehicle.

COMMERCIAL WIND FARM: A commercial operation that includes machines to convert wind energy into electrical power for the primary purpose of sale for use off the premises.

COMMUNITY CHARACTER: The impression that an area makes on people with regard to the type, intensity, density, quality, appearance, placement, and age of development or open lands.

COMMUNITY LIVING ARRANGEMENT (land use): See [Section 17.3.05](#).

COMPREHENSIVE PLAN: The Comprehensive Plan of Lincoln County, Wisconsin, from time to time amended, as prepared and defined under Wisconsin Statutes, and which is intended to guide the physical development of the County over a 20-year planning period.

CONDITIONAL USE: A land use that is of a special nature due to its unique impact on surrounding uses, utilities, community character, transportation, and/or the environment, and that as a result requires approval by the Lincoln County Land Services Committee of a Conditional Use Permit prior to commencement of the use. (Am. #2018-05-659)

CONDITIONAL USE PERMIT: A discretionary permit for a listed conditional use, granted by the Lincoln County Land Services Committee, under the notice and hearing procedures of [Section 17.8.30](#) of this chapter, upon application by an owner, and to which various conditions of use may be attached and adhered to by the applicant. (Am. #2018-05-659)

CONDOMINIUM: The conveyance of real property through the use of individual units and common elements by means of a condominium instrument subject to Lincoln County Ordinances and Ch. 703, Wis. Stats. (Am. #2006-06-477)

CONSERVATION NEIGHBORHOOD DEVELOPMENT (land use): See [Section 17.3.03](#).

CONTIGUOUS: Lots or parcels shall be considered contiguous if they share a common boundary. Parcels in single ownership which are directly across rail right-of-way, easements, or navigable rivers, streams or creeks, along with parcels that meet only at a corner, shall be considered contiguous. Parcels crossed by public roads shall not be considered contiguous.

CONVENTIONAL DEVELOPMENT: Any land development that does not meet all of the criteria and regulations for classification as a "conservation neighborhood development" under [Section 17.3.03](#).

CORPORATE ENTITY: A corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state. (Am. #2019-08-677)

COUNTY: The County of Lincoln, Wisconsin, unless otherwise specifically indicated in this chapter.

COUNTY BOARD: The Lincoln County Board of Supervisors, the legislative body for Lincoln County. Also may be referred to as "Board," where not immediately preceded by a reference to the Zoning Board of Adjustment.

COUNTY PLANNING AGENCY: The Lincoln County Land Services Committee as authorized by §59.69, Wis. Stats. "Agency" and "Committee" are used interchangeably herein. (Am. #2018-05-659)

CROSSROAD HAMLET: A collection of mainly older, but possibly newer, buildings located at or near the crossroads of 2 highways outside of a city.

CULTURAL RESOURCE: A historic or archeological site depicted on maps or through text in the Lincoln County comprehensive plan, or through a more detailed inventory, which contributes to the community character of Lincoln County and the town in which it lies.

CURTILAGE: The area within the immediate surroundings of a structure.

DAY CARE CENTER (land use): See [Section 17.3.04](#).

DECK: An outdoor platform adjoining a principal building, usually above ground grade, intended to support persons and outdoor furniture such as chairs and a picnic table.

DENSITY: A term used to describe the number of dwelling units per acre(s), but not necessarily the size of individual lots. For example, a zoning district that allows a density of "one new nonfarm dwelling for every 20 acres owned" may also permit a minimum lot size of 40,000 square feet without any inconsistency.

DENSITY-BASED ZONING: A zoning approach used in certain rural zoning districts that relies more on specifying the number of new dwelling units that can be built on or divided off from a parcel of land and less on large minimum lot sizes. This approach is described more fully in [Section 17.8.70](#).

DEVELOPMENT: The division of a parcel of land into 2 or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this chapter.

DISTRIBUTION CENTER (land use): See [Section 17.3.08](#).

DISTRICT: Any section of area covered by this chapter within which the zoning regulations are uniform. Also referred to as a "zoning district" or a "base zoning district."

DOG KENNEL: A facility for keeping or boarding of 6 or more dogs for a fee.

DOUBLE FRONTAGE LOT: A lot in which both the front yard and rear yard abut separate public streets.

DWELLING: A structure or portion thereof that is designed or arranged for human habitation, which may be a short-term rental, but does not include non-residential uses such as boarding houses, lodges, motels, hotels, camping units or commercial campgrounds. (Am. #2019-08-677)

DWELLING UNIT: A room or group of rooms, providing or intended to provide permanent living quarters for not more than one family.

EASEMENT: A nonpossessory interest in real property that entitles its holder to a specific limited use or enjoyment, such as for utilities or ingress and egress, as may be specified with the specific easement.

EASEMENT, CONSERVATION: A nonpossessory interest in real property imposing certain limitations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining air or water quality.

ELDERLY AND CONGREGATE RESIDENTIAL FACILITY (land use): See [Section 17.3.03](#).

EMPLOYEES ON THE LARGEST WORK SHIFT: The maximum number of employees working at the facility at any one time.

ENCROACHMENT: Any structure, building, use, or development within a yard or setback area.

EROSION CONTROL PLAN: A detailed plan developed to address pollution caused by soil erosion and sedimentation during land disturbing construction activity.

EXTRATERRITORIAL ZONING: A technique authorized under §62.23(7a), Wis. Stats., under which a city and adjoining town joint share the authority for general zoning of unincorporated lands.

FALLOW LAND: Land that was once used for agricultural purposes, but is no longer used for agricultural purposes and remains undeveloped.

FAMILY: An individual or 2 or more persons, each related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than 4 persons who need not be so related, maintaining a common household in which living quarters are shared. Where the family is related by blood, marriage, or adoption, said family may keep up to 4 foster children in their household and still be considered a single family.

FAMILY DAY CARE HOME (land use): See [Section 17.3.09](#).

FARM: A parcel or parcels of land used for growing farm products, such as vegetables, trees (e.g., orchard), and grain, and/or the raising of the farm animals, from which \$1,000 or more of agricultural products were produced and sold annually and typically operated as a single business venture distinct from other farms. Also referred to as a "farm operation."

FARM AND FORESTRY ACCESSORY STRUCTURE (land use): See [Section 17.3.09](#).

FARM ANIMAL: See definition in [Section 17.5.09](#). Also referred to as "livestock."

FARM DWELLING (land use): See [Section 17.3.03](#).

FLAG LOT: A lot with its widest point set back from the road, and having a thin, long strip ("the flagpole") of land connected to the road to provide legal access and frontage.

FLOODPLAIN: The land which has been or may hereafter be covered by floodwater during the regional flood. The floodplain includes the floodway and flood fringe as those terms are defined in NR 116, Wis. Adm. Code.

FORESTRY COMMERCIAL USE (land use): See [Section 17.3.02](#).

FORTY ACRES: A  $\frac{1}{4}$  of a  $\frac{1}{4}$  section, or other standard metes and bounds or other legal description of land of similar acreage, which is commonly referred to as "40-acres," exclusive of right-of-way and regardless of actual net acreage.

FREIGHT TERMINAL (land use): See [Section 17.3.08](#).

GARAGE, PRIVATE: An accessory building for the parking and storage of licensed motor vehicles and other materials and equipment associated with the principal use of the lot.

GARAGE, PUBLIC: Any building or premises other than a private or storage garage, where motor driven vehicles or equipment are repaired, serviced, hired, sold or stored.

GENERAL AGRICULTURAL USE (land use): See [Section 17.3.02](#).

GOLF COURSE COMMUNITY (land use): See [Section 17.3.03](#).

GRANDFATHERED: A status accorded certain properties, uses, and activities that are legally existing prior to the date of adoption of this chapter or applicable amendments to this chapter. Also referred to as "legal nonconforming uses or structures."

GROSS DENSITY: The result of dividing the number of dwelling units on a site by the gross site area.

GROSS FLOOR AREA:

- (1) For determining parking and loading requirements and allowable expansions to nonresidential uses: the total floor area, in square feet, on all levels of a building devoted to a use, including accessory storage areas within principal structures located within selling or working space, such as counters, racks, or closets, and any basement floor area devoted to retailing, the processing of goods, or offices.
- (2) For all other purposes: the total floor area, in square feet, on all levels of the building, including livable basement space if it contains the appropriate number and dimension of exits under ILHR 21.03 (Wisconsin Uniform Dwelling Code).

GROSS SITE AREA: The entire land area located within a lot, including land within all easements (including roadway easements but not dedicated road or rail rights-of-way) and environmentally constrained land, such as floodplains and wetlands, but not including land on the water side of the ordinary high water mark of navigable lakes, ponds, rivers and streams.

GUYED STRUCTURE: A telecommunications tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

HEAVY INDUSTRIAL USE (land use): See [Section 17.3.08](#).

HEIGHT, BUILDING: See "Building Height."

HEIGHT, SIGN: The distance measured from the original grade at the base of the sign (or structure on which the sign is placed) to the highest point of the sign or structure designed to support the sign (not including any building).

HEIGHT, TELECOMMUNICATIONS TOWER: The distance measured from the original grade at the base of the tower to the highest point of the tower. This measurement excludes any attached antennas and lighting.

HOME OCCUPATION (land use): See [Section 17.3.09](#).

HOME OCCUPATION, EXPANDED (land use): See [Section 17.3.09](#).

HYDRIC SOIL: A soil type formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part. Within Lincoln County, hydric soils include Fordum Loam (Fh); Loxley and Dawson Peats (Lo); Lupton, Cathro, and Markey Mucks (Lu), and Minocqua and Capitola Mucks (Ms). These soils are frequently unstable for building construction.

IMPERVIOUS SURFACE: An area that releases as runoff all or a majority of precipitation that falls on it. Impervious surfaces include: roofs, decks and slotted decks, concrete, blacktop/asphalt, mill felt that is laid to impede ground cover, paver block or landscape rock patios and walkways, brick walkways, sidewalks and driveways (unless specifically designed, constructed, and maintained to be pervious), but excludes frozen soils. Roadways as defined in §340.01(54), Wis. Adm. Code, or sidewalks as defined in §340.01(58), Wis. Adm. Code, are not considered impervious surfaces. (Am. #2018-05-659)

INCOMPATIBLE USE: A land use, which by virtue of its scale, density, noise, odors, traffic, hours of operation, activity levels, lighting, or other impacts may not be desirable if located near less intensive or more sensitive land uses.

INDOOR SALES ACCESSORY TO INDUSTRIAL USE (land use): See [Section 17.3.09](#).



INSTITUTIONAL USE: A facility that provides a public or community service, and is operated by a governmental, tax exempt, and/or not-for-profit entity.

INDOOR COMMERCIAL ENTERTAINMENT (land use): See [Section 17.3.04](#).

INDOOR INSTITUTIONAL USE, MAJOR (land use): See [Section 17.3.05](#).

INDOOR INSTITUTIONAL USE, MINOR (land use): See [Section 17.3.05](#).

INDOOR SALES (land use): See [Section 17.3.04](#).

INDOOR STORAGE AND WHOLESALING (land use): See [Section 17.3.08](#).

INTENSITY: A term used to describe the amount developed versus undeveloped portion of a lot or site.

INTENSIVE AGRICULTURAL USE (land use): See [Section 17.3.02](#).

INTERMEDIATE DAY CARE HOME (land use): See [Section 17.3.09](#).

IN-VEHICLE SALES OR SERVICE (land use): See [Section 17.3.04](#).

JUNKYARD OR SALVAGE YARD (land use): See [Section 17.3.04](#).

LAND DISTURBING ACTIVITY: Any construction related activity that exposes soil to the erosive forces of wind, rain, and snow melt, including removal of vegetative cover, grading, excavating, and filling, but not including planting, growing, and harvesting agricultural crops or forestry products.

LANDSCAPED AREA: The area of a site which is planted and continually maintained in water or living vegetation, including grasses, flowers, herbs, garden plants, groundcovers, shrubs, bushes, trees, and planters. Does not include land area within public road or rail easements or rights-of-way. In certain zoning districts, this chapter includes a minimum landscaped area percentage for the lot.

LANDSCAPED BUFFERYARD: See definition for "bufferyard."

LATTICE STRUCTURE: For the purposes of this chapter, a telecommunications tower that consists of vertical and horizontal supports and crossed metal braces.

LIGHT AGRICULTURAL USE (land use): See [Section 17.3.02](#).

LIGHT INDUSTRIAL USE (land use): See [Section 17.3.08](#).

LIGHT INDUSTRIAL USE ACCESSORY TO INDOOR SALES USE (land use): See [Section 17.3.09](#).

LIVABLE AREA: That portion of a dwelling unit contained under roof that is occupied either seasonally or throughout the year. Attached garages, open decks, floors with a wall height under 7 feet, and similar spaces are not considered livable area. Basements that contain the appropriate exits under ILHR 21.03 (Wisconsin Uniform Dwelling Code) are considered livable areas.

LIVESTOCK: See definition of "farm animal."

LOT: A parcel or tract of land defined by metes and bounds, certified survey, recorded subdivision plat, or other means of description recorded with the Register of Deeds and separated from other lots by such description. Also referred to as a "lot of record."

LOT AREA: The square footage of a lot, exclusive of any public or rail right-of-way, public roadway easement, the beds of navigable bodies of water, or portions of a lot narrower than 30 feet in width. Measurements are to be made using standard surveying methods. For purposes of determining lot area, the most recent certified survey map or plat recorded in the County Register of Deeds office, if any, shall take precedence over any other document.

LOT, CORNER: A lot situated at the junction of and abutting on 2 or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

LOT CREATION DATE: Lot creation date shall be determined based on the earliest evidence of title recorded in the County Register of Deeds office specifying area/size, shape, depth and width of a particular lot, which shall control for purposes of determining conformity with building site dimensional requirements.

LOT, DEPTH OF: The mean horizontal distance between the front and rear lot lines.

LOT FRONTAGE, STREET: Lot width as measured at the public street right-of-way or public road easement line.

LOT FRONTAGE, WATER: See definition for "shoreline frontage."

LOT LINES: The lines bounding a lot as defined herein.

LOT LINE, FRONT: A lot line which abuts a public or private street right-of-way. In the case of a lot which has 2 or more street frontages, the lot line along the street from which the building is addressed shall be the front lot line unless otherwise approved by the Zoning Administrator.

LOT LINE, INTERIOR SIDE: Any boundary of a lot which is not a front lot line, a street side lot line, or a rear lot line.

LOT LINE, REAR: In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be selected by the property owner.

LOT LINE, STREET SIDE: Any lot line which abuts a public or private street right-of-way which is not the front lot line.

LOT WIDTH: The shortest horizontal straight line as measured between side lot lines of a lot. All portions of the lot between (a) the required building line setback from the front lot line, except for any land within the "flagpole" section of flag lots, and (b) the rear lot line or ordinary high water line will be used to determine whether the minimum lot width standards in this chapter and [Chapter 18](#) have been met.

MANUFACTURED HOME (land use): See [Section 17.3.03](#).

MANUFACTURED/MOBILE HOME PARK (land use): See [Section 17.3.03](#).

METALLIC MINERAL EXTRACTION USE (land use): See [Section 17.3.08](#).

MINI-WAREHOUSE: See definition for "personal storage facility."

MOBILE HOME (land use): See [Section 17.3.03](#).

MONOPOLE STRUCTURE: A telecommunications tower of a single pole design.

MULTIPLE-FAMILY DWELLING (land use): See [Section 17.3.03](#).

MUNICIPALITY: Includes any town or city.

NAVIGABLE WATERS: Means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. Under Wisconsin Statutes Section 281.31(2m), notwithstanding any other provision of law or administrative rule promulgated there under, shoreland ordinances required under §59.69, Wis. Stats., and NR 115, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:

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

NEIGHBORHOOD DEVELOPMENT PLAN: A community, developer, or property owner prepared plan for the future development of a part of the community, including the proposed land use pattern, zoning, street alignments, lot patterns, locations of any utilities or public buildings, parks or open spaces, environmentally sensitive lands, any trails, and a development phasing timetable.

NONCONFORMING SIGN: A sign that was legally established prior to the effective date of this chapter, or subsequent amendments thereto, which does not conform with one or more of the requirements of this chapter that are applicable to signs.

NONCONFORMING STRUCTURE: A structure, or portion thereof, that was legally established prior to the effective date of this chapter, or subsequent amendments thereto, which does not conform with one or more of the dimensional requirements applicable within the zoning district in which the structure is located.

NONCONFORMING USE: An active and actual use of land, structures, or both that was legally established prior to the effective date of this chapter, or subsequent amendments thereto, which has continued the same use to the present, and which does not conform to the use regulations applicable within the zoning district in which the use is located. Also referred to as "nonconforming land use."

NONMETALLIC MINERAL EXTRACTION USE (land use): See [Section 17.3.08](#).

NONRESIDENTIAL USE: Any land use not occupied or intended for human habitation. Also referred to as "nonresidential land use."

OFFICE (land use): See [Section 17.3.04](#).

OFFICIAL ZONING MAP: The map adopted and designated by the County as the "Official Zoning Map."

OFF-SITE PARKING LOT (land use): See [Section 17.3.09](#).

ON-SITE: Located on the lot or parcel in question, except in the context of on-site stormwater detention or a group sign, when the term means within the boundaries of the development site as a whole (e.g., within the major subdivision). Also referred to as "on-premises."

OPERATION: In the context of a telecommunications facility, when a facility is used regularly as an integral part of an active system of telecommunications it shall be deemed in operation.

ORDINARY HIGH WATER MARK: The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

OUTDOOR ASSEMBLY (land use): See [Section 17.3.05](#).

OUTDOOR COMMERCIAL ENTERTAINMENT (land use): See [Section 17.3.04](#).

OUTDOOR DISPLAY INCIDENTAL TO INDOOR SALES USE (land use): See [Section 17.3.09](#).

OUTDOOR INSTITUTIONAL USE (land use): See [Section 17.3.05](#).

OUTDOOR PUBLIC RECREATION (land use): See [Section 17.3.05](#).

OUTDOOR SALES, DISPLAY, OR REPAIR (GENERAL) (land use): See [Section 17.3.04](#).

OUTDOOR SALES, DISPLAY, OR REPAIR (RECREATIONAL) (land use): See [Section 17.3.04](#).

OUTDOOR STORAGE OR WHOLESALING (land use): See [Section 17.3.08](#).

OUTDOOR WOOD FURNACE (land use): See [Section 17.3.09](#).

OVERLAY ZONING DISTRICT: A zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the base zoning district covering those same properties, as well as the general restrictions of this chapter.

OWNER: The person, persons, or entity having the right of legal title to a lot or parcel of land.

PARCEL: One piece of land owned by a single entity which may or may not coincide with a lot of record.

PERSONAL OR PROFESSIONAL SERVICE (land use): See [Section 17.3.04](#).

PERSONAL STORAGE FACILITY (land use): See [Section 17.3.08](#). Also referred to as "mini-warehouse."

PORCH: An impervious structure attached to a principal building with a roof partially supported by columns or wall sections, commonly open to the weather in part.

PRIME FARMLAND SOILS: Soil types defined as prime farmland by the U.S. Department of Agriculture, representing soils best suited for food, feed, forage, fiber, and oilseed crops. Does not include those soil types that are considered prime farmland only when drained, not flooded, or both.

PRINCIPAL USE: Any and all of the primary uses of a property, treated as a use permitted by right or as a conditional use, rather than as an accessory use or a temporary use.

PRIVATE CAMPGROUND/CAMPING RESORT (land use): See [Section 17.3.05](#).

PRIVATE COVENANT: An agreement that binds and restricts the land in the hands of present owners and subsequent purchasers, such as a homeowner's association. Private covenants are enforced only by the land owners involved and not by County government, town government, or other public agencies. Sometimes referred to as a "deed restriction" or "declaration of restrictions."

PRIVATE GROUP WASTE TREATMENT SYSTEM: A sewage treatment and disposal system serving more than one principal building or a system located on a different lot than the principal building. A private group waste disposal system may be owned by the property owner or by a special purpose district or association. Private group waste treatment systems are regulated under SPS 83, Wis. Adm. Code, other State regulations, and

Chapter 22 of the Lincoln County Code of Ordinances. (Am. #2018-05-659)

PRIVATE ON-SITE WASTE TREATMENT SYSTEM: A sewage treatment and disposal system serving a single principal building with a septic tank and soil absorption field, holding tank, or alternative private sewage system located on the same lot as the principal building. Private on-site waste treatment systems are regulated under SPS 383, Wis. Adm. Code, other State regulations, and Chapter 22 of the Lincoln County Code of Ordinances. (Am. #2018-05-659)

PROFESSIONAL SERVICES: Any occupation or vocation in which a professed knowledge is used by its practical application to the affairs of others, either advising, guiding or teaching them and in serving their interest or welfare. The work implies attainments in professional knowledge or knowledge of an advanced type as distinguished from mere skill.

PROVIDER: As related to telecommunication facilities, see definition of "carrier."

PUBLIC SANITARY SEWER SERVICE: All facilities of a public utility or sanitary district with taxing authority for collection, transporting, storing, pumping, treatment and final disposition of sewage. Also referred to as "municipal sewer service."

PUBLIC UTILITIES AND SERVICES (land use): See Section 17.3.06.

RECREATIONAL VEHICLE COURSE (land use): See Section 17.3.05.

REGIONAL FLOOD: A flood caused by a storm event that has a one percent chance of occurring in any year. Also referred to as the "100-year flood."

RESIDENT AGENT: An owner meeting the qualifications for a resident agent as set forth in Section 17.8.51(9) or a person appointed by the owner of short-term rental to act as agent on behalf of the owner. (Am. #2019-08-677)

RESIDENTIALLY ZONED PROPERTY: A lot or parcel located within one of the residential zoning districts as listed in Section 17.2.02 and described in Division 17.2.

RESTAURANT (land use): See Section 17.3.04.

ROOF: The overhead cover of any building or camping unit, including eaves and projections.

RUNOFF: Stormwater or precipitation including rain, snow or ice melt, or similar water that moves on the land surface via sheet or channelized flow.

SATELLITE DISH: A device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped and is used to transmit or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

SCREEN PORCH: A partially enclosed structure attached to a principal building with a roof and no solid material over 3 feet in height on any side not attached to the principal building.

SEASONAL DWELLING (land use): See Section 17.3.03.

SEASONAL OR EXTENDED STAY SITES: Permitted only in camping resorts. Areas where the camping unit space is rented by the season rather than the day or week, and because of this potential, extended occupancy is required, unless the unit is "independent" under Ch. ATCP 79, Wis. Adm. Code, to have such health and safety features as electric service and water and sewage disposal utilities to each site, and connected to each camping unit. (Am. #2018-05-659)

SEASONAL SALES OF FARM AND FORESTRY PRODUCTS (land use): See Section 17.3.09.

SEASONAL USE: A land use that is not occupied or in operation for an entire calendar year.

SETBACK: The shortest distance between a building's or structure's exterior (not including permitted encroachments) and the nearest point on the referenced lot line.

SETBACK, STREET YARD: The minimum horizontal distance from the centerline of a road or highway or its right-of-way line (depending on the type of road as defined in Section 17.4.10) to the nearest part of the building or structure, measured at right angles to the centerline or the right-of-way line.

SHED: An accessory building used primarily for storage purposes for a principal building(s) or use(s) on the same lot, and in no case suitable for habitation.

SHORELAND ZONE: All the lands in the unincorporated areas of Lincoln County, which are subject to the standards in Chapter 21, Shoreland Zoning Ordinance, and which are:

- (1) Within 1,000 feet of the ordinary high water mark of lakes, ponds, or flowages, and within 1,000 feet of the high water mark of glacial pothole lakes. Lakes, ponds, rivers, or flowages in Lincoln County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication "Surface Water Resources of Lincoln County" or are shown on United States Geological Survey 7.5 minute series quadrangle maps or other zoning base maps; or
- (2) Within 300 feet of the ordinary high water mark of rivers and navigable streams, or to the landward side of the floodplain, whichever distance is greater. Streams in Lincoln County shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on United States Geological Survey 7.5 minute series quadrangle maps. Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, letters of map amendment (LOMAS), County soil survey maps or other existing County floodplain zoning maps shall be used to delineate floodplain areas.

SHORELINE FRONTAGE: The shortest straight line measurement between the 2 lot lines of a parcel, and drawn as a tangent to the ordinary high water mark. For peninsular or bowl-shaped parcels, it may be drawn as a tangent to the ordinary high water mark and parallel to the meander line.

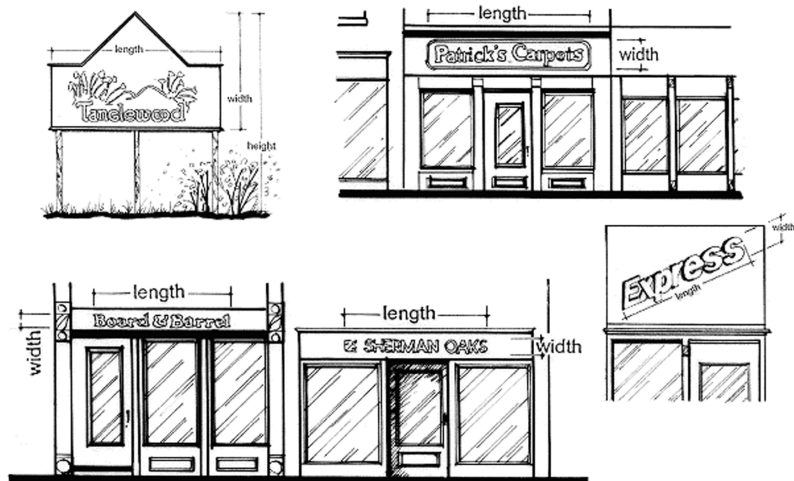
SHORT-TERM RENTAL: A residential dwelling that is offered by rent for a fee and for 2 consecutive nights or more but fewer than 29 consecutive days as defined in §66.0615(1)(dk), Wis. Stats. See Section 17.8.51. (Am. #2019-08-677)

SIGN: Any object, device, display, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, logos, symbols, fixtures, color, lighting, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, State, city or village, religious, fraternal, or civic organization; merchandise and pictures or models of products or services incorporated in a window display; works of art which in no way identify a product; or scoreboards located on athletic fields. Building colors and outline lighting which do not convey a logo or message specific to the use (are not considered signs. Definitions of particular types of signs are included in Section 17.6.03.

SIGN AREA: The area (square footage) of a sign shall be measured in the following manner:

- (1) In the case of a sign placed within a frame, a marquee sign, or other structure, sign area consists of the entire surface area of the sign on which copy could be placed. The supporting structure or bracing of a sign, including the supports of freestanding signs not used for copy, shall not be counted as a part of the sign area unless such structure or bracing is made a part of the sign's message. Where a freestanding sign has 2 or more display faces, the total area of all of the display faces which can be viewed from any single location shall be considered the sign area.
- (2) In the case of a sign on which the message is fabricated together with the background which borders or frames that message, sign area shall be the total area of the entire background.

In the case of a sign on which a message is applied to a background which provides no border or frame (such as individual letters mounted to a building face or awning), sign area shall be the combined areas of the smallest rectangles which can encompass each word, letter, figure,



emblem, and other element of the sign message.

SIGN AREAS

SILVICULTURE USES (land use): See Section 17.3.02.

SINGLE-FAMILY DWELLING (land use): See [Section 17.3.03](#).

SINGLE OWNERSHIP: Any combination of lands singly owned by one individual, jointly owned by a married couple including that individual, or owned by a partnership or corporation in which the individual is a member.

SITE PLAN: An overhead plan for a land or building development proposal, drawn to scale, that shows existing and proposed buildings, other structures, parking areas, and other existing and proposed features as may be specified in this chapter.

SITE UTILITIES (FOR APPLICATION IN CAMPGROUNDS/CAMPING RESORTS): Utilities such as electricity, communications lines, water lines and sewage waste lines including camping site above ground transfer containers (but not in-ground holding tanks at camp sites). Provision of electric, water, and sewage utility hook-ups are optional to campground sites, but mandatory to camping resort sites. Sewage disposal shall be only by licensed waste haulers.

SOLAR ENERGY SYSTEM: A complete design or assembly that may include a solar energy collector, an energy storage facility, and any other components needed to cool or heat an individual building or buildings on a single lot.

STATE: The State of Wisconsin.

STREET, PRIVATE: A street or driveway owned and maintained by a nonpublic entity and not placed within a public right-of-way or public road easement. Also referred to as a "private road" or "private driveway."

STREET, PUBLIC: A street located within a public right-of-way or a public road easement, owned and maintained, upon public dedication, or deeding by the government with jurisdiction. Also referred to as a "public road."

STORMWATER MANAGEMENT PLAN: A detailed plan designed to reduce the rate, quantity, and pollution associated with stormwater after a development site has undergone final stabilization following completion of construction activity.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. Neither a basement nor a cellar shall be counted as a story, unless it is a livable basement containing the appropriate number and dimension of exits under ILHR 21.03 (Wisconsin Uniform Dwelling Code).

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building or any substantial change in the roof structure or in exterior walls.

STRUCTURE: Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting fences, public utility fixtures and their appurtenances, receive only antennas, amateur radio facilities, mobile services providing public information coverage of news events or of a temporary or emergency nature, paved surfaces outside of the shoreland zone, gardens, garden accessories, children's playhouses, fountains, sun dials, seasonal decorations, yard lights, flag poles, walkways, at-grade patios, play equipment, signs not requiring a zoning permit under [Section 17.6.02\(1\)](#), tree houses, basketball courts, tennis courts, pet houses or private kennels for 2 or fewer domestic animals, whirlpools, , agricultural drainage systems, piers, docks, and walkways built on pilings. (Am. #2018-05-659)

STRUCTURE HEIGHT: See definition of "building height" for measurement technique, except for telecommunications facilities.

SUBDIVISION: See definition of "subdivision, minor" or "subdivision, major".

SUBDIVISION, MAJOR: The division of a lot, parcel or tract by a subdivider for the purpose of transfer or development which results in the creation of more than 4 lots of less than 10 acres in lot area; or where the act of division creates more than 4 lots of less than 10 acres in lot area over a 5-year period from the same contiguous parcel held in single ownership as of the date of the first division.

SUBDIVISION, MINOR: The division of a lot, parcel or tract by the owner thereof or his agent for the purpose of transfer or development which results in the creation of one to 4 lots of less than 10 acres in lot area from the same contiguous parcel held in single ownership as of the date of the first division.

SUBSTANDARD LOT: A lot that does not conform to the dimensional requirements of this chapter.

SUBSTANTIAL EVIDENCE: Means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion. (Cr. #2018-05-659)

TAX PARCEL: A parcel of land assigned a unique parcel identification number for property taxing purposes and generally not exceeding one quarter-quarter section of land area (a "40"). May or may not coincide with a "lot."

TELECOMMUNICATION FACILITY (land use): See [Section 17.3.07](#).

TELECOMMUNICATIONS FACILITY STRUCTURE: A telecommunications tower or alternative support structure on which telecommunications antenna(s) may be mounted.

TELECOMMUNICATIONS TOWER: Any structure designed and constructed primarily for the purpose of supporting one or more antennas, including camouflaged towers, lattice towers, guy towers, or monopole towers. This includes radio and television transmission towers, microwave towers, and common-carrier towers. It shall exclude alternative support structures and those facilities exempted under [Section 17.3.07](#).

TEMPORARY OUTDOOR SALES (land use): See [Section 17.3.09](#).

TEMPORARY RELOCATABLE BUILDING (land use): See [Section 17.3.09](#).

TEN ACRES: A  $\frac{1}{4}$  of a  $\frac{1}{4}$  of a  $\frac{1}{4}$  section, or other standard metes and bounds or other legal description of land of similar acreage, which is commonly referred to as "10-acres," exclusive of right-of-way and regardless of actual net acreage.

TENT: A portable easily collapsible sleeping shelter made of canvas, plastic, or other woven or foldable materials and supported by poles or framework.

THROAT LENGTH: The distance measured along the center line of an access drive between the public street pavement edge and an off-street parking lot, loading area, or internal circulation drive within a lot.

TOWN LAND USE PLAN: A policy document adopted by the appropriate town board that provides future recommendations for land use within the community, generally over a 20-year planning period. May or may not be a "comprehensive plan," as defined in this section and in Wisconsin Statutes. Lincoln County generally incorporates town land use plans as components of the Lincoln County Comprehensive Plan.

TRANSIENT CAMPING SITES: Sites rented for overnight use, and extending to a maximum of 2 weeks by the same patron.

TWENTY ACRES: A  $\frac{1}{2}$  of a  $\frac{1}{4}$  of a  $\frac{1}{4}$  section, or other standard metes and bounds or other legal description of land of similar acreage, which is commonly referred to as "20-acres," exclusive of right-of-way and regardless of actual net acreage.

TWO-FAMILY DWELLING (land use): See [Section 17.3.03](#).

UNINCORPORATED: Within the geographic area of a town government; outside of the corporate limits of an incorporated city or village.

USE: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained. Also referred to as "land use."

UTILITY POLE MOUNTED ANTENNA: An antenna attached to or upon an existing or replacement electric transmission or distribution pole, street light, traffic signal, athletic field light, or other approved similar structure.

VACANT: A parcel of land that does not contain any structures or a building that does not contain any use. For parcels, also referred to as "undeveloped."

VALUE ADDED AGRICULTURE: A small commercial, manufacturing, or service operation, which is accessory to a principal agricultural use on the same farm. Examples of value added agriculture include small scale food processing, handcrafting, product packaging and marketing, and agricultural tourism.

VEHICLE: Every device in, upon, or by which any person or property is or may be transported, and designed primarily for transportation of persons or goods along public streets or waterways. Includes boats, pontoons, and boat trailers; does not include nonlicensed personal recreational devices such as ATVs, snowmobiles, or personal watercraft, or personal lawn or garden equipment, except where specifically indicated in this chapter.

VEHICLE REPAIR OR MAINTENANCE SERVICE (land use): See [Section 17.3.04](#).

VISUAL CLEARANCE TRIANGLE: All unoccupied triangular space at the street corner of a corner lot, which is bounded by the street centerlines and a third line that connects points along both streets specified by measurement from the intersection of the 2 street centerlines. See [Section 17.5.02\(3\)](#).

WASTE DISPOSAL/COMPOSTING OPERATION (land use): See [Section 17.3.06](#).

WIND ENERGY SYSTEM: A complete design or assembly (commonly a wind turbine or windmill) that converts the kinetic energy in the wind into a form usable for energy for use in building or buildings on a single lot.

WIS. ADM. CODE: Abbreviation for Wisconsin Administrative Code, which are the rules of the administrative agencies having rule-making authority in Wisconsin, most recently published.

WISCONSIN STATUTES [WIS. STATS.]: The laws of the State of Wisconsin as adopted by the State legislature, most recently published.

WisDNR: The Wisconsin Department of Natural Resources, an administrative agency of the State of Wisconsin. Also referred to as "DNR."

WisDOT: The Wisconsin Department of Transportation, an administrative agency of the State of Wisconsin. Also referred to as "DOT."

YARD: An open space portion of a lot that is unoccupied by a structure and unobstructed from the ground upward, except as otherwise provided herein.

YARD, FRONT: A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way or street easement line to a depth required in the yard regulations for the district in which such lot is located.

YARD, REAR: A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

YARD, SIDE: A yard extending along the side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.

YARD, STREET: A yard extending along the full width of a lot in those yards that abut a public street right-of-way or easement for a depth as specified in the yard regulations for the district in which such lot is located. Corner lots have 2 such yards.

ZONING ADMINISTRATOR: The person authorized and charged by Lincoln County with the administration of this chapter.

ZONING LOT: A parcel of land under single ownership occupied or intended to be occupied by one main building, and buildings and uses customarily accessory or incidental thereto, including such open spaces as are provided. A zoning lot may or may not coincide with a "lot of record," defined earlier in this section.

ZONING MAP: See definition of "official zoning map" above.

## DIVISION 17.2 - ZONING DISTRICTS

### 17.2.01 - PURPOSE AND INTENT.

All lands located within the jurisdiction of this chapter are hereby divided into zoning districts of such number and character as are necessary to achieve compatibility of land uses within each district, to implement the Lincoln County comprehensive plan and component town land use plans, and to achieve the other stated purposes of this chapter.

### 17.2.02 - DESCRIPTION OF BASE ZONING DISTRICTS.

Areas within the jurisdiction of this chapter are divided into the following base zoning districts:

#### RURAL ZONING DISTRICTS:

(F) Forestry District

(A) Agriculture District

(RL2) Rural Lands "2 per 40" District

(RL4) Rural Lands "4 per 40" District

#### RESIDENTIAL ZONING DISTRICTS:

(SR) Suburban Residential District

(RR1) Rural Residential 30,000 District

(RR2) Rural Residential 40,000 District

(RR3) Rural Residential 50,000 District



(RR4) Rural Residential 100,000 District

(RR5) Rural Residential 200,000 District

(MR) Mixed Residential District

(MH) Manufactured/Mobile Home Park District

NONRESIDENTIAL ZONING DISTRICTS:

(RE) Recreation District

(PB) Planned Business District

(GB) General Business District

(CMU) Crossroads Mixed Use District

(PI) Planned Industrial District

(GI) General Industrial District

PLANNED DEVELOPMENT DISTRICTS:

(PD) Planned Development District (labeled by year and approval order in year, e.g., PD 04-2)

#### 17.2.03 - MAP OF BASE ZONING DISTRICTS.

Base zoning districts established by this chapter are shown on the Official Zoning Map of Lincoln County, which together with all explanatory materials thereon, is hereby made part of this chapter. Where the Official Zoning Map does not indicate a base zoning district for a particular area, unless the Map is in error, that area is either within the corporate limits of a city, within an area subject to extraterritorial zoning, and/or not subject to any rules associated with a base zoning district.

#### 17.2.04 - INTERPRETATION OF BASE ZONING DISTRICT BOUNDARIES.

The following rules shall be used to determine the precise location of any base zoning district boundary shown on the Official Zoning Map of Lincoln County:

- (1) Base zoning district boundaries shown as following or approximately following the limits of any city or County boundary shall be construed as following such limits.
- (2) Base zoning district boundaries shown as following or approximately following public streets or railroad lines shall be construed as following the centerline of such streets or railroad lines.
- (3) Base zoning district boundaries shown as following or approximately following platted lot lines, ordinary high water marks, or other property lines as shown on the Lincoln County parcel maps shall be construed as following such lines.
- (4) No lot or tax parcel under one quarter-quarter section in area shall be divided into more than one base zoning district following initial town and County adoption of the Official Zoning Map, unless that lot or tax parcel is legally divided so that new lot lines and new zoning boundaries coincide.
- (5) Base zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.
- (6) Base zoning district boundaries shown as separated from any of the features listed in paragraphs (1) through (5) above shall be construed to be at such distances as shown on the Official Zoning Map.
- (7) Where the exact location of a base zoning district boundary, as shown on the Official Zoning Map, is uncertain, the boundary location shall be determined by the Zoning Administrator.

#### 17.2.05 - REGULATIONS APPLICABLE TO ALL LAND USES.

All uses of land initiated within the jurisdiction of this chapter on, or following, the effective date of this chapter shall comply with all provisions of this chapter. Such provisions directly relate to the protection of the health, safety, and general welfare of the residents of Lincoln County. Specifically:

- (1) LAND USE STANDARDS. All uses of land shall comply with all requirements of this chapter pertaining to the types of uses to which land is put within particular base zoning districts. Land uses that are not listed in a specific zoning district are not permitted in such zoning district, except as legal nonconforming uses. The treatment of all land uses in the various zoning districts is provided in Section 17.2.100, each of the listed land uses is described in detail in Division 17.3; nonconforming uses are addressed in Division 17.7.

- (2) DIMENSIONAL STANDARDS. All development of land shall comply with all requirements of this chapter pertaining to minimum and maximum permitted dimensional standards, including but not limited to lot area and width, building coverage, density, building height, yards, and setbacks. Most dimensional standards are addressed in [Division 17.4](#).
- (3) PERFORMANCE STANDARDS. (Am. #2006-06-477) All development of land shall comply with all requirements of this chapter pertaining to the performance of development projects, including but not limited to issues of access, parking, loading, storage, lighting, screening, noise, vibration, odors, heat, glare and smoke. Most performance standards are addressed in [Division 17.5](#).
- (4) SIGN STANDARDS. All development of land shall comply with all requirements of this chapter pertaining to the type and amount of signage. Sign standards are included in [Division 17.6](#).
- (5) PROCEDURES. All development of land shall comply with the procedures of this chapter necessary to secure review and approval of development projects. Such procedures are included in [Division 17.8](#).

#### 17.2.10 - F FORESTRY DISTRICT.

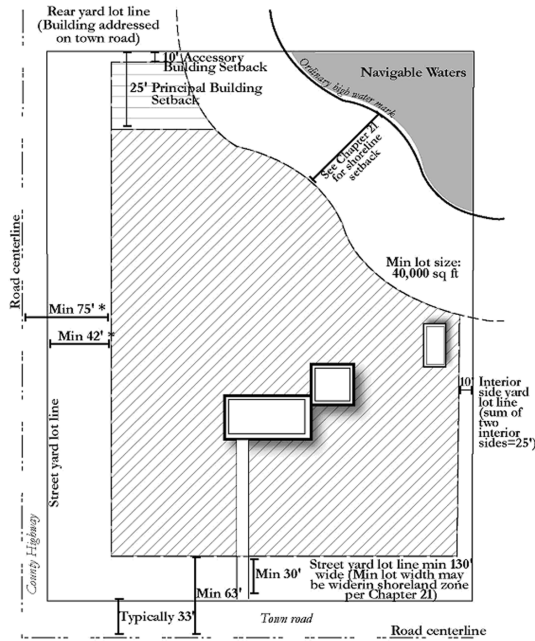
- (1) INTENT. This district is intended to foster long-term investment in and proper management of Lincoln County's public and privately-owned forest areas. Appropriate multiple uses include commercial forest production and processing, recreation, nonmetallic mineral extraction as a conditional use, and seasonal dwellings on private lands. This district is intended be compatible with provisions of the Wisconsin's Forest Crop Law and Managed Forest Land programs.
- (2) LAND USES PERMITTED BY RIGHT OR AS A CONDITIONAL USE. Refer to the tables in [Section 17.2.100](#) for a list of principal and accessory land uses that are permitted by right or as conditional uses in this district. The uses listed in the tables refer to the detailed land use descriptions contained in [Division 17.3](#), which also includes parking standards. In addition, within the F Forestry district, manufactured homes and mobile homes shall be for seasonal use only as permitted by right uses.
- (3) DIMENSIONAL STANDARDS. Refer to the table in [Section 17.2.101](#) for a list of dimensional standards, yards, building height, and other bulk regulations for development in this district.

#### 17.2.11 - A AGRICULTURE DISTRICT.

- (1) INTENT. This district is intended to preserve Lincoln County's agricultural land for food and fiber production; protect productive farms by preventing land use conflicts between incompatible uses; support agricultural processing and service industries; provide reasonable opportunities to supplement farm income through compatible business opportunities and limited housing development; and preserve rural character in farming areas.
- (2) LAND USES PERMITTED BY RIGHT OR AS A CONDITIONAL USE. Refer to the tables in [Section 17.2.100](#) for a list of principal and accessory land uses that are permitted by right or as conditional uses in this district. The uses listed in the tables refer to the detailed land use descriptions contained in [Division 17.3](#), which also includes parking standards.
- (3) DIMENSIONAL STANDARDS. (Am. #2006-11-491) Refer to the table in [Section 17.2.101](#) for a list of dimensional standards, yards, building height, and other bulk regulations for development in this district. Refer to Wis. Adm. Code ATCP 51 for standards related to certain livestock facilities covered under those rules. In addition, the maximum development density in this district shall be the equivalent of one new nonfarm dwelling unit for every 35 contiguous acres owned as of the date of adoption of this chapter, as calculated under [Section 17.8.70](#).

**SUMMARY OF AGRICULTURE DISTRICT  
Dimensional Standards (On Private Septic)**

-  Permitted Principal & Accessory Building Locations
-  Permitted Locations For Accessory Buildings Only



*\*If State or US highway, increase setback to greater of 50' from right-of-way line or 110' from road centerline*

AGRICULTURE DISTRICT

Maximum Development Density: One housing unit per 35 acres.

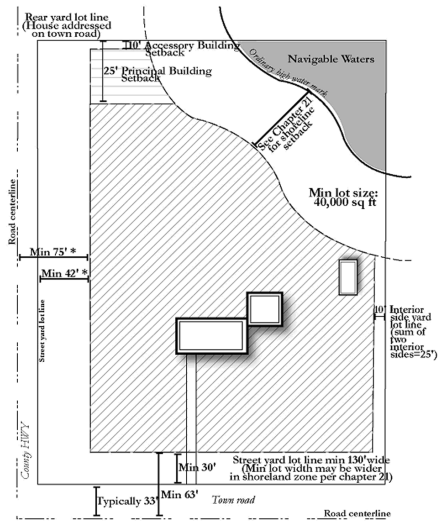
17.2.12 - RL2 RURAL LANDS "2 PER 40" DISTRICT.

- (1) INTENT. This district is intended to preserve rural character and promote continued low-intensity and open space uses in areas of the County not envisioned for intensive agricultural or commercial forestry use. Appropriate uses include continued low-impact farming and forestry where viable, single family residences up to a density not exceeding 2 dwelling units per 40 acres owned, and associated home occupations and other limited compatible business opportunities.
- (2) LAND USES PERMITTED BY RIGHT OR AS A CONDITIONAL USE. Refer to the tables in Section 17.2.100 for a list of principal and accessory land uses that are permitted by right or as conditional uses in this district. The uses listed in the tables refer to the detailed land use descriptions contained in Division 17.3, which also includes parking standards.
- (3) DIMENSIONAL STANDARDS. Refer to the table in Section 17.2.101 for a list of dimensional standards, yards, building height, and other bulk regulations for development in this district. In addition, the maximum development density in this district shall be the equivalent of 2 new nonfarm dwelling units for every 40 contiguous acres owned as of the date of adoption of this chapter, as calculated under Section 17.8.70.

17.2.13 - RL4 RURAL LANDS "4 PER 40" DISTRICT.

- (1) INTENT. This district is intended to preserve rural character and promote continued low-intensity and open space uses in areas of the County not envisioned for intensive agricultural or commercial forestry use. Appropriate uses include continued low-impact farming and forestry where viable, single family residences up to a density not exceeding 4 dwelling units per 40 acres owned, and associated home occupations and other limited compatible business opportunities.
- (2) LAND USES PERMITTED BY RIGHT OR AS A CONDITIONAL USE. Refer to the tables in Section 17.2.100 for a list of principal and accessory land uses that are permitted by right or as conditional uses in this district. The uses listed in the tables refer to the detailed land use descriptions contained in Division 17.3, which also includes parking standards.
- (3) DIMENSIONAL STANDARDS. Refer to the table in Section 17.2.101 for a list of dimensional standards, yards, building height, and other bulk regulations for development in this district. In addition, the maximum development density in this district shall be the equivalent of 4 new nonfarm dwelling units for every 40 contiguous acres owned as of the date of adoption of this chapter, as calculated under Section 17.8.70.

**SUMMARY OF RL2 & RL4 DISTRICT Dimensional Standards (On Private Septic)**



\*If State or US highway, increase setback to greater of 50' from right-of-way line or 110' from road centerline

**RL2 & RL4 DISTRICT**

Maximum Development Density:

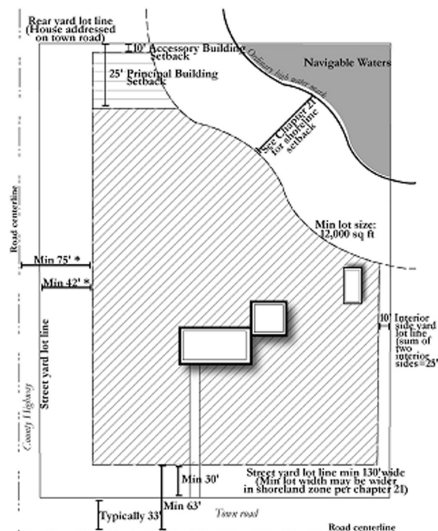
RL2 = 2 housing units per 40 acres

RL4 = 4 housing units per 40 acres

**17.2.20 - SR SUBURBAN RESIDENTIAL DISTRICT.**

- (1) INTENT. This district is intended for single-family and two-family dwellings, along with compatible home occupations, small-scale institutional and recreational uses, and low-intensity, pre-existing agricultural uses. The district is designed for existing or planned residential development areas near cities, in crossroad hamlets, in intensively developed waterfront areas, or in conservation neighborhoods.
- (2) LAND USES PERMITTED BY RIGHT OR AS A CONDITIONAL USE. Refer to the tables in [Section 17.2.100](#) for a list of principal and accessory land uses that are permitted by right or as conditional uses in this district. The uses listed in the tables refer to the detailed land use descriptions contained in [Division 17.3](#), which also includes parking standards.
- (3) DIMENSIONAL STANDARDS. Refer to the table in [Section 17.2.101](#) for a list of dimensional standards, yards, and other bulk regulations for development in this district. Because of the district's minimum permitted lot size, all nonagricultural uses shall be served by public sanitary sewer or a private group waste treatment system serving 5 or more principal buildings. Where such services are unavailable, density and dimensional standards otherwise applicable in the RL2 Rural Lands district shall apply.

**SUMMARY OF SR DISTRICT Dimensional Standards (On Public Sewer)**

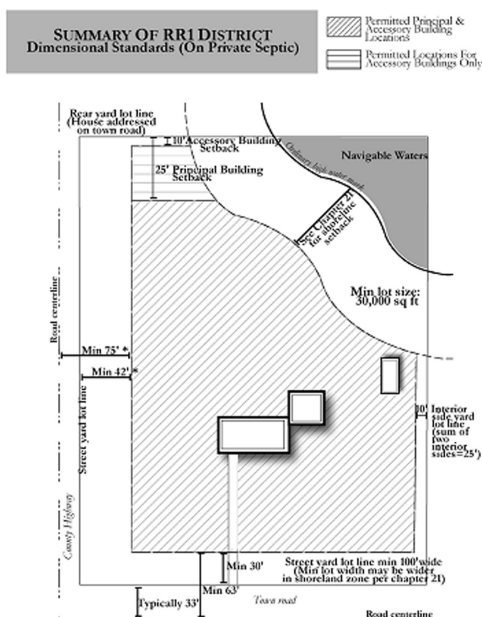


\*If State or US highway, increase setback to greater of 50' from right-of-way line or 110' from road centerline

SR DISTRICT

17.2.30 - RR1 RURAL RESIDENTIAL 30,000 DISTRICT.

- (1) INTENT. This district is intended for single-family and two-family dwellings on small rural lots, along with compatible home occupations, small-scale institutional and recreational uses, and low-intensity agricultural uses. This district is primarily designed for existing residential areas served by private on-site waste treatment systems and that meet the lot size standards. Mapping of this district in areas planned for new development should be limited because of the district's small minimum lot size relative to requirements for on-site waste treatment requirements.
- (2) LAND USES PERMITTED BY RIGHT OR AS A CONDITIONAL USE. Refer to the tables in Section 17.2.100 for a list of principal and accessory land uses that are permitted by right or as conditional uses in this district. The uses listed in the tables refer to the detailed land use descriptions contained in Division 17.3, which also include parking standards.
- (3) DIMENSIONAL STANDARDS. Refer to the table in Section 17.2.101 for a list of dimensional standards, yards, and other bulk regulations for development in this district.



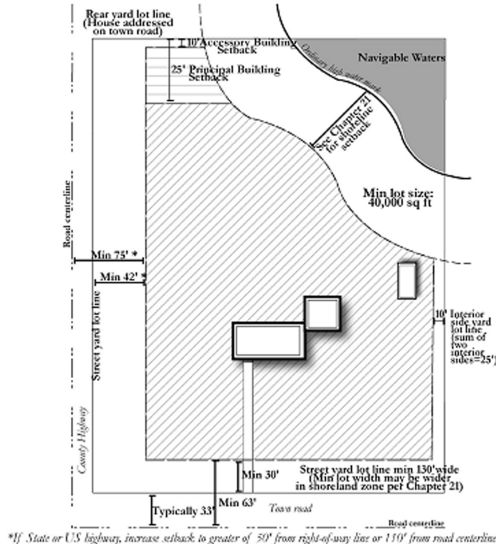
\*If State or US highway, increase setback to greater of 50' from right-of-way line or 110' from road centerline

RR1 DISTRICT

17.2.31 - RR2 RURAL RESIDENTIAL 40,000 DISTRICT.

- (1) INTENT. This district is intended for single-family and two-family dwellings on relatively small rural lots, along with compatible home occupations, small-scale institutional and recreational uses, and low-intensity agricultural uses. The appropriateness of mapping this district in areas planned for residential development should be carefully considered because of the district's minimum lot size relative to requirements for on-site waste treatment systems.
- (2) LAND USES PERMITTED BY RIGHT OR AS A CONDITIONAL USE. Refer to the tables in Section 17.2.100 for a list of principal and accessory land uses that are permitted by right or as conditional uses in this district. The uses listed in the tables refer to the detailed land use descriptions contained in Division 17.3, which also includes parking standards.
- (3) DIMENSIONAL STANDARDS. Refer to the table in Section 17.2.101 for a list of dimensional standards, yards, and other bulk regulations for development in this district.

**SUMMARY OF RR2 DISTRICT Dimensional Standards (On Private Septic)**



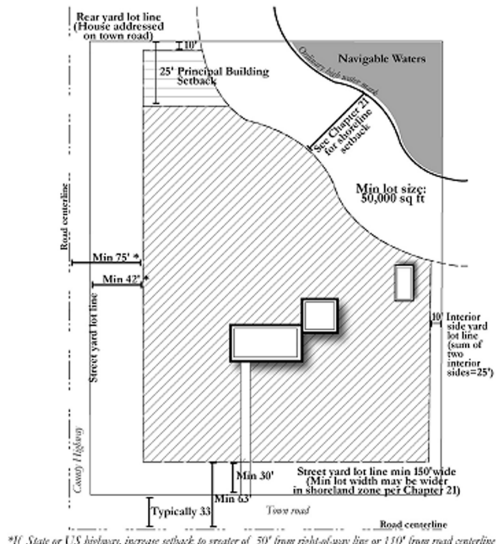
\*If State or US highway, increase setback to greater of 50' from right-of-way line or 110' from road centerline

**RR2 DISTRICT**

**17.2.32 - RR3 RURAL RESIDENTIAL 50,000 DISTRICT.**

- (1) INTENT. This district is intended for single-family and two-family dwellings on moderately sized rural lots, along with compatible home occupations, small-scale institutional and recreational uses, and low-intensity agricultural uses. This district should generally be mapped in areas where public water and sewer services are not currently available or planned. This district also provides opportunities for slightly smaller minimum lot sizes in conservation neighborhood developments, where preservation of rural character, natural areas, farmland, and/or scenic views is emphasized.
- (2) LAND USES PERMITTED BY RIGHT OR AS A CONDITIONAL USE. Refer to the tables in [Section 17.2.100](#) for a list of principal and accessory land uses that are permitted by right or as conditional uses in this district. The uses listed in the tables refer to the detailed land use descriptions contained in [Division 17.3](#), which includes parking standards.
- (3) DIMENSIONAL STANDARDS. Refer to the table in [Section 17.2.101](#) for a list of dimensional standards, yards, and other bulk regulations for development in this district.

**SUMMARY OF RR3 DISTRICT Dimensional Standards (On Private Septic)**



\*If State or US highway, increase setback to greater of 50' from right-of-way line or 110' from road centerline

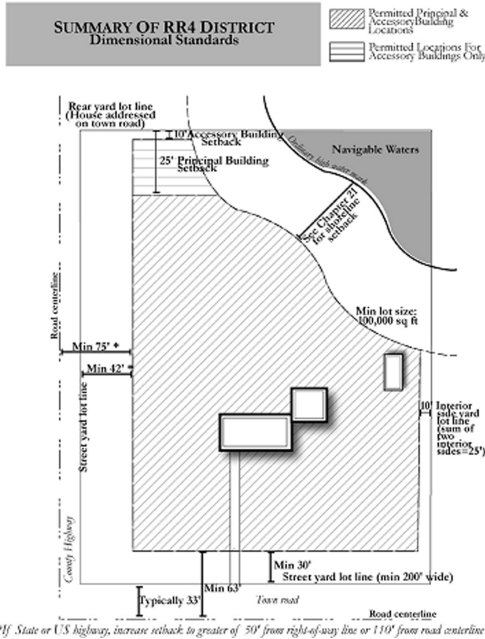
**RR3 DISTRICT**

**17.2.33 - RR4 RURAL RESIDENTIAL 100,000 DISTRICT.**

- (1) INTENT. This district is intended for single-family and two-family dwellings on relatively large rural lots, along with compatible home

occupations, small-scale institutional and recreational uses, and low-intensity agricultural uses. This district should be mapped in areas where public water and sewer services are not currently available or planned. This district also provides opportunities for slightly smaller minimum lot sizes in conservation neighborhood developments, where preservation of rural character, natural areas, farmland, and/or scenic views is emphasized.

- (2) LAND USES PERMITTED BY RIGHT OR AS A CONDITIONAL USE. Refer to the tables in [Section 17.2.100](#) for a list of principal and accessory land uses that are permitted by right or as conditional uses in this district. The uses listed in the tables refer to the detailed land use descriptions contained in [Division 17.3](#), which also includes parking standards.
- (3) DIMENSIONAL STANDARDS. Refer to the table in [Section 17.2.101](#) for a list of dimensional standards, yards, and other bulk regulations for development in this district.

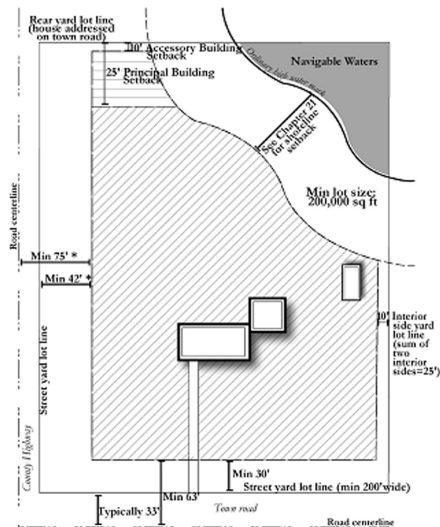


RR4 DISTRICT

17.2.34 - RR5 RURAL RESIDENTIAL 200,000 DISTRICT.

- (1) INTENT. This district is intended for single-family and two-family dwellings on large rural lots, along with compatible home occupations, small-scale institutional and recreational uses, and low-intensity agricultural uses. This district should be mapped in areas where public water and sewer services are not currently available or planned. This district also provides opportunities for slightly smaller minimum lot sizes in conservation neighborhood developments, where preservation of rural character, natural areas, farmland, and/or and scenic views is emphasized.
- (2) LAND USES PERMITTED BY RIGHT OR AS A CONDITIONAL USE. Refer to the tables in [Section 17.2.100](#) for a list of principal and accessory land uses that are permitted by right or as conditional uses in this district. The uses listed in the tables refer to the detailed land use descriptions contained in [Division 17.3](#), which also includes parking standards.
- (3) DIMENSIONAL STANDARDS. Refer to the tables in [Section 17.2.101](#) for a list of dimensional standards, yards, and other bulk regulations for development in this district.

**SUMMARY OF RR5 DISTRICT Dimensional Standards (On Private Septic)**

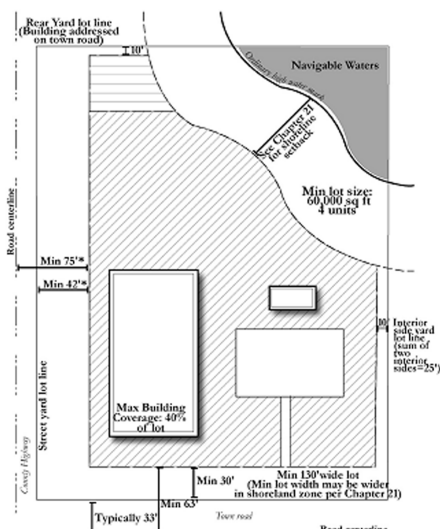


RR5 DISTRICT

17.2.40 - MR MIXED RESIDENTIAL DISTRICT.

- (1) INTENT. This district is intended for a mix of residential development types and densities, along with compatible home occupations, small-scale institutional and recreational uses, and existing low-intensity agricultural operations. Minimum required lot dimensions depend both on the number of dwelling units and the type of sanitary waste treatment method.
- (2) LAND USES PERMITTED BY RIGHT OR AS A CONDITIONAL USE. Refer to the tables in Section 17.2.100 for a list of principal and accessory land uses that are permitted by right or as conditional uses in this district. The uses listed in the tables refer to the detailed land use descriptions contained in Division 17.3, which also includes parking standards. New development in this district shall be subject to site plan approval under Section 17.8.40.
- (3) DIMENSIONAL STANDARDS. Refer to the table in Section 17.2.101 for a list of dimensional standards, yards, and other bulk regulations for development in this district.

**SUMMARY OF MR DISTRICT Dimensional Standards (On Private Septic)**



MR DISTRICT

17.2.41 - MH MOBILE HOME PARK DISTRICT.

- (1) INTENT. This district is intended to provide a safe, attractive, and functional environment for mobile and manufactured home parks and subdivisions, where the characteristics of manufactured homes do not allow them to be classified as single-family dwellings per Section



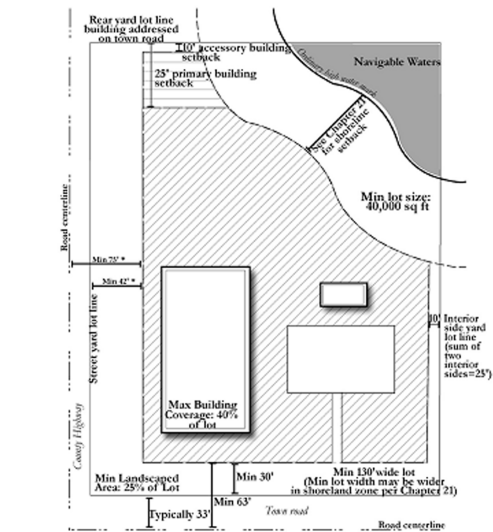
17.3.03. The district shall be mapped only where the mobile or manufactured home park will be provided with public sanitary sewer service or served by a private group waste treatment system.

- (2) LAND USES PERMITTED BY RIGHT OR AS A CONDITIONAL USE. Refer to the tables in Section 17.2.100 for a list of principal and accessory land uses that are permitted by right or as conditional uses in this district. The uses listed in the tables refer to the detailed land use descriptions contained in Division 17.3, which also includes parking standards. In addition, laundries, washrooms, recreation rooms, maintenance equipment storage, and one office associated with each mobile or manufactured home park shall be permitted as accessory land uses by right. New development in this district shall be subject to site plan approval under Section 17.8.40.
- (3) DIMENSIONAL STANDARDS:
- (a) Minimum Mobile or Manufactured Home Park Size: 10 acres.
  - (b) Minimum Mobile or Manufactured Home Lot or Rental Site Size: 6,000 square feet.
  - (c) Minimum Perimeter Yard for Mobile or Manufactured Home Park: 40 feet.
  - (d) Minimum Lot or Rental Site Width: 50 feet.
  - (e) Street Yard Requirements: For public roads, see Section 17.4.10. For interior park service roads, 20 feet.
  - (f) Building Setback Requirements:
    - 1. *Principal structures*: No part of any mobile or manufactured home shall be located closer than 30 feet from any other mobile or manufactured home, including additions and appurtenances.
    - 2. *Accessory structures*: 10 feet from any other accessory structure or any mobile or manufactured home, including a home's additions or appurtenances.
  - (g) Shoreland Zone Dimensional Requirements: All lands within 1,000 feet of the ordinary high water mark of lakes, ponds, or flowages and all lands within 300 feet of the ordinary high water mark of rivers and navigable streams, or to the landward side of the floodplain associated with the river or stream, whichever is greater, shall also be subject to the dimensional requirements for shoreland development in Chapter 21 of the Lincoln County Code of Ordinances, with the more restrictive provisions controlling in the event of conflict with the density, intensity, and bulk requirements of this section.
  - (h) Off-Street Parking Requirements: As prescribed in Section 17.3.03(8).
  - (i) Other Standards: See Section 17.3.03(8).

#### 17.2.50 - RE RECREATION DISTRICT.

- (1) INTENT. This district is generally intended to accommodate recreational land uses serving the needs and interests of tourists and/or the local population. The district is further intended to create a high-quality environment for groupings of recreational uses. Appropriate uses include campgrounds, parks, lodging facilities, restaurants, recreational clubs, golf courses, and small-scale retail and service uses, but not year-round housing or intensive commercial or industrial uses.
- (2) LAND USES PERMITTED BY RIGHT OR AS A CONDITIONAL USE. Refer to the tables in Section 17.2.100 for a list of principal and accessory land uses that are permitted by right or as conditional uses in this district. The uses listed in the tables refer to the detailed land use descriptions contained in Division 17.3, which also includes parking standards. In addition, all uses including a building or buildings totaling 20,000 square feet or greater shall be conditional uses. New development in this district shall be subject to site plan approval under Section 17.8.40.
- (3) DIMENSIONAL STANDARDS. Refer to the table in Section 17.2.102 for a list of dimensional standards, yards, and other bulk regulations for development in this district.

**SUMMARY OF RE DISTRICT Dimensional Standards (On Private Septic)**



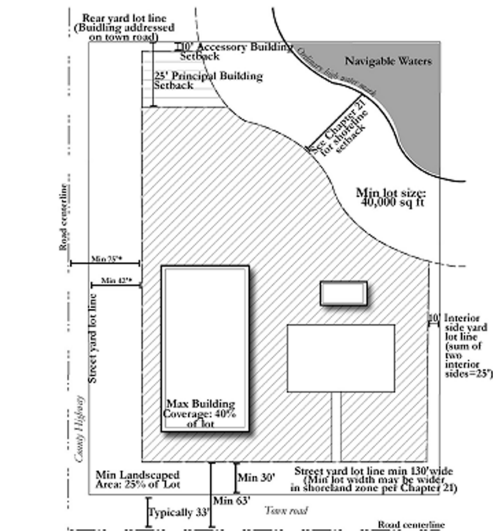
\*If State or US highway, increase setback to greater of 50' from right-of-way line or 110' from road centerline

RE DISTRICT

17.2.51 - PB PLANNED BUSINESS DISTRICT.

- (1) INTENT. This district is intended to accommodate high-quality retail, commercial service, lodging, and office uses, with attention towards site design, building design, landscaping, signage, lighting, and towards minimizing impacts on surrounding land uses. New and expanded developments within this district should assist in implementing the commercial development design recommendations in the adopted Lincoln County comprehensive plan.
- (2) LAND USES PERMITTED BY RIGHT OR AS A CONDITIONAL USE. Refer to the tables in [Section 17.2.100](#) for a list of principal and accessory land uses that are permitted by right or as conditional uses in this district. The uses listed in the tables refer to the detailed land use descriptions contained in [Division 17.3](#), which also includes parking standards. In addition, all uses including a building or buildings totaling 20,000 square feet or greater shall be conditional uses. New development in this district shall be subject to site plan approval under [Section 17.8.40](#).
- (3) DIMENSIONAL STANDARDS. Refer to the tables in [Section 17.2.102](#) for a list of dimensional standards, yards, and other bulk regulations for development in this district.

**SUMMARY OF PB DISTRICT Dimensional Standards(On Private Septic)**



\*If State or US highway, increase setback to greater of 50' from right-of-way line or 110' from road centerline

PB DISTRICT

17.2.52 - GB GENERAL BUSINESS DISTRICT.

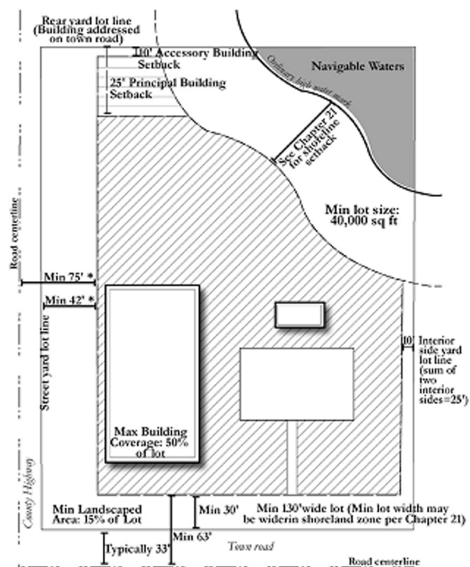
- (1) INTENT. This district is intended to accommodate retail, commercial service, lodging, and office uses, with modest attention towards site

design, building design, landscaping, signage, and lighting, and towards minimizing impacts on surrounding land uses.

- (2) LAND USES PERMITTED BY RIGHT OR AS A CONDITIONAL USE. Refer to the tables in [Section 17.2.100](#) for a list of principal and accessory land uses that are permitted by right or as conditional uses in this district. The uses listed in the tables refer to the detailed land use descriptions contained in [Division 17.3](#), which also includes parking standards.
- (3) DIMENSIONAL STANDARDS. Refer to the table in [Section 17.2.102](#) for a list of dimensional standards, yards, and other bulk regulations for development in this district.

**SUMMARY OF GB DISTRICT Dimensional Standards (On Private Septic)**

-  Permitted Principal & Accessory Building Locations
-  Permitted Locations For Accessory Buildings Only



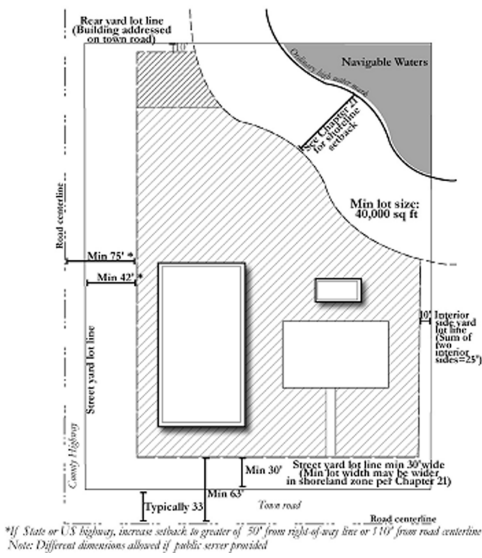
\*If State or US highway, increase setback to greater of 50' from right-of-way line or 110' from road centerline

GB DISTRICT

17.2.53 - CMU CROSSROADS MIXED USE DISTRICT.

- (1) INTENT. This district is intended to accommodate historic or planned future collections of small-scale, often pedestrian-oriented indoor commercial, office, institutional, residential, and open space uses, in which community character is protected through building scale, appearance, landscaping, signage, and lighting. This district should be generally mapped at or near road crossings that serve as gathering points for rural communities. Gleason is an example of a historic area where this district may be mapped, and a model for the intended mix of uses and appearance for other areas where the district may be mapped.
- (2) LAND USES PERMITTED BY RIGHT OR AS A CONDITIONAL USE. Refer to the tables in [Section 17.2.100](#) for a list of principal and accessory land uses that are permitted by right or as conditional uses in this district. The uses listed in the tables refer to the detailed land use descriptions contained in [Division 17.3](#), which also includes parking standards. In addition, all uses including a building or buildings totaling 5,000 square feet or greater shall be conditional uses. New development in this district shall be subject to site plan approval under [Section 17.8.40](#).
- (3) DIMENSIONAL STANDARDS. Refer to the table in [Section 17.2.102](#) for a list of dimensional standards, yards, and other bulk regulations for development in this district.

**SUMMARY OF CMU DISTRICT Dimensional Standards (On Private Septic)**

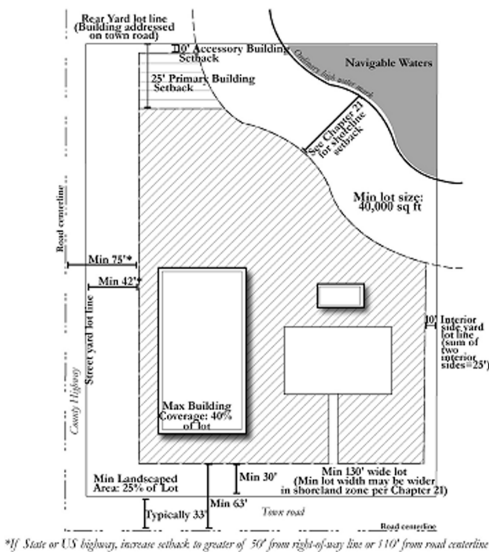


CMU DISTRICT

17.2.61 - PI PLANNED INDUSTRIAL DISTRICT.

- (1) INTENT. This district is intended to accommodate high-quality manufacturing, assembly, office, and storage land uses, with attention towards site design, building design, landscaping, signage, lighting, and towards minimizing impacts on surrounding land uses. New and expanded developments within this district should assist in implementing the industrial development design recommendations in the Lincoln County Comprehensive Plan.
- (2) LAND USES PERMITTED BY RIGHT OR AS A CONDITIONAL USE. Refer to the tables in Section 17.2.100 for a list of principal and accessory land uses that are permitted by right or as conditional uses in this district. The uses listed in the tables refer to the detailed land use descriptions contained in Division 17.3, which also includes parking standards. In addition, all uses including a building or buildings totaling 20,000 square feet or greater shall be conditional uses. New development in this district shall be subject to site plan approval under Section 17.8.40.
- (3) DIMENSIONAL STANDARDS. Refer to the table in Section 17.2.102 for a list of dimensional standards, yards, and other bulk regulations for development in this district.

**SUMMARY OF PI DISTRICT Dimensional Standards(On Private Septic)**



PI DISTRICT

17.2.62 - GI GENERAL INDUSTRIAL DISTRICT.

- (1) INTENT. This district is intended to accommodate manufacturing, assembly, office, storage, and other higher-impact land uses, with modest



This chapter employs overlay zoning districts to protect natural resources and unique geographic areas. Where mapped, the requirements in an overlay zoning district will apply in addition to the requirements in the underlying base zoning district, with the more restrictive provision applying in the event of any conflict. The overlay zoning districts shall be designated as follows:

- (FW) Floodway Overlay District
- (FF) Floodfringe Overlay District
- (GFP) General Floodplain Overlay District
- (S) Shoreland Overlay District
- (SW) Shoreland-Wetland Overlay District
- (W) Wetland Overlay District
- (H51) Highway 51 Overlay District

Lincoln County is required by Wisconsin Statutes to establish zoning districts covering floodplain, shoreland, and wetland areas, as defined by such Statutes. Also per Wisconsin Statutes, the FW, FF, GFP, S, SW, and W overlay districts shall apply throughout the unincorporated area of Lincoln County, where landscape conditions require their mapping. Other overlay zoning districts described in this section shall apply only in portions of the unincorporated area where the town government has adopted County zoning and where such districts have been mapped on the Official Zoning Map.

#### 17.2.81 - MAP OF OVERLAY ZONING DISTRICTS.

Overlay zoning districts established by this chapter are shown on the Official Zoning Map of Lincoln County, which together with all the explanatory material thereon, is hereby made part of this chapter.

#### 17.2.82 - INTERPRETATION OF OVERLAY ZONING DISTRICT BOUNDARIES.

The following rules shall be used to determine the precise location of any overlay zoning district boundary shown on the Official Zoning Map of Lincoln County:

- (1) Refer to [Chapter 20](#) of the Lincoln County Code of Ordinances for the establishment and interpretation of the FW Floodway, FF Floodfringe, and GFP General Floodplain overlay district boundaries shown on the Official Zoning Map.
- (2) Refer to [Chapter 21](#) of the Lincoln County Code of Ordinances for the establishment and interpretation of the S Shoreland overlay district boundaries shown on the Official Zoning Map.
- (3) Boundary determinations for the SW Shoreland-Wetland and W Wetland overlay zoning districts shall be made by the Zoning Administrator following review of the Wisconsin Department of Natural Resources Wisconsin Wetland Inventory maps. Where an apparent discrepancy exists between a SW Shoreland-Wetland or W Wetland overlay district boundary shown on the Official Zoning Map or Wisconsin Wetland Inventory maps and actual field conditions, the Zoning Administrator shall contact the appropriate district office of the Department of Natural Resources to determine if the boundary as mapped is in error. If the Department of Natural Resources staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, Lincoln County may immediately grant or deny appropriate permits in accordance with the regulations applicable to the correct base zoning district (i.e., without the SW or W overlay zoning district designation). The Zoning Administrator shall initiate a zoning map amendment to correct these mapping discrepancies following the procedures established in [Section 17.8.25](#).
- (4) Boundary determinations for the H51 Highway 51 overlay district shall be made by the Zoning Administrator by scaling distances from the Official Zoning Map or its digital map source.

#### 17.2.90 - FW FLOODWAY, FF FLOODFRINGE, AND GFP GENERAL FLOODPLAIN OVERLAY DISTRICTS.

Refer to [Chapter 20](#) of the Lincoln County Code of Ordinances for regulations applicable in the FW Floodway, FF Floodfringe, and GFP General Floodplain overlay districts shown on the Official Zoning Map. In general, these overlay districts are mapped by the Federal Emergency Management Agency in certain areas along navigable waters that have a one percent chance of flooding in any given year (100-year floodplain).

#### 17.2.91 - S SHORELAND OVERLAY ZONING DISTRICT.

Refer to [Chapter 21](#) of the Lincoln County Code of Ordinances for regulations applicable in the S Shoreland overlay districts shown on the Official Zoning Map. This overlay zoning district applies to all lands within 1,000 feet of the ordinary high water mark of lakes (including glacial pothole lakes), ponds, or flowages and all lands within 300 feet of the ordinary high water mark of rivers and navigable streams, or to the landward side

of the floodplain associated with the river or stream, whichever is greater.

17.2.92 - SW SHORELAND-WETLAND OVERLAY ZONING DISTRICT.

- (1) INTENT. This overlay zoning district is intended to maintain safe and healthful conditions; prevent water pollution; protect fish spawning grounds and wildlife habitat; preserve shore cover and natural beauty; manage flooding; protect personal property and real estate; and control building and development in wetlands. When development is permitted in the SW Shoreland-Wetland district, the development should occur in a manner that minimizes adverse impacts upon the wetland.
- (2) JURISDICTION. The regulations specified within this Shoreland-Wetland overlay zoning district shall apply to all wetlands of 5 acres or more located within the boundaries of mapped S Shoreland overlay districts. A portion of a wetland which is less than 5 acres in size and which is located in the unincorporated shoreland district within the County shall be included in the SW Shoreland-Wetland district where the wetland as a whole is 5 acres or larger, but extends into the corporate limits of a city or village, across the County boundary, or across the S Shoreland overlay district limit.
- (3) LAND USES PERMITTED BY RIGHT. The following uses shall be allowed, subject also to the S Shoreland zoning regulations contained in Chapter 21 of the Lincoln County Code of Ordinances, the provisions of Chs. 30 and 31, Wis. Stats., and the provisions of other applicable local, State, and Federal laws:
- (a) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating except as allowed under subsections (b) and (c):
1. Hiking, fishing, trapping, hunting, swimming and boating.
  2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to natural reproduction of such crops.
  3. The pasturing of livestock.
  4. The cultivation of agricultural crops.
  5. The practice of silviculture, including the planting, thinning and harvesting of timber.
  6. The construction or maintenance of duck blinds.
- (b) Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:
1. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.
  2. The cultivation of cranberries, including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries.
  3. The maintenance and repair of existing agricultural drainage systems where permissible by §30.20, Wis. Stats., including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that the filling is permissible by Ch. 30, Wis. Stats., and that dredged spoil is placed on existing spoil banks where possible.
  4. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance.
  5. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance.
  6. The maintenance, repair, replacement or reconstruction of existing town and County highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- (c) Uses which require the issuance of a zoning permit under Section 17.8.50 of this chapter, and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:
1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
    - a. The road cannot as a practical matter be located outside a wetland.
    - b. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland.
    - c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.
    - d. Road construction activities are carried out in the immediate area of the roadbed only.
  2. The construction or maintenance of nonresidential buildings, provided that:

- a. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals use permitted in the shoreland-wetland districts.
  - b. The building cannot, as a practical matter, be located outside the wetland.
  - c. Such building is not designed for human habitation and does not exceed 500 square feet in gross floor area.
  - d. Only limited filling or excavating necessary to provide structural support for the building is authorized.
3. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
    - a. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Ch. 29, Wis. Stats., where applicable.
    - b. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in subsection (c)1., above.
    - c. Ditching, excavating, dredging or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
  4. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:
    - a. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland.
    - b. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland.
- (4) PROHIBITED USES. Any use not listed in subsection (3) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this chapter in accordance with Section 17.8.25 and §59.69(5)(e), Wis. Stats.

#### 17.2.93 - W WETLAND OVERLAY ZONING DISTRICT.

- (1) INTENT. This overlay zoning district is intended to maintain safe and healthful conditions; prevent water pollution; protect wildlife habitat; manage flooding; protect personal property and real estate; and control building and development in wetlands. When development is permitted in the W Wetland district, the development should occur in a manner that minimizes adverse impacts upon the wetland.
- (2) JURISDICTION. The regulations specified within the W Wetland overlay zoning district shall apply to all wetlands of 5 acres or more located outside of the boundaries of mapped S Shoreland overlay districts. A portion of a wetland which is less than 5 acres in size and which is located in the unincorporated area within the County shall be included in the W Wetland district where the wetland as a whole is 5 acres or larger, but extends into the corporate limits of a city or village or across the County boundary.
- (3) LAND USES PERMITTED BY RIGHT.
  - (a) Hunting, trapping, fishing.
  - (b) Silviculture uses.
  - (c) Pasturing of livestock.
  - (d) Cultivation of agricultural crops, including cranberries.
  - (e) Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seed, in a manner that will not injure the natural reproduction of such crops.
  - (f) Construction and maintenance of fences; maintaining, repair, replacement or reconstruction of existing town and County roads and bridges.
  - (g) Seasonal picnic areas.
  - (h) Public utilities and services.
  - (i) Construction of new roads if permitted under WisDNR or Army Corps of Engineers regulations (Federal, State, County, or town). (Am. #2006-06-477)
  - (j) Establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges and game farms.
  - (k) Removal of top soil if permitted under WisDNR or Army Corps of Engineers regulations.
  - (l) Ditching, filling, excavating or dredging if permitted under WisDNR or Army Corps of Engineers regulations. (Am. #2006-06-477)



- (4) PROHIBITED USES. Any use not listed in subsection (3) or (4) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this chapter in accordance with Section 17.8.25 and §59.69(5)(e), Wis. Stats.

17.2.94 - H51 HIGHWAY 51 OVERLAY ZONING DISTRICT.

- (1) INTENT. The purpose of the H51 Highway 51 overlay district is to maintain and enhance the aesthetic appeal, community character, scenic beauty, natural landscape, dark sky, traffic safety, long-term economic health, and orderly development along and generally visible from Highway 51. The provisions of this section supplement the regulations applicable in base zoning districts covering lands also mapped within the H51 district.
- (2) JURISDICTION. The regulations specified within this section shall apply to all properties indicated as being within the H51 district on the Official Zoning Map, where approved by both the town and County. Where so approved, the district boundaries are intended to extend to 1,500 feet in either direction from the centerline of Highway 51, except where otherwise indicated on the Official Zoning Map.
- (3) SITE PLANNING. Petitioners submitting an application for development approval of a project including a nonresidential use or multiple-family dwelling shall be required to meet the site plan submittal and approval provisions in Section 17.8.40.
- (4) DESIGN STANDARDS. The Land Services Committee shall use as criteria for review of all proposed site plans and subdivisions in the H51 district the "Recommended Guidelines for the Highway 51 Image Corridor" included in the Lincoln County Comprehensive Plan and any related guidelines adopted by the affected town board. (Am. #2018-05-659)

17.2.100 - PERMITTED AND CONDITIONAL LAND USES BY ZONING DISTRICT.

The tables included in this section list the various land uses that are allowed as permitted by right uses and conditional uses in the various base zoning districts. Detailed descriptions and regulations associated with each of the land uses are included in Division 17.3. Use of these tables shall be guided by the following provisions:

- (1) Land uses designated with a "P" in the tables are permitted by right in the associated base zoning district, per any additional requirements associated with the specific base zoning district, any additional requirements under applicable overlay zoning districts, the associated land use description included in Division 17.3, any other requirements of this chapter, and all other applicable County, State and Federal regulations.
- (2) Land uses designated with a "C" in the tables are conditional uses in the associated base zoning district, subject to all the requirements listed as applicable to uses permitted by right in subsection (1) above, plus any additional requirements applied as part of the conditional use process described under Section 17.8.30. Each application for, and instance of, a conditional use shall be considered a unique situation and shall not be construed as precedence for similar requests.
- (3) Land uses for which a blank space is shown in a cell of the tables are not allowed as either permitted by right or conditional uses within the associated base zoning district. Existing land uses fitting that description may be allowed to continue as legal nonconforming uses per the provisions of Section 17.7.01.
- (4) Although a land use may be indicated as a permitted by right or conditional use in a particular zoning district, it does not follow that such a land use is permissible on every parcel in such district. No land use is permissible on a parcel unless it can be located thereon in full compliance with all of the standards and regulations of this chapter applicable to the specific land use and parcel in question, unless an appropriate variance has been granted pursuant to Section 17.8.60.

Forestry (F)	Agriculture (A)	Rural Lands (RL2)	Rural Lands (RL4)	Suburban Residential (SR)	Rural Residential (RR1 30,000 sf)	Rural Residential (RR2 40,000 sf)	Rural Residential (RR3 50,000 sf)	Rural Residential (RR4 100,000 sf)	Rural Residential (RR5 200,000 sf)	Mixed Residential (MR)	Mobile Home Park (MH)	Recreation (RE)	Planned Business (PB)	General Business (GB)	Crossroads Mixed Use (CMU)	Planned Industrial (PI)	General Industrial (GI)	;arrowlt; ZONING DISTRICTS ;arrowlt;
	P	P	P	C	C	C	C	C	P			P	C	C	C	C	C	(1) Agricultural recreation/hobby use
	P	P	P	C	C	C	C	C	C			C	C	C	C	C	C	(2) Light agricultural use (≤100 animal units)
	P	C	C															(3) General agricultural use (101—500 animal units)
	C																	(4) Intensive agricultural use (>500 animal units)
	C	C	C									C	C	C	C	P	P	(5) Agricultural commercial use
P													C	C		P	P	(6) Forestry commercial use
P	P	P	P		P	P	P	P	P									(7) Silviculture use (5+ acre lot)

P = Use permitted by right

C = Use permitted as conditional use

Empty cell = Use prohibited or nonconforming in district

(Am. #2008-07-529)

Forestry (F)	Agriculture (A)	Rural Lands (RL2)	Rural Lands (RL4)	Suburban Residential (SR)	Rural Residential (RR1 30,000 sf)	Rural Residential (RR2 40,000 sf)	Rural Residential (RR3 50,000 sf)	Rural Residential (RR4 100,000 sf)	Rural Residential (RR5 200,000 sf)	Mixed Residential (MR)	Mobile Home Park (MH)	Recreation (RE)	Planned Business (PB)	General Business (GB)	Crossroads Mixed Use (CMU)	Planned Industrial (PI)	General Industrial (GI)	;	arrowlt;	ZONING DISTRICTS ;	arrowlt;	RESIDENTIAL LAND USES	(See Section 17.3.03 for detailed descriptions and standards associated with each of the land uses listed below)
	P	P	P	P	P	P	P	P	P	P					P								(1) Single-family dwelling (including manufactured homes meeting standards)
	P	P	P	P	P	P	P	P	P						P								(2) Farm dwelling
P	P	P	P	P	P	P	P	P	P	P		P			P								(3) Seasonal dwelling
	P	P	P	P	P	P	P	P	P	P					P								(4) Two-family dwelling
										P					C								(5) Multiple-family dwelling (3—8 units)
										C													(5a) Multiple-family dwelling (9—16 units)
P	C	C	C							C	P												(6) Mobile home (seasonal only in F)
P	P	P	P							C	P												(7) Manufactured home not meeting single-family standards. Seasonal home only in F District
											P												(8) Manufactured/mobile home park
P	P	P	P	C	C	C	C	P	P	P		P											(9) Camping unit





Forestry (F)	Agriculture (A)	Rural Lands (RL2)	Rural Lands (RL4)	Suburban Residential (SR)	Rural Residential (RR1 30,000 sf)	Rural Residential (RR2 40,000 sf)	Rural Residential (RR3 50,000 sf)	Rural Residential (RR4 100,000 sf)	Rural Residential (RR5 200,000 sf)	Mixed Residential (MR)	Mobile Home Park (MH)	Recreation (RE)	Planned Business (PB)	General Business (GB)	Crossroads Mixed Use (CMU)	Planned Industrial (PI)	General Industrial (GI)	;	arrowlt;	ZONING DISTRICTS ;	arrowlt;	INSTITUTIONAL AND RECREATIONAL LAND USES (See Section 17.3.05 for detailed descriptions and standards associated with each of the land uses listed below)	
	P	P	P	P	P	P	P	P	P	P	P				C								(1) Community living arrangement (1—8 res)
	C	C	C	C	C	C	C	C	C	P	C				C								(2) Community living arrangement (9—15 res)
										C					C								(3) Community living arrangement (16+ res)
												C	C	C		C							(4) Major indoor institutional use
	P	P	P	C	C	C	C	C	C	P		P	P	P	P	C							(5) Minor indoor institutional use
P	C	C	C	C	C	C	C	C	C	C		C	C	P		C							(6) Outdoor institutional use
C												C											(7) Private campground/camping resort
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						(8) Outdoor public recreation
P	P	P	P									P	P	P	P								(9a) Outdoor assembly (250—749 persons)

C	C	C	C									C	C	C	C			(9b) Outdoor assembly (750+ persons)
P	P	C	C									C			C		P	(10) Recreational vehicle course (10+ acres)

P = Use permitted by right

C = Use permitted as conditional use

Empty cell = Use prohibited or nonconforming in district

Forestry (F)	Agriculture (A)	Rural Lands (RL2)	Rural Lands (RL4)	Suburban Residential (SR)	Rural Residential (RR1 30,000 sf)	Rural Residential (RR2 40,000 sf)	Rural Residential (RR3 50,000 sf)	Rural Residential (RR4 100,000 sf)	Rural Residential (RR5 200,000 sf)	Mixed Residential (MR)	Mobile Home Park (MH)	Recreation (RE)	Planned Business (PB)	General Business (GB)	Crossroads Mixed Use (CMU)	Planned Industrial (PI)	General Industrial (GI)	;arrowlt; ZONING DISTRICTS ;arrowlt;  UTILITY AND TRANSPORTATION LAND USES (See <a href="#">Section 17.3.06</a> for detailed descriptions and standards associated with each of the land uses listed below)
	C	C	C									C		C		C	C	(1) Airport or landing strip
C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	(2) Public utilities and services
C	C	C	C														C	(3) Waste disposal/composting operation
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(4) Mobile tower siting (new or class 1 collocation with substantial modification)

P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(5) Mobile tower siting (class 2 collocation)
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P = Use permitted by right

C = Use permitted as conditional use

Empty cell = Use prohibited or nonconforming in district

(Am. #2018-05-659)

Forestry (F)	Agriculture (A)	Rural Lands (RL2)	Rural Lands (RL4)	Suburban Residential (SR)	Rural Residential (RR1 30,000 sf)	Rural Residential (RR2 40,000 sf)	Rural Residential (RR3 50,000 sf)	Rural Residential (RR4 100,000 sf)	Rural Residential (RR5 200,000 sf)	Mixed Residential (MR)	Mobile Home Park (MH)	Recreation (RE)	Planned Business (PB)	General Business (GB)	Crossroads Mixed Use (CMU)	Planned Industrial (PI)	General Industrial (GI)	;arrowlt; ZONING DISTRICTS ;arrowlt;  INDUSTRIAL LAND USES (See <a href="#">Section 17.3.08</a> for detailed descriptions and standards associated with each of the land uses listed below)
												C	C	C	C	P	P	(1) Personal storage facility (mini-warehouses)
														C		P	P	(2) Indoor storage or wholesaling
																C	P	(3) Outdoor storage or wholesaling
																C	C	(4) Freight or bus terminal
																C	P	(5) Distribution center
													C	P	C	P	P	(6) Contractor shop
																P	P	(7) Light industrial use



																	C	C	(8) Heavy industrial use	
																			C	(9) Metallic mineral extraction use
C	C	C	C																C	(10) Nonmetallic extraction use

P = Use permitted by right

C = Use permitted as conditional use

Empty cell = Use prohibited or nonconforming in district

(Am. #2006-06-477; Am. #2018-05-659)

Forestry (F)	Agriculture (A)	Rural Lands (RL2)	Rural Lands (RL4)	Suburban Residential (SR)	Rural Residential (RR1 30,000 sf)	Rural Residential (RR2 40,000 sf)	Rural Residential (RR3 50,000 sf)	Rural Residential (RR4 100,000 sf)	Rural Residential (RR5 200,000 sf)	Mixed Residential (MR)	Mobile Home Park (MH)	Recreation (RE)	Planned Business (PB)	General Business (GB)	Crossroads Mixed Use (CMU)	Planned Industrial (PI)	General Industrial (GI)	;arrowlt; ZONING DISTRICTS ;arrowlt;  ACCESSORY LAND USES (See <u>Section 17.3.09</u> for detailed descriptions and standards associated with each of the land uses listed below)
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(1a)Accessory structure ≤2,000 sq ft
P	P	P	P	C	C	C	C	P	P	C	C	P	P	P	C	P	P	(1b)Accessory structure >2,000 sq ft
	P	P	P	P	P	P	P	P	P	P	P							(3) Family day care home (8 or fewer children)
	C	C	C	C	C	C	C	C	C	P								(4) Intermediate day care home (9—15 children)

													P	P	P			(5) Commercial apartment
P	P	P											P	P	P	P	P	(6) Caretaker's residence (seasonal in F district)
	P	P	P	P	P	P	P	P	P	P	P	P			P			(7) Home occupation
	C	C	C							C			C			C		(8) Home occupation, expanded
P	P	P	P	P	P	P	P	P	P				P	P	P	P	P	(9) Accessory farm or forestry structures
													P	P	P	P	P	(10) Outdoor display incidental to indoor sales use
													P	P	P	P	P	(11) Temporary outdoor sales
														P	P	P	P	(12) Indoor sales accessory to light industrial use
	P	P	P	C	C	C	C	C	C				P	P	P	P	P	(13) Seasonal sales of farm and forestry products
													C	C	P	C	P	(14) Light industrial use accessory to indoor sales use
													C	C	C	P	C	(15) Off-site parking lot
P	P	P	P						P	P			P	P	P	P	P	(16) Outdoor wood furnace (5+ acre lot)
													P	P	P	P	P	(17) Temporary relocatable building <365 days



RR5 Residential 200,000	200,000	160,000	NA	10%	200	Per <u>17.4.10</u>	10	25	10/10
SR Suburban Residential	SF: 12,000 TF/Other: 16,000	NA	NA	40%	SF: 70 TF/Other:100	Per <u>17.4.10</u>	10	25	10/10
MR Mixed Residential	SF <sup>6</sup> = 30,000 TF/Other = 40,000 <sup>8</sup>	NA	NA	40%	SF <sup>6</sup> = 100 <sup>7</sup> TF/Other = 150 <sup>8</sup>	Per <u>17.4.10</u>	10	25	10/10

**NOTES:**

SF = Single-family dwelling; TF = Two-family dwelling; Other = All other land uses allowed in district; DU = Dwelling unit; A = Acre

All lands within 1,000 feet of the ordinary high water mark of lakes, ponds, or flowages and all lands within 300 feet of the ordinary high water mark of rivers and navigable streams, or to the landward side of the floodplain associated with the river or stream, whichever is greater, shall also be subject to the dimensional requirements for shoreland development in Chapter 21, with the more restrictive provisions controlling in the event of conflict with dimensional requirements in this table.

<sup>1</sup> A larger lot size may be required by town or County subdivision ordinance.

<sup>2</sup> The maximum number of individual sites intended for principal buildings within a condominium plat or for a tourist lodging land use shall not exceed the total obtained by dividing the gross site area by the minimum lot size within the zoning district for the type of land use that will be constructed within the condominium plat or tourist lodging development.

<sup>3</sup> Nonfarm development density provisions to be calculated per Section 17.8.70.

<sup>4</sup> Except where a greater setback is required for a specific land use listed in Division 17.3.

<sup>5</sup> Smaller lot sizes and widths permitted where public sewer service available.

<sup>6</sup> Includes manufactured homes and mobile homes.

<sup>7</sup> If served by public sanitary sewer service or a private group waste treatment system serving 5 or more lots, the minimum lot size is 12,000 square feet and the minimum width is 70 feet.

<sup>8</sup> For multiple-family dwellings, minimum lot size is 40,000 square feet for the first 2 dwelling units plus 10,000 square feet for each additional unit. If served by public sanitary sewer, minimum lot size is 16,000 square feet for the first 2 dwelling units plus 4,000 square feet for each additional unit and minimum lot width is 100 feet.

<sup>9</sup> There shall generally be a maximum of one principal building per lot, except in the PD and MR zoning districts, and in cases where all dimensional requirements of this chapter could be met for each principal building if the lot were later divided and no principal building is closer than 25 feet from another principal building.

(Am. #2018-05-659)

17.2.102 - NONRESIDENTIAL ZONING DISTRICT DIMENSIONAL STANDARDS.

Zoning District	Minimum Lot Size <sup>1</sup> (sq. ft.)	Maximum Building Coverage/ Minimum	Minimum Lot Width (ft)	Minimum Required Yards <sup>3</sup>

		Landscaped Area		Front/Street	Side to Principal Building	Rear to Principal Building <sup>2</sup>	Rear or Side to Accessory Building <sup>2</sup> (ft)
RE Recreation	Powts: 40,000 Other: 20,000	MBC: 40% MLA: 25%	Powts: 130 Other: 100	Per <u>17.4.10</u>	10	25	10/10
PB Planned Business	Powts: 40,000 Other: 20,000	MBC: 40% MLA: 25%	Powts: 130 Other: 100	Per <u>17.4.10</u>	10	25	10/10
GB General Business	Powts: 40,000 Other: 20,000	MBC: 50% MLA: 15%	Powts: 130 Other: 100	Per <u>17.4.10</u>	10	25	10/10
CMU Crossroads Mixed Use	Same as MR district for "other" use	None	Same as MR district for "other" use	Per <u>17.4.10</u>	10	10	10/10
PI Planned Industrial	Powts: 40,000 Other: 20,000	MBC: 40% MLA: 25%	Powts: 130 Other: 100	Per <u>17.4.10</u>	10	25	10/10
GI General Industrial	Powts: 40,000 Other: 20,000	MBC: 50% MLA: 15%	Powts: 130 Other: 100	Per <u>17.4.10</u>	10	25	10/10

**NOTES:**

Powts = Minimum lot size or width if lot served by private on-site waste treatment system.

Other = Minimum lot size or width if lot served by public sanitary sewer service or private group waste treatment system serving 5 or more lots.

MBC = Maximum percentage of lot that may be covered by buildings.

MLA = Minimum percentage of lot that must be landscaped (green space).

All lands within 1,000 feet of the ordinary high water mark of lakes, ponds, or flowages and all lands within 300 feet of the ordinary high water mark of rivers and navigable streams, or to the landward side of the floodplain associated with the river or stream, whichever is greater, shall also be subject to the dimensional requirements for shoreland development in Chapter 21, with the most restrictive provisions controlling in the event of conflict with dimensional requirements in this table.

<sup>1</sup> A larger lot size may be required by town or County subdivision ordinances.

<sup>2</sup> Except where a greater setback is required for a specific land use listed in Division 17.3.

<sup>3</sup> There shall generally be a maximum of one principal building per lot, except in the PD and MR zoning districts, and in cases where all dimensional requirements of this chapter could be met for each principal building if the lot were later divided and no principal building is closer than 25 feet from another principal building.

(Am. #2018-05-659)

## DIVISION 17.3 - LAND USE DESCRIPTIONS AND STANDARDS

## 17.3.01 - PURPOSE.

The purpose of this chapter is to list, describe, and provide regulations specific to various land uses allowed in one or more zoning districts under Section 17.2.100. The following sections are organized according to general categories of uses, including rural; residential; commercial; institutional and recreational; utility and transportation; telecommunication facilities; industrial; and accessory land uses. Following the listing of each specific land use is a paragraph describing that land use. In many cases, one or more regulations related to that land use are then provided, including minimum parking space requirements.

## 17.3.02 - RURAL LAND USES.

- (1) AGRICULTURAL RECREATION AND HOBBY USE. Includes operations conducted as a principal use of a parcel in which agricultural commodities and livestock are used for either hobby or recreational purposes and to supplement household food supply. Does not include any use defined as a "farm" under Section 17.1.14.

Regulations:

- (a) Shall meet requirements associated with the keeping of animal units as specified in Section 17.5.09.
- (b) Accessory farm structures including, but not limited to, barns, sheds, silos, equipment garages, and towers may be located on the same lot as a primary farm operation, or on a separate lot in conjunction with the farm operation.
- (2) LIGHT AGRICULTURAL USE. Includes farm operations in which agricultural commodities, livestock, or both are used as sources for supplementing household food supplies and income. Such operations generally do not employ nonfamily labor. Such operations shall keep no more than 100 animal units. Examples of such land uses include, but are not limited to, croplands; orchards; cranberry bogs and harvesting facilities; exotic animal raising; small dairy farms; small stables; beekeeping; sod farms; aviaries; and the harvesting of wild crops such as marsh hay, ferns, moss, wild rice, maple syrup, berries, tree fruits and tree seeds in a manner that is not injurious to natural reproduction of such crops.

Regulations:

- (a) Shall meet requirements associated with the keeping of animal units as specified in Section 17.5.09.
- (b) Accessory farm structures including, but are not limited to, barns, sheds, silos, equipment garages, and towers may be located on the same lot as a primary farm operation, or on a separate lot in conjunction with the farm operation.
- (c) Accessory outdoor storage areas for farm-related materials may be located on the same lot as the active, principal farm operation use, provided that such area is completely screened from public roads and residentially zoned properties, confined to one area, does not accept or store materials from outside the farm operation unless intended for use by the farm operation, and meets all applicable State regulations.
- (d) Cranberry bogs and harvesting shall not be allowed in any residential zoning district.
- (e) May be subject to additional restrictions upon conditional use permit approval in districts where allowed as a conditional use.
- (3) GENERAL AGRICULTURAL USE. Includes farm operations in which agricultural commodities, livestock, or both are raised with the intention of being commercially viable operations. A commercially viable operation is defined as one that provides the majority of the owner/operators annual income and frequently employs nonfamily labor. Such operations may keep between 101 and 500 animal units. Examples of such land uses include, but are not limited to, feed lots, hog farms, large stables, poultry operations, fish farms, dairy operations, commercial greenhouse operations, and value added agriculture for products raised on site.

Regulations:

- (a) Shall meet requirements associated with the keeping of animal units as specified in Section 17.5.09.
- (b) Accessory farm structures including, but not limited to, barns, sheds, silos, equipment garages, and towers may be located on the same lot as a primary farm operation, or on a separate lot in conjunction with the farm operation.
- (c) Accessory outdoor storage areas for farm-related materials may be located on the same lot as the active, principal farm operation use, provided that such area is completely screened from public roads and residentially zoned properties, confined to one area, does not accept or store materials from outside the farm operation unless intended for use on the by the farm operation, and meets all applicable State regulations.
- (4) INTENSIVE AGRICULTURAL USE. (Am. #2006-11-491) Includes large-scale farm operations in which agricultural commodities, livestock, or both

are raised with the intention of being commercially viable operations. A commercially viable operation is defined as one that provides the majority of the owner/operators annual income and frequently employs nonfamily labor. Such operations may have more than 500 animal units. Examples of such land uses include, but are not limited to, feed lots, large hog farms, large stables, poultry operations, fish farms, large dairy operations, commercial greenhouse operations, and value added agriculture for products raised on site.

Regulations: The following regulations shall apply with exceptions provided for certain livestock facilities covered under Wis. Adm. Code ATCP 51. Refer to ATCP 51 for applicable regulations.

- (a) Shall meet requirements associated with the keeping of animal units as specified in Section 17.5.09.
  - (b) Shall submit, have approved by the Lincoln County Land Conservation Department, and implement soils information, an erosion control plan, a nutrient management plan, and stormwater management plan, meeting all applicable County and State standards.
  - (c) Shall maintain records regarding manure application, crop history, and testing, subject to inspection upon written request and reasonable notice from the Land Conservation Department.
  - (d) Shall meet all agricultural performance standards in ATCP 50 and NR 151, Wis. Adm. Code.
  - (e) Shall not be located in, or adjacent to, a major subdivision.
  - (f) Accessory farm structures including, but not limited to, barns, sheds, silos, equipment garages, and towers may be located on the same lot as a primary farm operation, or on a separate lot in conjunction with the farm operation.
  - (g) Accessory outdoor storage areas for farm-related materials may be located on the same lot as the active, principal farm operation use, provided that such area is completely screened from public roads and residentially zoned properties, confined to one area, does not accept or store materials from outside the farm operation unless intended for use on the by the farm operation, and meets all applicable State regulations.
- (5) AGRICULTURAL COMMERCIAL USE. Includes all operations pertaining to the retail sale, handling, processing, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used by agricultural operations. Examples of such land uses include, but are not limited to, agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; licensed farm auction operations; canning and other packaging facilities; greenhouses and garden centers; orchard stores; and agricultural waste disposal facilities. Also includes farms open to the public for demonstrations, tours, hayrides, regular farm breakfasts, and other similar events.

Regulations: Shall not be located in, or adjacent to, a major subdivision.

Parking Requirements: One parking space per employee on the largest work shift or one space for every 200 square feet of product display area, depending on the specific land use type.

- (6) FORESTRY COMMERCIAL USE. Includes operations pertaining to the handling, transport, processing, storage, sale, or repair of forestry equipment, products, by-products, or materials primarily used by forestry operations. Examples of such land uses include, but are not limited to, commercial logging operations, portable sawmills, debarking operations, chipping facilities, maple syrup production and sales, and similar uses. Not included within this land use category are paper mills, box manufacturing operations, or other large scale packaging or finish processing facilities.

Regulations: Shall not be located in, or adjacent to, a major subdivision.

Parking Requirements: One parking space per employee on the largest work shift or one space for every 200 square feet of product display area, depending on the specific land use type.

- (7) SILVICULTURE USE. Includes all commercial logging operations primarily oriented to the outdoor planting, thinning and harvesting of timber, pulp woods, and other forestry products for commercial purposes. This land use includes trees which are raised as a crop to be replaced with more trees after harvesting, such as tree nurseries or Christmas tree operations. Also includes cranberry bogs, maple syrup tapping, and wild rice harvesting.

Regulations:

- (a) Accessory forestry structures including, but not limited to, sheds, equipment garages, towers, and barns, may be located on the same lot as a primary forest operation, or on a separate lot in conjunction with the forestry operation.
- (b) Minimum lot size shall be 5 acres.
- (c) Cranberry bogs and harvesting shall not be allowed in any residential zoning district.

#### 17.3.03 - RESIDENTIAL LAND USES.

- (1) SINGLE-FAMILY DWELLING. A dwelling unit designed for, converted to, and/or occupied by one family and not attached to another dwelling

unit. This land use category does not include a mobile home. This land use category includes a manufactured home as described in this section, but only if said manufactured home meets the following regulations applicable to all single-family dwellings.

Regulations:

- (a) All wheels, axles, transportation lights, and other related towing apparatuses shall be removed.
- (b) Except within the Forestry zoning district:
  - 1. The dwelling must be attached to a finished, permanent foundation, such as a poured concrete slab or a basement.
  - 2. Reserved. (RpId. #2006-06-477)
  - 3. The dwelling shall be served by a private on-site or group waste treatment system approved under SPS 383, Wis. Adm. Code, and Chapter 22 of the Lincoln County Code of Ordinances. (Am. #2018-05-659)
  - 4. The dwelling shall include a roof pitch of at least 3 feet in rise for every 12 feet in run.
- (c) Shall provide an acceptable sewage treatment and/or disposal system meeting the requirements of all applicable State regulations and Chapter 22 of the Lincoln County Code of Ordinances.

Parking Requirements: 2 spaces per dwelling unit. (Cr. #2006-06-477)

- (2) FARM DWELLING. A specific subcategory of single-family dwelling located on the same property as any of the principal agricultural land uses listed in this chapter and occupied by one or more family members who earns a substantial part of his or her livelihood from farm operations on the farm. There may be a second farm dwelling on a lot or parcel if this criterion is met.

Regulations: Shall provide an acceptable sewage treatment and/or disposal system meeting the requirements of all applicable State regulations and Chapter 22 of the Lincoln County Code of Ordinances.

- (3) SEASONAL DWELLING. A specific subcategory of single-family dwelling used on an intermittent basis for recreational purposes such as, but not limited to, a vacation cottage, recreational cabin, or hunting cabin. Because its impacts are typically less than those of a single-family dwelling occupied on a more regular or permanent basis, a seasonal dwelling meeting the regulations below is allowed in additional zoning districts per Section 17.2.100.

Regulations:

- (a) May not be utilized as the primary residence of any individual.
- (b) May not be occupied more than 180 days in any 365-day period.
- (c) Any dwelling that does not meet any of the regulations in subsections (a) through (c) shall not be considered a seasonal dwelling for the purposes of this chapter, but instead shall be regulated as a standard single-family dwelling.
- (d) Shall provide an acceptable sewage treatment and/or disposal system meeting the requirements of all applicable State regulations and Chapter 22 of the Lincoln County Code of Ordinances.

Parking Requirements: 2 spaces per dwelling unit. (Cr. #2006-06-477)

- (4) TWO-FAMILY DWELLING. A building designed or altered to provide 2 attached dwelling units for 2 separate families, including two-flats, duplexes, granny flats, and buildings or sites with over-garage apartments. Each dwelling unit may be owner-occupied or renter-occupied, with the unit and/or land held in fee simple or condominium ownership. In the case of duplexes, the 2 dwelling units may or may not be located on separate lots. Where each side of the duplex is located on a separate lot, the following regulations shall apply.

Regulations (Where Each Unit Located on Separate Lot):

- (a) The entire building shall be constructed at one time.
- (b) The common wall shall be a minimum one hour fire wall running from the lowest floor level, from the basement to the underside of the roof sheathing, except that basements shall be provided across lot lines where necessary for utility services.
- (c) Matters of mutual concern to the adjacent property owners due to construction, catastrophe, and maintenance shall be guarded by deed restrictions, which shall be recorded with the Lincoln County Register of Deeds before a zoning permit is issued.
- (d) Shall provide an acceptable sewage treatment and/or disposal system meeting the requirements of all applicable State regulations and Chapter 22 of the Lincoln County Code of Ordinances.

Parking Requirements: 2 spaces per dwelling unit.

- (5) MULTIPLE-FAMILY DWELLING. A building designed or altered to provide 3 or more attached dwelling units, with each dwelling unit occupied by a separate family. Each dwelling unit may be owner-occupied or renter-occupied, with the building, lot, and/or unit in fee simple or condominium ownership. Multiple-family dwellings containing greater than 8 dwelling units shall be subject to additional regulations due to



their potential impact on rural character, neighborhood impact, parking, and traffic. Where each dwelling unit is located on a separate lot, a separate set of regulations shall apply. Both sets of regulations are as indicated below.

Regulations (For Multiple-family dwellings With Greater Than 8 Units):

- (a) The project shall meet all application and review standards included in Sections 17.8.30 (for conditional uses) and 17.8.40 (for site plan review).
- (b) At least one parking space per unit shall be provided within a fully enclosed garage, either at grade or subgrade.
- (c) Surface parking lots and garages shall be located and/or buffered with landscaping, varied setbacks or recessed garage doors, or some combination so that they are not the dominant visual elements from public roads.
- (d) All refuse containers shall be located indoors or screened from public view per the standards in Section 17.5.05.
- (e) Shall provide age-appropriate recreational area.
- (f) Shall provide an acceptable sewage treatment and/or disposal system meeting the requirements of all applicable State regulations and Chapter 22 of the Lincoln County Code of Ordinances.

Regulations (Where Each Unit is Located on a Separate Lot):

- (a) The entire building shall be constructed at one time.
- (b) The common wall shall be a minimum one-hour fire wall running from the lowest floor level, from the basement to the underside of the roof sheathing, except that basements shall be provided across lot lines where necessary for utility services.
- (c) Matters of mutual concern to the adjacent property owners due to construction, catastrophe, and maintenance shall be guarded by private covenants or deed restrictions, which shall be recorded with the Lincoln County Register of Deeds before a zoning permit is issued.
- (d) Shall provide an acceptable sewage treatment and/or disposal system meeting the requirements of all applicable State regulations and Chapter 22 of the Lincoln County Code of Ordinances.

Parking Requirements: 2 spaces per dwelling unit.

- (6) MOBILE HOME. A transportable factory built structure as is defined in §101.91(2k), Wis. Stats., designed for long-term occupancy by one family and built prior to June 15, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act. A mobile home is not considered to be a type of single-family dwelling for the purposes of this chapter.

Regulations:

- (a) In districts where they are allowed, except for seasonal mobile homes allowed in the Forestry zoning district, the mobile home must be attached to a finished, permanent foundation, such as a poured concrete slab or a basement, which complies with the requirements of Chapters 20 through 25 of the Wisconsin Uniform Dwelling Code.
- (b) Mobile homes placed within mobile home parks are subject to all applicable regulations associated with that land use category.
- (c) In the Forestry zoning district, mobile homes shall meet all regulations associated with seasonal dwellings.
- (d) Shall provide an acceptable sewage treatment and/or disposal system meeting the requirements of all applicable State regulations and Chapter 22 of the Lincoln County Code of Ordinances.
- (e) Shall provide skirting where applicable. (Cr. #2006-06-477)

Parking Requirements: 2 spaces per mobile home.

- (7) MANUFACTURED HOME. A residential dwelling for one family as is defined in §101.91(2), Wis. Stats., fabricated in an off-site facility for installation or assembly at the building site, bearing a HUD label or insignia certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards under 42 U.S.C. § 5401 to 5426, and built after June 14, 1976. A manufactured home shall be considered a single-family dwelling for the purposes of this chapter only where it meets the regulations of Section 17.3.03(1).

Regulations:

- (a) Manufactured homes placed within manufactured home parks are subject to all applicable regulations associated with that land use category.
- (b) In the Forestry zoning district, manufactured homes shall meet all regulations associated with seasonal dwellings.
- (c) Shall provide an acceptable sewage treatment and/or disposal system meeting the requirements of all applicable State regulations and Chapter 22 of the Lincoln County Code of Ordinances.
- (d) Shall provide skirting where applicable. (Cr. #2006-06-477)

Parking Requirements: 2 spaces per manufactured home.

- (8) MANUFACTURED HOME PARK; MOBILE HOME PARK. A parcel of land or subdivision used for the placement of 2 or more mobile homes and/or manufactured homes. Manufactured home developments and subdivisions shall not be included under this land use category where all manufactured homes meet the regulations of Section 17.3.03(1).

Regulations:

- (a) The applicant for rezoning to the MH Mobile Home Park district shall submit the following information with the application to the Zoning Administrator:
1. A written description of the proposed mobile or manufactured home park, including proposed terms of sale or lease of sites; park rules; a maintenance program and responsibilities; types of homes to be constructed or allowed; other ancillary uses for the site; and assurances that the site will be developed and operated in accordance with all approved plans, including bylaws and deed restrictions.
  2. A site plan map(s), drawn to scale, and including information listed in Section 17.8.40 plus the proposed mobile or manufactured home park layout; location of home sites, roads, parking areas, and site boundaries; existing topography lines; existing natural features including waterways, wetlands, floodplains, woodlands, and shoreland areas; required perimeter and home setbacks and spacing; existing and proposed buildings and other structures; water supply well and lines; sanitary waste disposal lines and system; grading and stormwater management plan; covered or screened refuse storage areas; proposed types and locations of landscape plantings and recreation areas; proposed development phasing if any; and any other information the Zoning Administrator shall deem necessary. Professional engineering assistance is encouraged in such design, especially of roadways, home siting, site grading and stormwater management, and utility placement.
- (b) Shall conform to requirements of HFS 177, Wis. Adm. Code.
- (c) Shall provide an acceptable sewage treatment and/or disposal system meeting the requirements of all applicable State regulations and Chapter 22 of the Lincoln County Code of Ordinances.
- (d) Shall conform to all dimensional requirements of the MH Mobile Home Park district, per Section 17.2.41.
- (e) Shall have direct access to a public road and a circulation plan that facilitates the safe and efficient movement of emergency vehicles.
- (f) All access interior park roads shall be a minimum of 20 feet in width. All interior park roads, driveways to individual home sites, and parking areas shall be hard surfaced, and maintained in a dust-free condition. Where driveways to individual home sites are located on opposite sides of the road, they shall be offset to avoid collisions when backing out.
- (g) Lighting meeting the standards in Section 17.5.04 shall be provided at all intersections of interior park roads with one another and with public roads, and at common areas such as mailbox locations, dumpsters, and playgrounds.
- (h) All dumpsters shall be screened per the standards in Section 17.5.05.
- (i) Home sites and access drives shall be located, graded, and maintained to provide each site with positive site drainage and for each site to be free from flooding. All sites shall be provided with anchor points for securing mobile or manufactured homes.
- (j) Shall provide a minimum of one acre of common recreation open space, plus an additional 500 square feet for each home site or lot in the park. The minimum required perimeter setback and individual home sites shall be included in the gross site area, but not in the calculation of common recreation open space. Such common open space shall be regular in shape and shall not be subject to flooding or lengthy periods of wet conditions. Common recreation open space shall be maintained in perpetuity by the mobile or manufactured park owner.
- (k) Each mobile or manufactured home, principal and accessory building, and vehicle parking area shall meet the minimum shoreland setback associated with any navigable waterway in Chapter 21 of the Lincoln County Code of Ordinances and the highway setback requirements of Section 17.4.10. There shall be a 40-foot landscaped buffer setback from all other exterior lot lines of the mobile or manufactured home park to all home sites, roads, parking areas, recreation areas, wells, and private sewage disposal systems. Roads and utility crossings of the buffer setback shall be minimized and shall occur at right angles wherever possible. The project shall provide a landscaped bufferyard (see Section 17.5.05) along all exterior lot lines.
- (l) All mobile or manufactured homes shall be used for dwelling purposes. No mobile or manufactured home site shall be rented for a period of less than 30 days.
- (m) The mobile or manufactured home park shall be owned by a single individual, trust, partnership, public or private association, or corporation, except for a mobile or manufactured home subdivision, where a homeowners association shall be established for the management and maintenance of all common areas not in public ownership.

Parking Requirements: 2 hard-surfaced parking spaces per home.

- (9) CAMPING UNIT. Includes any portable device, not more than 400 square feet in area, used as a temporary dwelling, including but not limited to a camping trailer, motor home, recreational vehicle, or tent. Does not include the storage of such camping unit on a lot. (Am. #2018-05-659)

Regulations:

- (a) Shall not be more than one occupied camping unit per parcel in a residential zoning district meeting applicable setbacks. (Am. #2018-05-659)
  - (b) Adequate sanitation meeting all applicable State and County regulations, such as a private on-site waste disposal system or privy, shall be required for units that remain on a property for over 60 days.
  - (c) County permits, as identified in Section 17.2.100 shall be required for units that remain on a property for over 60 days per calendar year. (Cr. #2006-06-477; Am. #2018-05-659)
  - (d) Shall not be more than one stored camping unit meeting applicable setbacks per parcel in a residential zoning district that contains a principle structure. (Cr. #2018-05-659)
- (10) ELDERLY AND CONGREGATE RESIDENTIAL FACILITY. Includes group homes, convents, monasteries, nursing homes, convalescent homes, rehabilitation centers, assisted living facilities, congregate care facilities, retirement communities, and similar land uses not considered to be community living arrangements or adult family homes under the provisions of §59.69, Wis. Stats.

Regulations:

- (a) The project shall meet all application and review standards included in Sections 17.8.30 (for conditional uses) and 17.8.40 (for site plan review).
- (b) Shall provide adequate evidence that emergency services will be provided to the site in an efficient manner.
- (c) Shall provide an off-street passenger loading area.
- (d) All structures shall be located a minimum of 50 feet from any residentially zoned property or any other residentially zoned property.
- (e) The appropriate County approval authority may require a landscaped bufferyard, per the standards in Section 17.5.05(2).
- (f) Shall provide an acceptable sewage treatment and/or disposal system meeting the requirements of all applicable State regulations and Chapter 22.

Parking Requirements:

- (a) *Nursing home:* One space per 6 patient beds, plus one space per employee on the largest work shift.
  - (b) *Monastery or convent:* One space per 6 residents, plus one space per employee on the largest work shift, plus one space per 5 chapel seats if the public may attend.
  - (c) *Assisted living facility or retirement community:* One space per dwelling unit.
  - (d) *Other elderly or congregate residential facility:* One space per 6 residents or patient beds, plus one space per employee on the largest work shift.
- (11) CONSERVATION NEIGHBORHOOD DEVELOPMENT. A type of single-family residential major subdivision intended to preserve open space, farmland, and natural features that define, sustain, and connect rural neighborhoods and enhance Lincoln County's rural and "northwoods" character; hide or buffer development from public roads through placement, topography, vegetation, and/or setbacks; and encourage housing on moderately sized rural lots clustered in portions of the property best suited for development. As permitted in certain residential zoning districts (see Section 17.2.100), the conservation neighborhood development option allows for reductions from normal minimum lot size requirements in exchange for compliance with conservation neighborhood design principles described through the following regulations. The reduced minimum lot sized standards are included in Section 17.2.101.

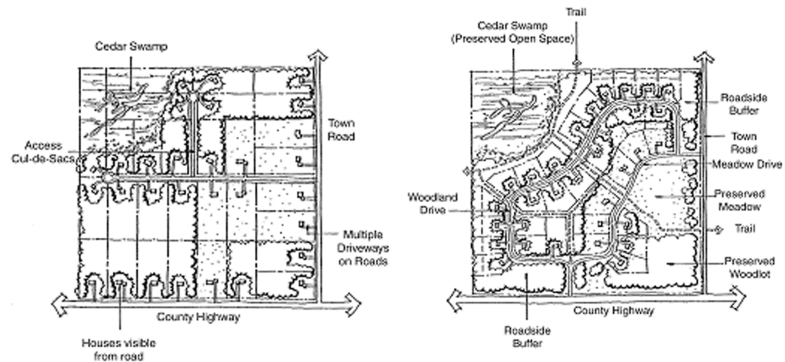
Regulations:

- (a) The subdivider shall demonstrate to the satisfaction of the Land Services Committee that he or she has followed the steps in the design of conservation neighborhood developments included in the comprehensive plan and Chapter 18 of the Lincoln County Code of Ordinances. (Am. #2018-05-659)
- (b) Natural resources shall be integrated into the subdivision design as aesthetic and conservation landscape elements. The subdivision shall identify and provide for the permanent preservation of environmentally sensitive areas such as wetlands, hydric soils, floodplains, slopes of 15 percent or greater, areas of rare or endangered plant or animal species, or historic and archaeological sites. Permanent preservation shall be achieved through the implementation of techniques such as conservation easements, restrictive covenants, deed restrictions, dedication to the public or an appropriate nonprofit organization, and/or establishment of buildable or "no build" areas on the plat.
- (c) Where the subdivision includes a mature woodland, the subdivider shall identify the edges of said woodland and provide for the preservation of a substantial percentage of the woodland canopy area unless the Land Services Committee determines this standard to be impractical. During the process of subdivision review and development, no grading, tree removal, or home building shall occur within such woodland. (Am. #2018-05-659)
- (d) Where the subdivision includes prime farmland soils, and such soils have been cultivated within the previous 5 years, the subdivider shall identify and provide for the preservation of such farmland to the extent practical.

- (e) The subdivision shall provide for the recreational needs of its future residents through trails, parks, dog runs, or other passive recreational facilities geared and accessible to residents. Where an adopted town or County comprehensive plan, land use plan, or outdoor recreation plan recommends a park, trail, or other recreational facility for the proposed plat area, the subdivider shall make reasonable accommodation for the recommended facility. Common open space shall be protected by legal arrangements satisfactory to the Land Services Committee. (Am. #201
- (f) A minimum of 25 percent of the gross site area shall be located within permanently preserved natural areas, common recreational areas, and/or farmland, not including any lands required for public dedication under Chapter 18 of the Lincoln County Code of Ordinances or any lands within lots platted as homesites.
- (g) Lots, dwellings, and internal roads shall be placed to minimize their visibility from existing public roads and to conform to the landscape. This shall be accomplished by:
  1. Designing lots with frontage on a Federal, State, or County highway so the dwellings will face away from the highway, with deep lots and a landscaped bufferyard along the highway meeting the standards of Section 17.5.05.
  2. Designing roads and lot layouts to blend with the natural land contours.
  3. Using topography and vegetation to screen dwellings to the extent practical.
  4. Minimizing dwellings in open fields and on exposed hilltops and ridgelines.
  5. Preserving tree lines, fence lines, stone rows, existing farm roads, barns, cabins, and other features of the rural landscape to the extent practical.
- (h) The subdivision shall include stormwater management systems that focus on Best Management Practices (BMPs). BMPs may include overland water transfer, natural landscape planting and restoration to increase infiltration and reduce runoff, bioinfiltration systems, natural basin design, residential roof runoff directed to yard areas, and rain gardens. Such techniques shall be integrated in a stormwater management and erosion control plan submitted with the conditional use permit application.
- (i) Shall provide an acceptable sewage treatment and/or disposal system meeting the requirements of all applicable State regulations and Chapter 22.

EXAMPLE OF CONSERVATION NEIGHBORHOOD DEVELOPMENT

COMPARED TO CONVENTIONAL DEVELOPMENT



DEVELOPMENT OPTIONS

Conventional Development Option	Conservation Development Option
160-acre site, zoned RR5	160-acre site, zoned RR5
200,000 sq. ft. minimum lot size	160,000 sq. ft. minimum lot size
30 houses	32 houses

(12) GOLF COURSE COMMUNITY. A type of residential development designed in conjunction with, and integrated within, a golf course or similar outdoor recreational use.

Regulations:

- (a) It may include only the following housing types: single-family dwelling, two-family dwelling, or seasonal dwelling. (Am. #2006-06-477)

- (b) If the project includes condominium housing, the standards of Section 17.4.03(4) shall apply with respect to individual condominium site size, gross site area shall not consider the land occupied by the golf course (fairways, greens, etc.).
- (c) May include only those commercial uses that are related to the golf course or similar outdoor recreation use.
- (d) Shall provide an acceptable sewage treatment and/or disposal system meeting the requirements of all applicable State regulations and Chapter 22.

Parking Requirements: 2 spaces per dwelling unit, plus one space per 4 expected patrons at maximum typical capacity of the golf course, similar to recreational use, and associated commercial facilities.

#### 17.3.04 - COMMERCIAL LAND USES.

- (1) OFFICE. Includes all exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on-appointment basis.  
Parking Requirements: One space per 300 square feet of gross floor area in the principal building(s).
- (2) PERSONAL OR PROFESSIONAL SERVICE. Includes all exclusively indoor land uses whose primary function is the provision of commercial services directly to an individual on a walk-in or on-appointment basis. Examples of such uses include professional services, insurance or financial services, realty offices, barber shops, beauty shops, indoor repair and maintenance land uses (except for motor vehicles), and related land uses. Does not include any uses described under the "vehicle maintenance or repair", "major indoor institutional use," "minor indoor institutional use," or "adult use" land use categories in this section.  
Parking Requirements: One space per 300 square feet of gross floor area in the principal building(s).
- (3) INDOOR SALES. Includes all principal land uses that conduct or display sales or rental merchandise or equipment completely or nearly completely within an enclosed building, including the provision of incidental service and indoor repair uses. Includes general merchandise stores, grocery stores, bait shops, sporting goods stores, antique stores, gift shops, laundromats, artisan studios, bakeries, and a number of other uses meeting this definition. Does not include uses otherwise classified in the "agricultural commercial use," "forestry commercial use," or "adult use" land use categories.  
Regulations:  
  - (a) Any outdoor sales or display area shall be less than 15 percent of the gross floor area of the principal building in which sales are also conducted. If the outdoor sales or display area exceeds that threshold, then the land use shall instead be classified as an "outdoor sales, display, or repair" land use.  
Parking Requirements: One space per 300 square feet of gross floor area in the principal building(s).
- (4) OUTDOOR SALES, DISPLAY, OR REPAIR (RECREATIONAL). Includes uses that conduct or display recreation-oriented merchandise outside of an enclosed building that is for sale or rent and land uses that conduct maintenance or repairs on recreation-oriented merchandise outside of an enclosed building. Recreation-oriented merchandise includes merchandise, vehicles, and equipment geared to seasonal residents, tourists, and local recreationalists, such as boats, personal watercraft, snowmobiles, ATVs, recreational vehicles, campers, sporting goods, and wood and other fuel. Such land uses do not include uses where the outdoor sales or display area is less than 15 percent of the gross floor area of any principal building where sales are also conducted, which are instead classified in the "indoor sales" land use category; nonrecreational motor vehicle repair or maintenance, which are instead classified in the "in-vehicle sales and service" category; drive-in theaters, which are instead classified in the "outdoor commercial entertainment" category; or the storage or display of inoperative vehicles or materials typically associated with a junkyard or salvage yard.  
Regulations:  
  - (a) The appropriate County approval authority may require a landscaped bufferyard, per the standards in Section 17.5.05(2).
  - (b) Outdoor sales, display or repair areas shall be set back from all property lines and roads a distance equal to the required principal building setbacks and shall not be located within landscaped bufferyards.
  - (c) The display of items shall not interfere with traffic visibility or reduce or inhibit the use or number of parking spaces provided on the property below the requirement established below. If the number of provided parking spaces on the property is already less than the requirement, such display area shall not further reduce the number of spaces already present.
  - (d) Outdoor display shall be permitted during the entire calendar year, except if otherwise limited by conditional use permit. If goods are removed from the display area, all support fixtures used to display the goods and associated signs, banners, temporary fences, or other associated items shall also be removed.

Parking Requirements: One space per 300 square feet of gross floor area in the principal building(s), plus one space per 2,000 square feet of outdoor sales or display area.

- (5) OUTDOOR SALES, DISPLAY, OR REPAIR (GENERAL). Includes uses that conduct or display merchandise outside of an enclosed building that is for sale or rent and land uses that conduct maintenance or repairs on merchandise or equipment outside of an enclosed building. Examples of such land uses include vehicle sales, vehicle rental, manufactured and mobile home sales, monument sales, and lawn mower repair. Includes all land uses classified as "outdoor sales, display, or repair (recreational)." Such land uses do not include uses where the outdoor sales or display area is less than 15 percent of the gross floor area of any principal building where sales are also conducted, which are instead classified in the "indoor sales" land use category; motor vehicle repair or maintenance, which are instead classified in the "in-vehicle sales and service" category; drive-in theaters, which are instead classified in the "outdoor commercial entertainment" category; or the storage or display of inoperative vehicles or materials typically associated with a junkyard or salvage yard.

Regulations:

- (a) The appropriate County approval authority may require a landscaped bufferyard, per the standards in Section 17.5.05(2).
- (b) Outdoor sales, display or repair areas shall be set back from all property lines and roads a distance equal to the required principal building setbacks and shall not be located within landscaped bufferyards.
- (c) The display of items shall not interfere with traffic visibility or reduce or inhibit the use or number of parking spaces provided on the property below the requirement established below. If the number of provided parking spaces on the property is already less than the requirement, such display area shall not further reduce the number of spaces already present.
- (d) Outdoor display shall be permitted during the entire calendar year, except if otherwise limited by conditional use permit. If goods are removed from the display area, all support fixtures used to display the goods and associated signs, banners, temporary fences, or other associated items shall also be removed.

Parking Requirements: One space per 300 square feet of gross floor area in the principal building(s), plus one space per 2,000 square feet of outdoor sales or display area.

- (6) IN-VEHICLE SALES OR SERVICE. Includes all land uses that perform sales and/or services to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity. Such land uses include any business with a drive-in, drive-up, or drive-through facilities, vehicular fuel stations, and car washes, but do not include "vehicle repair or maintenance service" uses.

Regulations:

- (a) Any drive-through facility shall be designed to meet all State requirements and to not impede or impair vehicular and pedestrian movement and safety. This requires unimpeded stacking space for a minimum of 4 vehicles behind all stations where transactions occur.
- (b) The appropriate County approval authority may require a landscaped bufferyard, per the standards in Section 17.5.05(2).
- (c) All overhead canopies, menu boards, or similar structures shall be set back from all property lines and roads a distance equal to the required principal building setbacks and shall not be located within landscaped bufferyards.
- (d) All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material designed to meet the requirements of a 4-ton axle load.
- (e) Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of 6 inches high and be of a nonmountable design.
- (f) Shall provide a vehicle throat length of at least 20 feet within the driveway connecting to the public street.

Parking Requirements: One space per 150 square feet of gross floor area in the principal building(s).

- (7) VEHICLE REPAIR OR MAINTENANCE SERVICE. Includes all principal land uses that perform repair, maintenance, or painting services to motorized vehicles. Does not include "expanded home occupations" that are accessory to the principal residential use of a property.

Regulations:

- (a) The appropriate County approval authority may require a landscaped bufferyard, per the standards in Section 17.5.05(2).
- (b) All major repairs, maintenance, service, painting and other operations (except vehicle storage) shall occur within an enclosed building.
- (c) Shall only include the storage of vehicles of customers and employees of the vehicle repair or maintenance service business.
- (d) Shall not include the storage of 3 or more vehicles that do not have a valid current State registration, license plate, or both.

Parking Requirements: One space per 300 square feet of gross floor area in the principal building(s), plus adequate parking for the storage of vehicles awaiting service or pick-up.

- (8) RESTAURANT. Includes commercial establishments where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 50 percent of the gross sales receipts for food and beverages. Any drive-through or drive-in facility shall also be classified as an "in-vehicle sales or service" use, which requires a separate land use review.

Parking Requirements: One space per 150 square feet of gross floor area in the principal building(s).

- (9) INDOOR COMMERCIAL ENTERTAINMENT. Includes land uses that provide entertainment services entirely within an enclosed building. Such activities often have operating hours that extend later than most other commercial land uses. Examples of such land uses include taverns, night clubs, brewpubs, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls. Does not include any uses described under the "adult uses" land use category. Any drive-through or drive-in facilities shall also be classified as an "in-vehicle sales or service" use, which requires a separate land use review.

Regulations:

- (a) If located on the same side of the building as adjacent to residentially zoned property, no customer entrance shall be permitted within 100 feet of that residentially zoned property.

- (b) The appropriate County approval authority may require a landscaped bufferyard, per the standards in [Section 17.5.05\(2\)](#).

Parking Requirements: One space per every 3 patron seats or one space per 3 persons at the maximum capacity of the establishment, whichever is greater.

- (10) OUTDOOR COMMERCIAL ENTERTAINMENT. Includes land uses that provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Examples of such land uses include outdoor volleyball, horseshoe pits, beer gardens, ball fields, and related facilities associated with indoor commercial entertainment land uses; outdoor commercial swimming pools; golf courses; driving ranges; miniature golf facilities; archery, trap, target, and shooting ranges; amusement parks; waterslides; marinas; drive-in theaters; go-cart tracks; and racetracks. Does not include any uses described under the "adult uses" land use category.

Regulations: The appropriate County approval authority may require a landscaped bufferyard, per the standards in [Section 17.5.05\(2\)](#).

Parking Requirements: One space per every 2 persons at the maximum capacity of the establishment.

- (11) HOTEL, MOTEL, OR LODGING RESORT. Includes land uses that provide 4 or more overnight housing units on one lot or on contiguous lots, including groups of individual cabins, rooms, or suites of rooms, with each cabin, room, or suite having a private bathroom. Such land uses may provide in-room kitchens, and may also provide indoor and outdoor recreational facilities for the exclusive use of their customers. Restaurants, arcades, fitness centers, and other on-site facilities available to nonlodgers are not considered accessory uses, but instead are considered additional principal uses that may require separate land use reviews. Does not include "bed and breakfast establishments," "tourist lodging" or "boarding houses."

Regulations:

- (a) If located on the same side of the building as adjacent to residentially zoned property, aside from cabins, no customer entrance shall be permitted within 100 feet of that residentially zoned property.

- (b) The appropriate County approval authority may require a landscaped bufferyard, per the standards in [Section 17.5.05\(2\)](#).

Parking Requirements: One space per room, suite, or cabin, plus one space for every employee on the largest working shift.

- (12) RESERVED. (Rep. #2019-08-677)

- (a) Reserved. (Cr. #2006-06-477; Rep. #2019-08-677)

- (13) BED AND BREAKFAST ESTABLISHMENT. Includes exclusively indoor lodging facilities that provide breakfasts only to paying lodgers. Such land uses may provide indoor recreational facilities and passive outdoor recreation facilities such as docks and gardens, for the exclusive use of their customers. Restaurants and other on-site facilities available to nonlodgers are not considered accessory uses, but instead are considered additional principal uses that may require separate land use reviews. Does not include "boarding houses."

Regulations:

- (a) No premises shall be utilized for a bed and breakfast establishment unless there are at least 2 exits to the outdoors from such premises.

- (b) The dwelling unit in which the bed and breakfast establishment takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the bed and breakfast operation is active, as required under HFS 197.03(3), Wis. Adm. Code.

- (c) The maximum stay for any occupants of a bed and breakfast operation shall be 31 consecutive days.

- (d) All such facilities shall be required to obtain a license to serve liquor, if applicable.

Parking Requirements: One space per each bedroom.

- (14) DAY CARE CENTER. Includes land uses in which qualified persons provide care services for 9 or more children or adults. Examples of such land uses include child care centers, nursery schools, and adult day care facilities. Such uses may be operated in conjunction with another principal land use on the same lot, such as a church, school, business, or civic organization, but not in a residence. In such instances, a day care center is not considered an accessory use, but instead is considered an additional principal use. Distinguished from "intermediate day care homes (9—15) children," because day care centers are principal uses of a property, not accessory to a principal residential use.

Parking Requirements: One space per every 6-person capacity of the center, plus one space or each employee on the largest working shift.

- (15) BOARDING HOUSE. Includes any residential use renting rooms which does not contain private bathroom facilities, not including licensed bed and breakfast establishments or tourist lodging houses.

Parking Requirements: One space per every room for rent, plus one space or each employee on the largest working shift.

- (16) COMMERCIAL ANIMAL SERVICES AND BOARDING. Includes land uses that provide veterinary services and/or boarding for 6 or more animals. Examples include, but are not limited to, commercial kennels, commercial stables, and animal hospitals or veterinarian clinics. Exercise yards, fields, training areas, and trails associated with such land uses are accessory to such land uses and do not require separate consideration. Also includes commercial game and fur farms.

Regulations:

- (a) Use shall be enclosed by a fence or other suitable enclosure to prevent animals from leaving the site.
- (b) Each animal shall be provided with an indoor containment area if the use is located in or adjacent to a major subdivision.
- (c) Each animal shall be provided with adequate exercise space.
- (d) The appropriate County approval authority may require a landscaped bufferyard, per the standards in [Section 17.5.05\(2\)](#).

Parking Requirements: One space per every 1,000 square feet of gross floor area.

- (17) ADULT USE. Includes, but is not limited to, adult entertainment uses, adult bookstores, adult motion picture theaters, adult cabarets, "strip clubs," "gentleman's clubs," or related establishments, as are defined in [Section 17.1.14](#). It further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

The incorporation of this subsection into this chapter is designed to reflect the County's official finding that adult-oriented commercial uses have a predominant tendency to produce certain undesirable secondary effects on the surrounding community, as has been demonstrated in other, similar jurisdictions. Specifically, the County is concerned with the potential for such uses to limit: the attractiveness of nearby locations for new development, the ability to attract and/or retain customers, and the ability to market and sell nearby properties at a level consistent with similar properties not located near such facilities. It is explicitly not the intent of this subsection to suppress free expression by unreasonably limiting alternative avenues of communication, but rather to balance the need to protect free expression opportunities with the need to implement the County's comprehensive plan and to protect the character and integrity of its commercial, residential, and rural areas. This finding is based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the County Board, and on findings included in the cases *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *City of Erie v. Pap's A.M., TDA "Kandyland"*, 529 U.S. 277 (2000), and *City of Los Angeles v. Alameda Books, Inc.* 121 S. Ct. 1223 (2001), and on studies in other communities, including but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and also on the findings from the Report on the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota).

Regulations:

- (a) Shall be allowed only in the GI General Industrial zoning district and only as a conditional use.
- (b) Shall not be located within 1,000 feet of any residential zoning district, school, religious institution, outdoor public recreation use, or any other adult use. Distances shall be measured in a straight line without regard to intervening structures or objects from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult use to the nearest point of the lot of the other referenced land use.
- (c) All such facilities shall be required to obtain a license to serve liquor, if applicable.



Parking Requirements: One space per every 300 square feet of gross floor area in the principal building(s) or one space per person at the maximum capacity of the establishment, whichever is greater.

- (18) JUNKYARD OR SALVAGE YARD. Includes all buildings or parcels of land, or portions thereof, where the principal use is or includes the aboveground storage, collection, salvage, and/or sales of:
- Waste paper, rags, scrap metal, wood, cordage, glass, and other worn-out, discarded, or second-handed materials;
  - Three or more vehicles or automobiles that do not have a valid current State registration, license plate, or both;
  - Any other waste or discarded material which has been a part, or was intended to be a part, of any vehicles, automobiles, or recreational vehicles where the volume of such parts or material is equal to 3 or more vehicles; and/or
  - Recycling facilities involving on-site outdoor storage of salvage materials.

This land use category does not include waste disposal/composting operations, or accessory storage areas used exclusively to provide parts or materials to a principal use on the same lot, such as a legally operating "agricultural commercial use" or "vehicle repair or maintenance use".

Regulations:

- In addition to the information required by Sections 17.8.30 and 17.8.40, the conditional use permit application shall include the following information:
  - A written description of the proposed operation, including the types and quantities of the materials that would be stored or salvaged; where materials would be hauled to and from and over what roads; proposed hours and days of operation; and any special measures that will be used for spill prevention and control and environmental protection; and assurances that the site will be developed and operated in accordance with all approved plans.
  - A site plan, drawn to scale, and including site boundaries; existing roads, driveways, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; location of the proposed storage yard; proposed location and surfacing of roads, driveways, and site access points; proposed fencing of property and gating of access points; proposed location and types of screening berms and landscaping; and existing and proposed temporary and permanent structures.
- Shall comply with all applicable County, State and Federal regulations, including but not limited to Section 11.04 of the Lincoln County Code of Ordinances.
- The appropriate County approval authority may require a landscaped bufferyard, per the standards in Section 17.5.05(2).
- All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 50 feet from all lot lines.

Parking Requirements: One space for every 20,000 square feet of gross storage area, plus one space for each employee on the largest work shift.

17.3.05 - INSTITUTIONAL AND RECREATIONAL LAND USES.

- (1) COMMUNITY LIVING ARRANGEMENT (1—8 RESIDENTS). Includes all facilities provided for in §46.03(22), Wis. Stats., including child welfare agencies, group homes for children and/or adults, and community based residential facilities; along with adult family homes provided for in §50.01(1), Wis. Stats. Community living arrangements do not include day care centers, nursing homes, general hospitals, special hospitals, prisons, or jails. Community living arrangement facilities are regulated depending upon their capacity as provided for in §59.69, Wis. Stats.

Regulations:

- Applicant shall demonstrate that the total capacity of all community living arrangements within the town would not exceed one percent of that town's population with the addition of the proposed community living arrangement, unless a waiver to this standard is specifically authorized by the appropriate town board following a public hearing.
- Foster homes housing 4 or fewer children and licensed under §48.62, Wis. Stats., and adult family homes shall not count toward the total community living arrangement population arrived at in regulation (a) above.

Parking Requirements: Three total spaces.

- (2) COMMUNITY LIVING ARRANGEMENT (9—15 RESIDENTS). Includes all facilities provided for in §46.03(22), Wis. Stats., including child welfare agencies, group homes for children and/or adults, and community based residential facilities. Community living arrangements do not include day care centers, nursing homes, general hospitals, special hospitals, prisons, or jails. Community living arrangement facilities are regulated depending upon their capacity in §59.69, Wis. Stats.

Regulations:

- Applicant shall demonstrate that the total capacity of all community living arrangements within the town would not exceed one percent of

that town's population with the addition of the proposed community living arrangement, unless a waiver to this standard is specifically authorized by the appropriate town board following a public hearing.

Parking Requirements: 4 total spaces.

- (3) COMMUNITY LIVING ARRANGEMENT (16 OR MORE RESIDENTS). Includes all facilities provided for in §46.03(22), Wis. Stats., including child welfare agencies, group homes for children and/or adults, and community based residential facilities. Community living arrangements do not include day care centers, nursing homes, general hospitals, special hospitals, prisons, or jails. Community living arrangement facilities are regulated depending upon their capacity in §59.69, Wis. Stats.

Regulations:

- (a) Applicant shall demonstrate that the total capacity of all community living arrangements within the town would not exceed one percent of that town's population with the addition of the proposed community living arrangement, unless a waiver to this standard is specifically authorized by the appropriate town board following a public hearing.

Parking Requirements: 5 total spaces.

- (4) MAJOR INDOOR INSTITUTIONAL USE. Includes large scale and/or intensive institutional uses that are generally not compatible with residential land uses and that exceed one or both of the following thresholds: required to provide parking for 50 or more motor vehicles and/or provide overnight accommodations for 15 or more persons. Not included within this land use category are any uses listed in the "elderly and congregate residential facility," "day care center," "community living arrangement" land use categories.

Regulations:

- (a) Shall provide off-street passenger loading area if the majority of the users will be children (as in the case of a school, church, library, or similar land use).
- (b) All structures shall be located a minimum of 50 feet from any residentially zoned property.
- (c) The appropriate County approval authority may require a landscaped bufferyard, per the standards in Section 17.5.05(2).

Parking Requirements:

- (a) *Church*: One space per 5 seats at the maximum capacity.
- (b) *Community or recreation center*: One space per 250 square feet of gross floor area, or one space per 4 patrons to the maximum capacity, whichever is greater.
- (c) *Funeral home*: One space per 3 patron seats at the maximum capacity.
- (d) *Hospital or clinic*: 2 spaces per 3 patient beds, plus one space per staff doctor and each other employee on the largest work shift.
- (e) *Library or museum*: One space per 250 square feet of gross floor area or one space per 4 seats to the maximum capacity, whichever is greater.
- (f) *Elementary and middle school*: One space per teacher and per staff member, plus one space per 2 classrooms.
- (g) *Senior high school*: One space per teacher and staff member, plus one space per 5 nonbused students.
- (h) *College or trade school*: One space per staff member on the largest work shift, plus one space per 2 students of the largest class attendance period.
- (i) *All other indoor institutional uses*: One space per 3 expected patrons at capacity.
- (5) MINOR INDOOR INSTITUTIONAL USE. Includes indoor institutional uses that are generally compatible with residential land uses and that do not exceed the parking or overnight resident density thresholds that would instead classify such use as a "major institutional use." Includes uses such as small churches, small elementary or middle schools, small clinics, post offices, libraries, town halls, police stations, fire stations, training centers, nursing homes, funeral homes, and recreational or fraternal facilities such as gyms, swimming pools, museums, clubs and lodges, meeting halls, and community centers, provided that the thresholds are not exceeded. Not included within this land use category are any uses listed in the "elderly and congregate residential facility," "day care center," or "community living arrangement" land use categories.

Regulations:

- (a) Shall provide off-street passenger loading area if the majority of the users will be children (as in the case of a school, church, library, or similar land use).

Parking Requirements:

- (a) *Church*: One space per 5 seats at the maximum capacity.
- (b) *Community or recreation center*: One space per 250 square feet of gross floor area, or one space per 4 patrons to the maximum capacity,

whichever is greater.

- (c) *Funeral home*: One space per 3 patron seats at the maximum capacity.
- (d) *Clinic*: 2 spaces per 3 patient beds, plus one space per staff doctor and each other employee on the largest work shift.
- (e) *Library or museum*: One space per 250 square feet of gross floor area or one space per 4 seats to the maximum capacity, whichever is greater.
- (f) *All other indoor institutional uses*: One space per 3 expected patrons at capacity.

- (6) **OUTDOOR INSTITUTIONAL USE**. Includes public and private cemeteries, religious and historical shrines, outdoor education and interpretive centers, classrooms, dormitories, and similar privately held permanently protected open areas. May include buildings supporting the principal outdoor institutional use, such as accessory educational, related lodging, and interpretive facilities and equipment storage sheds.

Regulations :

- (a) Shall provide off-street passenger loading area if a majority of users will be children.
- (b) All structures and actively used outdoor recreational areas shall be located a minimum of 50 feet from any residentially zoned property, or if located in a residential zoning district, any other residentially zoned property.
- (c) Recreation/education camps must meet the requirements of HFS 175, Wis. Adm. Code.

Parking Requirements : One space per 3 expected patrons at maximum capacity.

- (7) **PRIVATE CAMPGROUND/CAMPING RESORT**. A private campground is any privately-owned premises established for nonpermanent overnight habitation by persons paying a fee and using equipment designed for the purpose of camping, including travel trailers, recreational vehicles (RVs), pick-up trucks, motor homes, camping trailers, tents, and similar camping units as defined in Ch. ATCP 79, Wis. Adm. Code. Such facilities must have 4 or more camping units. Camping sites within private campgrounds are rented for overnight use, possibly extending to a week or 2 by the same patron. Lack of a rental fee does not exempt a campground from complying with Ch. ATCP 79. A camping resort is similar to a private campground, except that allowed camping units remain on the premises for up to a season at a time, next to which unattached structures as allowed by Ch. ATCP 79 may be placed, and utilities are provided to each individual camp site. This land use category excludes publicly-owned campgrounds, which instead are listed as a type of "outdoor recreational use." (Am. #2018-05-659)

Regulations :

- (a) In addition to the information required by Sections 17.8.30 and 17.8.40, the application for a conditional use permit shall include the following information:
  1. A written description of the proposed operation, including proposed months of operation; desired types of camping units; other ancillary uses proposed for the site; and assurances that the site will be developed and operated in accordance with all approved plans.
  2. A campground/camping resort plan map(s), drawn to scale, and including the proposed campground layout; location of campsites, roads, parking areas, site boundaries; topography lines; required setbacks; existing and proposed buildings and other structures; water supplies; sanitary waste disposal system; grading plan and stormwater management system; covered refuse storage areas; existing natural features including waterways, wetlands, floodplains, and shoreland areas; existing and proposed vegetation and recreation areas, and any other information the Zoning Administrator shall deem necessary. Professional engineering assistance is encouraged in such design, especially of access roadways, camping unit siting, site grading and stormwater management, and utility placement.
- (b) Shall meet Ch. ATCP 79, Wis. Adm. Code, requirements, enforced by the State Department of Health and Family Services or its designated agent. If a waiver or variance to one or more of these requirements is granted by the State, such waiver or variance shall be deemed valid by the County except for those items listed in this subsection. (Am. #2018-05-659)
- (c) Shall have direct access to a public road, with no more than 2 camp road access points to each abutting public road for the first 100 camp sites, plus one additional access for each 100 sites thereafter.
- (d) Camping sites and access roads shall be located, graded, and maintained so as to provide each site with positive site drainage and be free from flooding and control dust.
- (e) Minimum lot size is 10 acres for private campgrounds, 20 acres for camping resorts, and a proportional average of the two for combination campgrounds/camping resort. (Example: 50 percent camping unit sites in campground and 50 percent camping unit sites in camping resort = 15 acre minimum.)
- (f) Maximum density shall be 8 individual campsites per acre for campgrounds and 5 individual campsites per acre for camping resorts, and a proportional average of the 2 for combination campgrounds/camping resorts, except in accordance with regulation (g) below. No more than 10 percent of the site used in the calculation of maximum density shall include floodplains or wetlands.
- (g) Each individual campsite shall have sufficient area for one camping unit on that site, with at least 15 feet of setback to the camping unit

from the site access roadway, and 10 feet to any side or rear camp site "lot" line. In the absence of readily definable "lot" lines, a minimum 10-foot setback shall be maintained from the nearest part of the camping unit or structure to any adjacent camping unit or structure. Individual campsites within private campgrounds shall have at least 30 feet of width and 40 feet of depth. Individual campsites within private resorts shall have at least 40 feet of width and 50 feet of depth.

- (h) A separate area may be designated in a campground for group camping in tents. However, such group camping shall not exceed 2 weeks in any one time period by the same persons and no more than 20 tents containing no more than 80 persons per acre shall be permitted. In addition, the group camping area must be provided with proper sanitary service as required by Ch. ATPC 79, Wis. Adm. Code. (Am. #2018-05-659)
- (i) A campground may have one dwelling and accessory residential buildings for the home occupant's private use provided the occupants are owners or caretakers of the campground.
- (j) A campground may also provide for purchases of sundry supplies, cooked meals, and drinks including alcoholic beverages, if so licensed by the local town and included in the conditional use permit approval.
- (k) Each camping unit, principal and accessory building, and vehicle parking area shall meet the minimum shoreland setback associated with any navigable waterway and the highway setback requirements of Section 17.4.10 of this chapter. Roads and utility crossings of the buffer setback shall be minimized and shall occur at right angles wherever possible. A landscaped bufferyard may be required (see Section 17.5.05) along all exterior lot lines and public roads adjacent to the campground.
- (l) Shall provide at least 200 square feet per camping unit or one continuous acre of common recreation open space, whichever is greater. Perimeter setbacks and landscaped bufferyards may not be counted towards meeting this requirement.
- (m) Shall provide and maintain those common health and safety facilities required in Ch. ATPC 79, Wis. Adm. Code, such as safe drinking water supply, sewage disposal station, toilets and washroom facilities. Provision of electric, water, and sewerage utility hookups is optional to campground sites, but mandatory to camping resort sites. Sewage disposal shall be only by licensed waste haulers. (Am. #2018-05-659)
- (n) Each campsite shall be clearly numbered on a sign at each site and on a map available to all patrons. Campsite numbering shall be consistent with the placement shown on the campground/camping resort plan map.
- (o) A camping unit may not be placed or attached to a permanent foundation or a permanent structure at the campsite, except that attachment to an approved sewage disposal system or to an approved water supply system is permitted.
- (p) Following initial conditional use permit approval, and for all grandfathered private campgrounds or camping resorts, any proposed amendment to the approved campground plan shall be handled per the provisions of Section 17.8.30(12), a conditional use permit amendment shall be required and the regulations of this subsection shall be met to the extent practical.
- (q) Structures shall not be attached to the camping unit. All roofs or covers over a camping unit shall be supported by posts, shall include no side walls, and shall not be attached to the camping unit. Existing roofs shall be considered nonconforming structures subject to Section 17.7.01.
- (r) Prior to the placement or construction of any structure on a site, a permit and site plan showing the proposed structure(s) and all applicable setbacks must be approved by the campground/camping resort owner or a designated agent. The campground/camping resort owner may internally regulate the type and size of structures permitted, provided that such structures do not violate Ch. ATPC 79, Wis. Adm. Code, or the Lincoln County Zoning Ordinance. The campground/camping resort owner shall be responsible for providing an inventory of all permits issued within the campground in the previous 12 months to the Zoning Administrator on or before November 1 of each year. The owner shall also be responsible for abating any violations of this chapter and shall be subject to penalties as outlined in Section 17.8.80 in the event of noncompliance. (Am. #2018-05-659)
- (s) Campgrounds shall be maintained under a single ownership so that responsibility can be easily placed for cleaning of common facilities such as water supply, sewage disposal station, toilet, laundry, and washrooms, and refuse areas, and for enforcement of campsite cleanliness.
- (t) Camping resorts, where public utilities serve each site, may be under a modified form of single ownership involving exclusive use of specific sites via corporate membership clubs, cooperatives, or condominium associations, provided the ownership form and covenants are first approved by the County with the conditional use permit application to assure that maintenance responsibilities for common facilities such as private roads, resort parks, sanitary facilities, and any resort buildings are adequately provided for in the form of ownership and in the proposed fees and organizational responsibility.

Parking Requirements: 2 motor vehicle parking spaces per campsite.

- (8) OUTDOOR PUBLIC RECREATION. Includes all outdoor recreational uses located on property owned by the public, owned by a private utility company for public recreational use, or on a public use easement owned by the public or by a nonprofit organization. Such land uses include parks, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, snowmobile trails, all-terrain vehicle (ATV) trails, horse trails,

picnic areas, picnic shelters, publicly-owned campgrounds, fair grounds, play courts, play fields, tot lots, outdoor swimming pools, swimming beach areas, fitness courses, public golf courses, boat launches, waterfront access points, fishing, hunting, and trapping areas, and similar land uses. May include buildings or structures supporting the principal outdoor public recreation use, such as equipment storage sheds, restrooms, concession stands, and grandstands. Not included in this land use category are privately owned and operated recreational uses.

Regulations:

- (a) The appropriate County approval authority may require a landscaped bufferyard, per the standards in Section 17.5.05(2).
- (b) Aside from trails, all structures and active recreational areas shall be located a minimum of 50 feet from any residentially zoned property, or if located in a residential zoning district, any other residentially zoned property.
- (c) Facilities that serve a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children.

Parking Requirements: One space per 4 expected patrons at maximum typical capacity for any use requiring over 5 spaces. Additional paved, graveled, or grassed area for overflow parking may be required for occasional outdoor assembly land uses (i.e., special events) located on outdoor public recreation sites.

- (9) OUTDOOR ASSEMBLY. Includes any organized outdoor assembly of 250 or more persons, including one-time and occasional auctions, church festivals, large community events, and other similar activities open to the public. Includes assemblies located on both publicly and privately owned lands. Does not include gatherings of fewer than 250 participants; all weddings, family reunions, anniversaries, or similar family events regardless of number of participants; and events held in stadiums or arenas intended for outdoor assemblies.

Regulations:

- (a) Adequate parking, drinking water, toilet facilities, and crowd control techniques shall be described in the conditional use permit application (where required for outdoor assemblies with more than 750 participants), and implemented for all outdoor assemblies, in accordance with applicable laws and industry standards.
- (b) If the subject property is located adjacent to a residentially zoned property:
  - 1. Activities shall be limited to daylight hours unless otherwise may be allowed through a conditional use permit or license; and
  - 2. Other conditions addressing impacts such as noise, lighting, trespassing, and parking may be required.
- (c) A permit from the government having jurisdiction is generally required for all activities within a dedicated public road right-of-way or on other public lands.
- (d) Activities shall not obstruct safe pedestrian or vehicular circulation on the site or on any public road, except where specifically authorized by a permit from the government having jurisdiction over the public road.

Parking Requirements: Varies depending on type and duration of use.

- (10) RECREATIONAL VEHICLE COURSE. Includes any privately operated track, course, circuit, strip, or loop designed for use by motorized recreational vehicles such as ATVs, motorcycles, motocross bikes, "dirtbikes," snowmobiles, or go-carts. Such uses typically are operated for recreational purposes for family use or in association with an informal group or club, instead of for primarily commercial or for-profit purposes. Such uses are typically an accessory use on a residential property, but may operate as a stand-alone use on a vacant lot. Does not include vehicle trails located within a public right-of-way or public use easement owned by the public or by a nonprofit organization, which are instead classified as an "outdoor public recreation" use.

Regulations:

- (a) Minimum lot size shall be 10 acres.
- (b) Facilities shall not be permitted to use night lighting nor operate between 8:00 p.m. and 8:00 a.m.
- (c) All facilities shall be located a minimum of 200 feet from any residentially zoned property.
- (d) Such uses may be subject to enforcement actions under town or County nuisance law for noise, dust, or other impacts.

17.3.06 - UTILITY AND TRANSPORTATION LAND USES.

- (1) AIRPORT OR LANDING STRIP. Includes transportation facilities providing takeoff, landing, servicing, storage and other services to any type of air transportation. The operation of any type of air vehicle (including ultra light aircraft, helicopters, hang gliders, but excepting model aircraft) shall occur only in conjunction with an approved airport, landing strip, or heliport.

Regulations:

- (a) All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of 100 feet

from all lot lines.

- (b) The appropriate County approval authority may require a landscaped bufferyard, per the standards in Section 17.5.05(2), provided that such bufferyard will not interfere with airport operations.

Parking Requirements: One space per each employee on the largest work shift, plus one space per every 5 passengers based on average daily ridership.

- (2) PUBLIC UTILITIES AND SERVICES. Includes all County, town, State and Federal facilities; emergency service facilities; and privately-owned public utilities such as, but not limited to, town halls, wastewater treatment plants, utility substations, dams, water towers, fire towers, commercial wind farms or solar collection facilities, and similar land uses.

Excludes power transmission lines and power production facilities, except where accessory to or an essential component of one of the above examples (e.g., hydroelectric power from dam). Excludes telecommunications facilities, which are instead regulated under Section 17.3.07.

Regulations:

- (a) All structures and outdoor storage areas shall be located a minimum of 50 feet from any residence, or any other residentially zoned property. (Am. #2007-10-514)

- (b) The appropriate County approval authority may require a landscaped bufferyard, per the standards in Section 17.5.05(2).

Parking Requirements: One space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises, plus one space per 500 gross square feet of office area.

- (3) WASTE DISPOSAL/COMPOSTING OPERATION. Includes a facility or any areas used for the final disposal of solid wastes, including those defined by Ch. 289, Wis. Stats., but not including junkyards or salvage yards, or recycling centers. Also includes any operations or land uses devoted to the collection, storage, processing and/or disposal of vegetation. (Am. #2018-05-659)

Regulations:

- (a) Shall comply with all County, State and Federal regulations, including the issuance of a Department of Natural Resources permit under Ch. 289, Wis. Stats. (Am. #2018-05-659)

- (b) The appropriate County approval authority may require a landscaped bufferyard, per the standards in Section 17.5.05(2).

- (c) All buildings, structures, and activity areas on waste disposal sites shall be located a minimum of 200 feet from all lot lines; for composting operations, this distance shall be 50 feet.

- (d) Shall not involve the on-site holding, storage or disposal of hazardous wastes as defined by State Statutes.

- (e) Composting operations shall not involve on-site holding, storage or disposal of food scraps, other vermin-attracting materials, or hazardous wastes defined by State Statutes. (Am. #2018-05-659)

Parking Requirements: One space for each employee on the largest work shift.

#### 17.3.07 - MOBILE TOWER SITING REGULATIONS. (Rep. & recr. #2017-02-637)

- (1) DEFINITIONS. In this section:

- (a) "Antenna" means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

- (b) "Application" means an application for a permit under this section to engage in an activity specified in subsection (2) (a) or a class 2 collocation.

- (c) "Building permit" means a permit issued by a political subdivision that authorizes an applicant to conduct construction activity that is consistent with the political subdivision's building code.

- (d) "Class 1 collocation" means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.

- (e) "Class 2 collocation" means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.

- (f) "Collocation" means class 1 or class 2 collocation or both.

- (g) "Distributed antenna system" means a network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.

- (h) "Equipment compound" means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

- (i) "Existing structure" means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with a political subdivision.
  - (j) "Fall zone" means the area over which a mobile support structure is designed to collapse.
  - (k) "Mobile service" has the meaning given in 47 USC 153 (33).
  - (l) "Mobile service facility" means the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.
  - (m) "Mobile service provider" means a person who provides mobile service.
  - (n) "Mobile service support structure" means a freestanding structure that is designed to support a mobile service facility.
  - (o) "Permit" means a permit, other than a building permit, or approval issued by a political subdivision which authorizes any of the following activities by an applicant:
    1. A class 1 collocation.
    2. A class 2 collocation.
    3. The construction of a mobile service support structure.
  - (p) "Political subdivision" means a city, village, town, or county.
  - (q) "Public utility" has the meaning given in § 196.01 (5), Wis. Stats.
  - (r) "Search ring" means a shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.
  - (s) "Substantial modification" means the modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:
    1. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
    2. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.
    3. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.
    4. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.
  - (t) "Support structure" means an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.
  - (u) "Utility pole" means a structure owned or operated by an alternative telecommunications utility, as defined in § 196.01(1d), Wis. Stats.; public utility, as defined in § 196.01 (5), Wis. Stats.; telecommunications utility, as defined in § 196.01 (10), Wis. Stats.; political subdivision; or cooperative association organized under ch. 185, Wis. Stats.; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in § 182.017(1g)(cq), Wis. Stats.; for video service, as defined in § 66.0420(2)(y), Wis. Stats.; for electricity; or to provide light.
- (2) NEW CONSTRUCTION OR SUBSTANTIAL MODIFICATION OF FACILITIES AND SUPPORT STRUCTURES.
- (a) Subject to the provisions and limitations of this section, a political subdivision may enact a zoning ordinance under §§ 59.69, 60.61, or 62.23, Wis. Stats., to regulate any of the following activities:
    1. The siting and construction of a new mobile service support structure and facilities.
    2. With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.
  - (b) If a political subdivision regulates an activity described under subsection (a), the regulation shall prescribe the application process which a person must complete to engage in the siting, construction, or modification activities described in subsection (a). The application shall be in writing and shall contain all of the following information:
    1. The name and business address of, and the contact individual for, the applicant.
    2. The location of the proposed or affected support structure.
    3. The location of the proposed mobile service facility.
    4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
    5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile

service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (c) If an applicant submits to a political subdivision an application for a permit to engage in an activity described under subsection (a), which contains all of the information required under subsection (b), the political subdivision shall consider the application complete. If the political subdivision does not believe that the application is complete, the political subdivision shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
  - (d) Within 90 days of its receipt of a complete application, a political subdivision shall complete all of the following or the applicant may consider the application approved, except that the applicant and the political subdivision may agree in writing to an extension of the 90 day period:
    1. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.
    2. Make a final decision whether to approve or disapprove the application.
    3. Notify the applicant, in writing, of its final decision.
    4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
  - (e) A political subdivision may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under par. (b) 6.
  - (f) A party who is aggrieved by the final decision of a political subdivision under subsection (d)2. may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.
  - (g) If an applicant provides a political subdivision with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the political subdivision provides the applicant with substantial evidence that the engineering certification is flawed.
  - (h) A political subdivision may regulate the activities described under par. (a) only as provided in this section.
  - (i) If a political subdivision has in effect on July 2, 2013, an ordinance that applies to the activities described under subsection (a) and the ordinance is inconsistent with this section, the ordinance does not apply to, and may not be enforced against, the activity.
- (3) COLLOCATION ON EXISTING SUPPORT STRUCTURES.

- (a) 1. A class 2 collocation is a permitted use under §§ 59.69, 60.61, and 62.23.
  2. If a political subdivision has in effect on July 2, 2013, an ordinance that applies to a class 2 collocation and the ordinance is inconsistent with this section, the ordinance does not apply to, and may not be enforced against, the class 2 collocation.
  3. A political subdivision may regulate a class 2 collocation only as provided in this section.
  4. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.
- (b) If an applicant submits to a political subdivision an application for a permit to engage in a class 2 collocation, the application shall contain all of the information required under subsections (2)(b)1. to 3., in which case the political subdivision shall consider the application complete. If any of the required information is not in the application, the political subdivision shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (c) Within 45 days of its receipt of a complete application, a political subdivision shall complete all of the following or the applicant may consider the application approved, except that the applicant and the political subdivision may agree in writing to an extension of the 45 day period:
  1. Make a final decision whether to approve or disapprove the application.
  2. Notify the applicant, in writing, of its final decision.
  3. If the application is approved, issue the applicant the relevant permit.



4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (d) A party who is aggrieved by the final decision of a political subdivision under subsection (c)1. may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.
- (4) LIMITATIONS. With regard to an activity described in subsection (2)(a) or a class 2 collocation, a political subdivision may not do any of the following:
- (a) Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.
  - (b) Enact an ordinance imposing a moratorium on the permitting, construction, or approval of any such activities.
  - (c) Enact an ordinance prohibiting the placement of a mobile service support structure in particular locations within the political subdivision.
  - (d) Charge a mobile radio service provider a fee in excess of one of the following amounts:
    - 1. For a permit for a class 2 collocation, the lesser of \$500.00 or the amount charged by a political subdivision for a building permit for any other type of commercial development or land use development.
    - 2. For a permit for an activity described in subsection (2)(a), \$3,000.
  - (e) Charge a mobile radio service provider any recurring fee for an activity described in subsection (2)(a) or a class 2 collocation.
  - (f) Permit third party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.
  - (g) Disapprove an application to conduct an activity described under subsection (2)(a) based solely on aesthetic concerns.
  - (gm) Disapprove an application to conduct a class 2 collocation on aesthetic concerns.
  - (h) Enact or enforce an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.
    - (i) Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the political subdivision which fall into disuse. There is a rebuttable presumption that a surety requirement of \$20,000.00 or less complies with this paragraph.
    - (j) Prohibit the placement of emergency power systems.
  - (k) Require that a mobile service support structure be placed on property owned by the political subdivision.
  - (l) Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.
  - (m) Condition approval of such activities on the agreement of the structure or mobile service facility owner to provide space on or near the structure for the use of or by the political subdivision at less than the market rate, or to provide the political subdivision other services via the structure or facilities at less than the market rate.
  - (n) Limit the duration of any permit that is granted.
  - (o) Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.
  - (p) Disapprove an application based on an assessment by the political subdivision of the suitability of other locations for conducting the activity.
  - (q) Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.
  - (r) Impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures.
  - (s) Consider an activity a substantial modification under subsections (1)(s)1. or 2. if a greater height is necessary to avoid interference with an existing antenna.
  - (t) Consider an activity a substantial modification under subsection (1)(s)3. if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.
  - (u) Limit the height of a mobile service support structure to under 200 feet.
  - (v) Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the political subdivision in connection with the political subdivision's exercise of its authority to approve the application.
  - (w) Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the political subdivision to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, a political subdivision or an entity in which a political subdivision has a governance, competitive, economic, financial or other interest.
- (5) APPLICABILITY. This ordinance applies only in the unincorporated parts of the county, except that if a town enacts an ordinance as described

under subsection (2) after adoption of this ordinance, this ordinance does not apply, and may not be enforced, in the town, except that if the town later repeals its ordinance, this county ordinance applies in that town.

#### 17.3.08 - INDUSTRIAL LAND USES.

- (1) PERSONAL STORAGE FACILITY. Includes uses oriented to the indoor storage of personal items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also known as "mini-warehouses."

Regulations:

- (a) The appropriate County approval authority may require a landscaped bufferyard, per the standards in Section 17.5.05(2).
- (b) Shall not involve the on-site holding, storage or disposal of hazardous wastes as defined by State Statutes.
- (c) No electrical power shall be run to the storage facilities, except for exterior lighting.
- (d) No business activity shall be operated from or outside of any partitioned area within a personal storage facility.

Parking Requirements: One space for each employee on the largest work shift.

- (2) INDOOR STORAGE OR WHOLESALING. Includes any land use primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Does not include uses described in the "personal storage facility" land use category. Retail outlets associated with this principal use shall be considered an accessory use, and shall be subject to the requirements applicable to the "indoor sales accessory to industrial use" category.

Parking Requirements: One space per 2,000 square feet of gross floor area in the principal building(s).

- (3) OUTDOOR STORAGE OR WHOLESALING. Includes any land use primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage and wholesaling land use. Examples of this land use include equipment yards, lumber yards, coal yards, landscaping materials yard, tank farms, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard. Contractors' storage yards are considered accessory in the "contractor shop" land use category. Retail outlets associated with this principal use shall be considered an accessory use, and shall be subject to the requirements applicable to the "indoor sales accessory to industrial use" category.

Regulations:

- (a) The appropriate County approval authority may require a landscaped bufferyard, per the standards in Section 17.5.05(2).
- (b) Outdoor sales, display or repair areas shall be set back from all streets and residentially zoned properties a distance equal to the required principal building setbacks and shall not be located within landscaped bufferyards.
- (c) The storage of items shall not interfere with traffic visibility or reduce or inhibit the use or number of parking spaces provided on the property below the requirement established below. If the number of provided parking spaces on the property is already less than the requirement, such display area shall not further reduce the number of spaces already present.

Parking Requirements: One space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.

- (4) FREIGHT OR BUS TERMINAL. Includes land and buildings representing either end of one or more truck carrier line(s) which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities. Such uses typically serve the trucking needs of several businesses on a contract basis. Also includes bus stations and terminals.

Regulations:

- (a) The appropriate County approval authority may require a landscaped bufferyard, per the standards in Section 17.5.05(2).
- (b) All buildings, trucks, and activity areas shall be set back from all streets a distance equal to the required principal building setbacks and shall not be located within landscaped bufferyards.
- (c) All buildings, trucks, and activity areas shall be set back from all residential zoning district boundaries a minimum of 100 feet.
- (d) All parking, loading, and vehicle circulation areas shall be surfaced with a hard-surface, all-weather material such as pavement or concrete.
- (e) Shall provide a vehicle throat length of at least 50 feet within the driveway connecting to the public street.

Parking Requirements : One space per each employee on the largest work shift.

- (5) DISTRIBUTION CENTER. Includes any land use oriented to the short-term indoor storage, shipment, and possible repackaging of commercial materials of a single user. Retail outlets associated with this principal use shall be considered an accessory use, and shall be subject to the requirements applicable to the "indoor sales accessory to industrial use" category.

Regulations :

- (a) The appropriate County approval authority may require a landscaped bufferyard, per the standards in Section 17.5.05(2).
- (b) All buildings, trucks, and activity areas shall be set back from all streets a distance equal to the required principal building setbacks and shall not be located within landscaped bufferyards.
- (c) All buildings, trucks, and activity areas shall be set back from all residential zoning district boundaries a minimum of 100 feet.
- (d) All parking, loading, and vehicle circulation areas shall be surfaced with a hard-surface, all-weather material such as pavement or concrete.
- (e) Shall provide a vehicle throat length of at least 50 feet within the driveway connecting to the public street.

Parking Requirements One space per each employee on the largest work shift.

- (6) CONTRACTOR SHOP. Includes any business engaged in contract services or labor, such as contractors involved with landscaping; building construction or carpentry; and electrical, plumbing or heating systems. Often involves accessory equipment storage yards and rental of equipment commonly used by contractors. Retail outlets associated with this principal use shall be considered an accessory use, and shall be subject to the requirements applicable to the "indoor sales accessory to industrial use" category.

Regulations :

- (a) The appropriate County approval authority may require a landscaped bufferyard, per the standards in Section 17.5.05(2).
- (b) Outdoor sales, display or repair areas shall be set back from all streets and residentially zoned properties a distance equal to the required principal building setbacks and shall not be located within landscaped bufferyards.
- (c) The storage of items shall not interfere with traffic visibility or reduce or inhibit the use or number of parking spaces provided on the property below the requirement established below. If the number of parking spaces on the property is already less than the requirement, such display area shall not further reduce the number of spaces.

Parking Requirements : One space per each employee on the largest work shift.

- (7) LIGHT INDUSTRIAL USE. Includes any land use engaged in the manufacture of finished products or parts, predominantly from previously prepared materials, including the processing, fabrication, assembly, treatment, packaging, individual storage, and distribution of such products, but excluding basic industrial processing predominantly and directly from extracted, forested, or other raw materials. Retail outlets associated with this principal use shall be considered an accessory use, and shall be subject to the requirements applicable to the "indoor sales accessory to industrial use" category. Failure to comply with one or more of the following regulations may result in the classification of the use as a "heavy industrial use."

Regulations :

- (a) All loading docks and outdoor storage areas shall be completely screened so as not to be visible from public streets and any nearby residentially zoned property.
- (b) All activities, aside from parking, screened loading, and screened outdoor storage, shall take place inside of an enclosed building.
- (c) Shall be no odor, noise, heat, vibration, or radiation which is or has the potential to be detectable at the lot line.
- (d) The appropriate County approval authority may require a landscaped bufferyard, per the standards in Section 17.5.05(2).

Parking Requirements : One space per each employee on the largest work shift.

- (8) HEAVY INDUSTRIAL USE. Includes any land use engaged in the manufacture of finished products or parts that does not meet the description of one or more of the regulations associated with the "light industrial use" category. More specifically, heavy industrial land uses may include activities wholly or partially located outside of an enclosed building and may have the potential to create certain nuisances which are detectable at the lot line. Examples of heavy industrial land uses include meat product producers; alcoholic beverage producers; paper, pulp or paperboard producers; chemical and allied product producers including poison or fertilizer producers but not including drug producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; power production facilities; railroad switching yards; and commercial recycling facilities not involving the on-site storage of salvage materials.

Regulations :

- (a) The appropriate County approval authority may require a landscaped bufferyard, per the standards in Section 17.5.05(2).
    - (b) All buildings, trucks, and activity areas shall be set back from all streets and residential zoning district boundaries a distance equal to the required principal building setbacks and shall not be located within any required landscaped bufferyard.
    - (c) All parking, loading, and vehicle circulation areas shall be surfaced with a hard-surface, all-weather material such as pavement or concrete.
- Parking Requirements: One space per each employee on the largest work shift.

(9) METALLIC MINERAL EXTRACTION USE. Includes any land use involving the exploration, prospecting, and mining of metallic minerals. May include on-site processing of extraction material if part of the application and conditional use permit approval may include an open pit or underground mine constructed for the extraction of copper-, gold-, lead-, and zinc-bearing minerals.

Regulations:

- (a) The applicant for a conditional use permit shall meet the standards in Section 17.8.30 and shall submit a complete application to the Zoning Administrator. In addition to the information required by Sections 17.8.30 and 17.8.40, the application shall include the following information:
  1. A written description of the proposed operation, including the types and quantities of the materials that would be extracted, including all mine tailings and other waste; proposed dates to begin extraction, end extraction, and complete reclamation; geologic composition and depth and thickness of the mineral deposit; existing use of the land and proposed use after reclamation; existing natural and archaeological features on and adjacent to the site; where extracted materials would be hauled and over what roads; types, quantities, and frequency of use of equipment to extract, process, and haul; whether and how frequently blasting, drilling, crushing, screening, washing, refueling, or fuel storage would be performed on site; reagents to be used in processing; maximum lateral extent and minimum and maximum depth of underground workings; description and elevations of all temporary or permanent structures, including mine shaft or opening; methods and justification for sealing all shafts and other entries; proposed hours and days of operation; any special measures that will be used for spill prevention and control, dust control, or environmental protection; assurances that the site will be developed, operated, and reclaimed in accordance with all approved plans and all County, State, and Federal regulations, including a listing of all applicable regulations; proposed number of employees by shift; and an estimate of anticipated utility and other public service and facility requirements over the life of the operation.
  2. A site/operations plan map(s), drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roads, driveways, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; all dwellings and private and municipal wells within 2,000 feet; location of the proposed extraction, staging areas, fueling, fuel storage, and equipment storage areas; proposed location and surfacing of roads, driveways, site access points, shafts and other entries; proposed phasing plan, if any; proposed fencing of property and gating or securing of access points and shafts; proposed types and locations of stockpiles; proposed location and types of screening berms and landscaping; and proposed temporary and permanent structures, including scales and offices.
  3. An erosion control plan, drawn to scale by a professional engineer, meeting all applicable State and County requirements.
  4. Copies of all applications and any amendments to such applications for all necessary approvals, licenses, and permits from any State and Federal agency with jurisdiction, and copies of the environmental impact report prepared under §23.11, Wis. Stats.
  5. A baseline conditions report, as defined in Section 17.1.14, and a description of how the proposed use would affect such baseline conditions.
  6. A reclamation plan prepared in accordance with State Statutes and rules.
  7. A certificate of insurance certifying that the applicant has in force a liability insurance policy affording personal injury and property damage protection.
  8. An agreement to reimburse the County for all costs incurred in the review of the conditional use permit request.
- (b) Shall be prohibited in the shoreland, wetland, and floodplain overlay zoning districts.
- (c) Shall not involve the use of cyanide in any aspect of the operation.
- (d) Disposal of mining wastes from an off-site prospecting or mining site shall be prohibited.
- (e) Shall comply with all applicable County, State and Federal regulations, including but not limited to those related to operation and reclamation of the mine; surface water and groundwater protection, monitoring, and remediation; air emissions; and solid and hazardous waste disposal.
- (f) The nearest edge of all buildings, structures, and surface activity areas, including pit edges and shaft entrances, shall be a minimum of 500 feet from all dwellings.
- (g) Project shall provide a landscaped bufferyard (see Section 17.5.05) along all borders of the property.

- (h) To prevent tracking of mud onto public roads, access driveways shall be paved within 100 feet of public roads, unless the adjacent road is unpaved.
- (i) Access to the site shall only be through points designated as entrances on the site/operations plan; such access points shall be secured when the site is not in operation.
- (j) Provisions for the upgrade, repair, and maintenance of town and County roads shall depend on the intensity of the operation and the existing condition and capacity of such roads. A bond or other performance guarantee for such work may be required provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance. If any town or County road is damaged or destroyed as a result of owners operations, the owner shall restore or pay for the restoration of the same to an acceptable condition and value. The owner shall have the right to show and bear the burden of proof in showing that the indicated damage was not the result of its operations.
- (k) Spraying of the site and driveways and other appropriate measures shall be conducted to control dust.
- (l) Hours or days of operation may be limited.
- (m) Expectations for any blasting, drilling, and screening shall be clearly understood, and separate acceptable hours for these activities may be established.
- (n) If blasting or drilling is requested, additional standards or conditions may be applied with relation to frequency, noise and vibration levels, notice to neighbors, preinspection of neighboring basements and wells, and claims procedures.
- (o) Unless the extraction site is inaccessible, the area of extraction shall be completely enclosed by a safety fence or maintained at a gentle slope.
- (p) The County shall determine the amount of insurance required and length of time that such insurance policy shall remain in effect. The County and appropriate town shall be listed as "additional named insureds" on the personal injury and property damage insurance policy, which should remain in effect until reclamation is complete.
- (q) The applicant shall be responsible for all County costs associated with the evaluation and review of a conditional use permit request. The applicant shall pay such costs within 30 days of billing from the County. If the applicant does not pay such bills within this period, the County may stop the processing of the permit applicant until such payment is received.
- (r) In the event the County Board enters into negotiations for a local agreement under §293.41, Wis. Stats., the review process shall be as specified under that section of statutes. The local agreement may not declare nonapplicable any requirements of this ordinance, except upon a three-fourths vote of the County Board and the affected town board.
- (s) Approval shall be subject to amendment or revocation if noncompliance with approved plans, this section, or approval conditions is identified.
- (t) Approval may be subject to periodic review of the operation to ensure compliance with the conditional use permit, and to specific limitations over the portion of the lot or parcel where extraction may occur.
- (u) The conditional use permit or local agreement may allow for or be conditioned upon the County or town obtaining royalties for any minerals extracted from the site, including those minerals which were not anticipated to be found at the time of the initial permit.
- (v) In the event that the permit holder wishes to transfer ownership of the site or mineral rights to an unrelated entity, the project shall be required to obtain an amendment to the conditional use permit following the procedures in Section 17.8.40.

Parking Requirements: One space per each employee on the largest work shift.

- (10) NONMETALLIC MINERAL EXTRACTION USE. Includes land uses involving the removal of soil, clay, sand, gravel, rock, nonmetallic minerals, peat, or other related material. May include on-site processing of extraction material if part of the application and conditional use permit approval. Does not include relocation of materials required for domestic use on the same lot or a contiguous lot under the same ownership, approved on-site development grading, excavations within public road rights-of-way or easements, agricultural grading, or any soil removal activities on a hazardous waste site.

Regulations:

- (a) The applicant for a conditional use permit shall meet the standards in Section 17.8.30 and shall submit a complete application to the Zoning Administrator. In addition to the information required by Sections 17.8.30 and 17.8.40, the application shall include the following information:
  1. A written description of the proposed operation, including the types and quantities of the materials that would be extracted; proposed dates to begin extraction, end extraction, and complete reclamation; geologic composition and depth and thickness of the mineral deposit; existing use of the land and proposed use after reclamation; existing natural and archaeological features on and adjacent to the site; where extracted materials would be hauled and over what roads; types, quantities, and frequency of use of equipment to extract, process, and haul; whether and how frequently blasting, drilling, mining, crushing, screening, washing, refueling, fuel storage,

asphalt batching, or concrete mixing would be performed on site; description and elevations of all temporary or permanent structures; proposed hours and days of operation; any special measures that will be used for spill prevention and control, dust control, or environmental protection; and assurances that the site will be developed, operated, and reclaimed in accordance with all approved plans and all County, State, and Federal regulations, including a listing of all applicable regulations.

2. A site/operations plan map, drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roads, driveways, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; all residences and private and municipal wells within 1,000 feet; location of the proposed extraction, staging areas, fueling, fuel storage, and equipment storage areas; proposed location and surfacing of roads, driveways, and site access points; proposed phasing plan, if any; proposed fencing of property and gating of access points; proposed locations of stockpiles; proposed location and types of screening berms and landscaping; and proposed temporary and permanent structures, including scales and offices.
  3. An erosion control plan, drawn to scale by a professional engineer, meeting all applicable State and County requirements.
  4. A reclamation plan prepared in accordance NR 135, Wis. Adm. Code, and the Lincoln County reclamation ordinance.
- (b) Shall comply with all applicable County, State and Federal regulations.
- (c) The appropriate County approval authority may require a landscaped bufferyard, per the standards in Section 17.5.05(2).
- (d) The nearest edge of all buildings, structures, and surface activity areas, including pit edges, shall be located a minimum of 200 feet from all dwellings on adjacent properties, and no less than 10 feet from any lot line.
- (e) To prevent tracking of mud onto public roads, access driveways shall be paved within 100 feet of public roads, unless the adjacent road is unpaved.
- (f) Access to the site shall only be through points designated as entrances on the site/operations plan; such access points shall be secured when the site is not in operation.
- (g) Provisions for the upgrade, repair, and maintenance of town and County roads shall depend on the intensity of the operation and the existing condition and capacity of such roads. A bond or other performance guarantee for such work may be required provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance. If any town or County road is damaged or destroyed as a result of owners operations, the owner shall restore or pay for the restoration of the same to an acceptable condition and value. The owner shall have the right to show and bear the burden of proof in showing that the indicated damage was not the result of its operations.
- (h) Spraying of the site and driveways shall be conducted to control dust.
- (i) On-site bulk fuel storage areas and appropriate places for fueling of equipment (e.g., above the water table) shall be located to minimize the potential for groundwater contamination and in accordance with ILHR 10 and other chapters of the Wis. Adm. Code and provisions of Wisconsin Statutes.
- (j) Hours or days of operation may be limited if the extraction site is close to residential properties.
- (k) Expectations for any blasting, drilling, screening, and asphalt batching shall be clearly understood, and separate acceptable hours for these activities may be established. Blasting is also regulated under §101.15(2)(e), Wis. Stats., and COMM 8, Wis. Adm. Code. The conditional use permit may specifically restrict such activities from occurring if the conditional use permit standards cannot be met.
- (l) If blasting or drilling is requested, additional standards or conditions may be applied with relation to frequency, noise and vibration levels, notice to neighbors, preinspection of neighboring basements and wells, and claims procedures in accordance with ILHR 10 and other chapters of Wis. Adm. Code.
- (m) Unless the extraction site is inaccessible, the area of extraction shall be completely enclosed by a safety fence or maintained at a slope not to exceed 3:1.
- (n) The applicant shall furnish a certificate of insurance before operations commence.
- (o) Approval shall be subject to amendment or revocation if noncompliance with approved plans, this section, or approval conditions is identified.
- (p) Approval shall be subject to periodic review of the operation to ensure compliance with the conditional use permit, and to specific limitations over the portion of the lot or parcel where extraction may occur.

Parking Requirements: One space per each employee on the largest work shift.

#### 17.3.09 - ACCESSORY LAND USES.

- (1) ACCESSORY STRUCTURE. (Am. #2016-08-629) Detached accessory structure, including but not limited to: private garage, storage building, mechanical building, utility shed, in ground swimming pool, wind and solar energy system, outdoor wood furnace, and buildings clearly

incidental to the approved use of the property. Items not included are listed in [section 17.1.14](#) the definition of 'Structure' and structures with uses otherwise described under the "accessory farm and forestry structure" land use category.

Regulations:

- (a) Accessory structures less than or equal to 2,000 square feet are a permitted structure as indicated in [section 17.2.100](#).
  - (b) Accessory structures greater than 2,000 square feet may require a conditional use permit as indicated in [section 17.2.100](#).
  - (c) The accessory structure building height shall not exceed 25 feet.
  - (d) Accessory structures shall not be used as habitable space or as a separate dwelling unit; except when approved through the applicable permitting process.
  - (e) Attached garages, other attached buildings, and decks shall be considered part of the principal building, not an accessory structure.
  - (f) Accessory structures proposed in advance of a principal building on the same lot; shall site such accessory structure with relation to appropriate locations for a future dwelling or buildings, private well, Private Onsite Wastewater Treatment Systems (POWTS), and driveway.
  - (g) Shall follow applicable zoning district maximum building coverage standards found in [section 17.2.101](#).
  - (h) Within a condominium there shall be not more than 2 detached accessory structures per unit; and the use of common/shared detached accessory structures are encouraged and shall be considered before individual detached structures are permitted. When common/shared detached accessory structures have not first been considered within the condominium, such may be grounds for denial of a zoning permit.
  - (i) Within a mobile home park there shall be not more than one accessory structure per zoning lot or site as the mobile home which it is associated with.
- (2) RESERVED. (Dltd. #2016-08-629)
- (3) FAMILY DAY CARE HOME (4—8 CHILDREN). Includes occupied dwellings in which a qualified person or persons provide child care for 4 to 8 children. The care of less than 4 children is not subject to the regulations of this chapter. Family day care homes are also regulated under §66.304(b)(2), Wis. Stats.
- (4) INTERMEDIATE DAY CARE HOME (9—15 CHILDREN). Includes occupied dwellings in which a qualified person or persons provide child care for 9 to 15 children. Intermediate day care homes are also regulated under §66.304(b)(2), Wis. Stats.
- (5) COMMERCIAL APARTMENT. Includes one or more dwelling units located above the ground floor of a building in which said ground floor is used for one or more commercial land uses designated in [Section 17.3.04](#) above. Said dwelling units may be owner-occupied or renter-occupied.
- Parking Requirements: One off-street parking space shall be provided for each bedroom. Parking spaces provided by the commercial land use on the site may be counted towards this requirement with the approval of the Zoning Administrator.

- (6) CARETAKER'S RESIDENCE. Includes any dwelling unit which provides permanent housing for a caretaker of the subject property in either an attached or detached configuration.

Regulations: Shall provide housing only for the on-site caretaker and family.

Parking Requirements: 2 spaces per dwelling unit.

- (7) HOME OCCUPATION. Provides a means to accommodate a small home-based family or professional business as an accessory permitted use on a residential parcel without the necessity of a rezoning to a commercial zoning district. Includes economic activities performed within any dwelling that comply with specified requirements listed below. Examples include, but are not limited to, personal and professional services, home offices, handicrafts, and small machine repair. Does not include a motor vehicle repair or body work business.

Regulations:

- (a) Shall be conducted only within the enclosed area of the dwelling or an attached garage.
  - (b) No exterior alterations that change the character as a dwelling or exterior evidence of the home occupation, other than those signs permitted in the district and for home occupations per [Division 17.6](#).
  - (c) No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structures.
  - (d) No home occupation shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use.
  - (e) Shall not involve the use of commercial vehicles for more than weekly delivery of materials to or from the premises.
  - (f) Persons employed by a permitted home occupation shall be limited to the resident family members and no more than one nonresident employee.
- (8) HOME OCCUPATION, EXPANDED. Provides a means to accommodate home-based family or professional businesses as an accessory use on a

residential parcel without the necessity of a rezoning to a commercial zoning district. The regulations for expanded home occupations are more flexible than for standard home occupations; as such, expanded home occupations require the issuance of a conditional use permit. Includes economic activities performed within any dwelling that comply with specified requirements listed below. Examples include, but are not limited to, personal and professional services, handicrafts, small beauty salons, and small machine repair.

Regulations:

- (a) No exterior alterations that change the character as a dwelling or provide significant exterior evidence of the expanded home occupation, other than those signs permitted in the district and for expanded home occupations per Division 17.6.
  - (b) No expanded home occupation shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance that is incompatible with the intent of the district.
  - (c) Persons employed by an expanded home occupation shall be limited to the resident family members and no more than 3 nonresident employees.
  - (d) The Land Services Committee may establish a maximum percentage of the property that may be devoted to the business, restrict the number and types of machinery and equipment, limit hours of operation, or establish other conditions on the approval to meet the standards for granting a conditional use permit in Section 17.8.30. (Am. #2018-05-659)
- (9) FARM AND FORESTRY ACCESSORY STRUCTURE. Includes any structure used in the operation of a farm or forestry operation, including, but are not limited to, barns, sheds, silos, equipment garages, and towers.

Regulations: May be located on the same lot as a primary farm or forestry operation, or on a separate lot in conjunction with the farm or forestry operation.

- (10) OUTDOOR DISPLAY INCIDENTAL TO INDOOR SALES USE. Includes limited outdoor display or sales areas as uses accessory to principal uses in the "indoor sales" land use category for a period which may exceed 30 days in any one calendar year.
- Regulations: Shall be less than 15 percent of the gross floor area of the principal building in which sales are also conducted. If the outdoor sales or display area exceeds that threshold, then the land use shall instead be classified as an "outdoor sales, display, or repair" principal use.
- (11) TEMPORARY OUTDOOR SALES. Includes the temporary sales or display of any commercial items outside the confines of a building. Examples of this land use include but are not limited to tent sales, bratwurst stands, auctions, fireworks tents/stands, and flea markets. Does not include occasional residential garage sales, residential yard sales, and residential estate sales, which are permitted in all zoning districts provided that they do not constitute a regular, ongoing use of the property.

Regulations:

- (a) Display shall be limited to a maximum of 90 days in any one calendar year.
- (b) If the subject property is located in or adjacent to a residentially zoned property, activities shall be limited to daylight hours.
- (c) Activities shall not obstruct pedestrian or vehicle circulation or sight distances.
- (d) Signage shall comply with the requirements for temporary signs in Division 17.6.

Parking Requirements: Varies depending on type and duration of use.

- (12) INDOOR SALES ACCESSORY TO INDUSTRIAL USE. Includes any retail sales activity conducted exclusively indoors which is incidental to a principal land use such as warehousing, wholesaling, or any light industrial land use.

Regulations:

- (a) Sales shall be of products produced, stored, or shipped by the principal use.
- (b) The gross floor area devoted to retail sales shall not exceed 25 percent of the gross floor area of all buildings on the lot or 5,000 square feet, whichever is less.
- (c) All sales and display shall be conducted inside of an enclosed building.
- (d) The retail sales area shall be physically separated by a wall from other activity areas.

Parking Requirements: One space per 300 square feet of gross floor area devoted to the retail sales activity, plus the parking spaces required for the principal use.

- (13) SEASONAL SALES OF FARM AND FORESTRY PRODUCTS. Includes any sales and display of farm or forestry products for less than 180 days out of a 365-day period. Examples include, but are not limited to, fruit and vegetable stands, maple syrup sales, pumpkin stands or patches, Christmas tree lots, firewood sales, wreath sales, honey sales, wildflower sales, and woodchip sales.

Regulations:



- (a) Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- (b) Signage shall comply with the requirements for temporary signs in Division 17.6.
- (c) If subject property is located in or adjacent to a residential zoning district, sales and display activities shall be limited to daylight hours.
- (d) No structure shall be attached to a permanent foundation.
- (e) All structures shall be completely removed from public view following the completion of sales for the season.

Parking Requirements: Varies depending on type and duration of use.

- (14) LIGHT INDUSTRIAL USE ACCESSORY TO INDOOR SALES USE. Includes accessory uses meeting the description included in the "light industrial use" category, incidental to a principal "indoor sales" land use, and meeting all regulations associated with the "light industrial use" category and those additional regulations listed below.

Regulations:

- (a) Sales shall be for products sold or rented by the principal use.
- (b) The gross floor area devoted to light industrial use shall not exceed 25 percent of the gross floor area of all buildings on the lot or 5,000 square feet, whichever is less.
- (c) All light industrial activities, including storage but not including loading, shall be conducted inside of an enclosed building.
- (d) The light industrial use area shall be physically separated by a wall from other activity areas. In multioccupant buildings, such walls shall be soundproofed.

Parking Requirements: One space per additional employee in the light industrial activity area, plus the parking spaces required for the principal use.

- (15) OFF-SITE PARKING LOT. Includes parking lots that are not located on the same zoning lot or same group development as the principal use, but provide all or part of the required off-street parking for the principal use, either on a permanent or temporary basis.

Regulations:

- (a) All vehicles kept on off-site parking lots must be registered, licensed, and operative.
- (b) No materials or equipment aside from vehicles may be kept within approved off-site parking lots, except as may be authorized by the Planning and Zoning Committee.
- (c) No vehicles advertised for sale or lease may be kept in an off-site parking lot.
- (d) No off-site parking lot shall be located in a residential zoning district.

- (16) OUTDOOR WOOD FURNACE. An outdoor accessory structure designed to heat water through a wood fire then transmit that heated water to the principal building for direct use, for heating the principal building, or both.

Regulations:

- (a) Within and adjacent to residential zoning districts, minimum lot size shall be 5 acres.
- (b) Shall be set back from all property lines and roads a distance equal to the required principal building setbacks.
- (c) Shall be separated by at least 200 feet from any dwelling unit on an adjacent property.
- (d) If less than 500 feet from any dwelling unit on an adjacent property, the smoke stack shall be required to be raised to the height of the roofline of the dwelling that the furnace serves and a Class A (triple wall) chimney pipe shall be installed to facilitate the dispersion of smoke.
- (e) Shall also be required to meet the standards in Section 11.044 of the Lincoln County Code of Ordinances. (Am. #2018-05-659)

- (17) TEMPORARY RELOCATABLE BUILDING. Includes any manufactured building which serves as a temporary building serving the principal use of the lot for less than 365 days, typically containing an on-site construction management or real estate office for an active construction or subdivision project.

Regulations:

- (a) Shall not be located on the lot for a period of 365 days or more as a permitted by right land use. Projects requiring the temporary relocatable building to be in place for 365 days or more shall require a conditional use permit.
- (b) Shall be set back from all property lines and roads a distance equal to the required principal building setbacks.
- (c) Shall be removed within 10 days of completion of project.

## 17.4.01 - PURPOSE.

The purpose of this division is to indicate dimensional requirements for new development. Dimensional requirements are intended to maintain appropriate relationships between different land uses, manage the scale of development, facilitate provision of fire protection and other emergency services, maintain the integrity of zoning districts, provide for safe access to public streets and allow for expansion where appropriate, promote the preservation of green space and natural resources, protect rural community character, and advance the objectives of the Lincoln County comprehensive plan.

## 17.4.02 - MINIMUM NONFARM DEVELOPMENT DENSITY.

The A, RL2, and RL4 districts contain standards for the maximum number of new nonfarm dwelling units per acreage owned, as proscribed in Sections [17.2.11\(3\)](#), [17.2.12\(3\)](#), and [17.2.13\(3\)](#). The method for calculating maximum permitted density is included in [Section 17.8.70](#).

## 17.4.03 - MINIMUM LOT SIZES.

- (1) Minimum lot size requirements vary by base zoning district, as proscribed in the tables in Sections [17.2.101](#) and [17.2.102](#).
- (2) [Chapter 21](#), Shoreland Zoning Ordinance, prescribes different minimum lot size requirements for lands in the S Shoreland Overlay Zoning District than those proscribed in Sections [17.2.101](#) and [17.2.102](#). Subdivision regulations legally adopted under Wisconsin Statutes may also prescribe different minimum lot size requirements than those proscribed in such sections. In the event of conflict between a minimum lot size requirement in this chapter and one in [Chapter 21](#) or such subdivision regulations, the requirement that prescribes the larger minimum lot size shall control.
- (3) No lot size shall be reduced in area so as to make such lot size less than the minimum required by this chapter, legally adopted subdivision regulations, or [Chapter 21](#). If an existing lot size is less than the minimum required, it shall not be reduced further.
- (4) The maximum number of individual sites intended for principal buildings within a condominium plat or for a tourist lodging, hotel, motel, or lodging resort land use shall not exceed the total obtained by dividing the gross site area by the minimum lot size within the zoning district for the type of land use that will be constructed within the condominium plat or tourist lodging development. (Am. #2006-06-477)
- (5) Within the shoreland zone, when more than one residential unit/housing unit or nonresidential principal building is proposed on a lot each additional residential unit/housing unit or nonresidential principal building is again required to have the minimum lot size required under [Chapter 21](#). (For example, if the minimum lot size required by [Chapter 21](#) is 30,000 square feet; a two-family dwelling would be required to have a minimum lot size of 60,000 square feet.) (Cr. #2006-06-477)

## 17.4.04 - MINIMUM LOT WIDTHS.

- (1) Minimum lot width requirements vary by base zoning district, as proscribed in the tables in Sections [17.2.101](#) and [17.2.102](#).
- (2) [Chapter 21](#), Shoreland Zoning Ordinance, prescribes different minimum lot width requirements for lands in the S Shoreland Overlay Zoning District. Subdivision regulations legally adopted under Wisconsin Statutes may also prescribe different minimum lot width requirements. In the event of a conflict between a minimum lot width requirement in this chapter and one in [Chapter 21](#) or such subdivision regulations, the requirement that prescribes the larger minimum lot width shall control.
- (3) No lot width shall be reduced in area so as to make such lot width less than the minimum required by this chapter, legally adopted subdivision regulations, or [Chapter 21](#). If an existing lot width is less than the minimum required, it shall not be reduced further.

## 17.4.05 - MINIMUM STREET AND SHORELINE FRONTAGES.

- (1) There shall be a minimum street frontage access of 30 feet along a public street for all lots created after June 30, 1998. [Chapter 21](#), Shoreland Zoning Ordinance, establishes minimum required shoreline frontages.
- (2) The maximum number of individual sites along a shoreline that are intended for principal buildings within a condominium plat, or for a tourist lodging, hotel, motel, or lodging resort land use, shall not exceed the total obtained by dividing the total shoreline frontage by the minimum shoreline frontage within the zoning district for the type of land use that will be constructed within the condominium plat or tourist lodging development, or as allowed under [Chapter 21](#). (Am. #2006-06-477)
- (3) Within the shoreland zone, when more than one residential unit/housing unit or nonresidential principal building is proposed on a lot each additional residential unit/housing unit or nonresidential principal building is again required to have the minimum shoreline frontage required under [Chapter 21](#). (For example, if the minimum shoreline frontage required by [Chapter 21](#) is 150 feet, a two-family dwelling would be required to have a minimum shoreline frontage of 300 feet.) (Cr. #2006-06-477)

17.4.10 - MINIMUM REQUIRED STREET YARDS.

(1) Minimum required street yards, also known as "highway setbacks," shall apply to all yards which abut public roads. Such minimum required yards shall vary depending on the type of public road in accordance with the following table.

Jurisdiction of Public Road	Minimum Street Yard From Nearer Public Road Right-of-Way or Easement Line*	Minimum Street Yard From Centerline of Public Road Right-of-Way or Easement*
Town or City Road	30 feet	63 feet
County Trunk Highway	42 feet	75 feet
State Trunk or U.S. Highway	50 feet	110 feet
Any public street in the F Forestry zoning district	117 feet	150 feet

**NOTE:**

\* Minimum street yard shall be whichever distance is further from the centerline of the public street right-of-way or easement.

- (2) The minimum required street yards under subsection (1) shall apply to all principal and accessory structures, with exceptions as provided in [Section 17.4.13](#). Within the boundaries of the Sanitary District of Gleason, street yard setbacks may be reduced to the average of the lesser setback of the main part of the principal structure from the ROW or street centerline that occupies the parcel in question and the setback of the main part of the principal structures occupying the parcels adjacent to it. If the parcel in question or either adjacent parcel is vacant, the lesser appropriate setback distance from the ROW or the street centerline shall be used when averaging the setback. If all 3 parcels are vacant, the lesser required setback from the ROW or the street centerline above shall be used. The newly obtained averaged setback may be applied to both proposed principal and accessory structures and additions. For State trunk or U.S. highways, where a major or minor subdivision is proposed, under TRANS 233, Wis. Adm. Code., WisDOT may require that other structures or improvements are also subject to the minimum required yards in subsection (1). (Am. #2006-06-477)
- (3) No street yard shall be reduced so as to make such street yard less than the minimum required by this chapter and [Chapter 21](#), Shoreland Zoning Ordinance. If an existing street yard is less than the minimum required, it shall not be reduced further.
- (4) Where 2 public streets intersect, there shall also be established and maintained a minimum visual clearance triangle following the provisions of [Section 17.5.02\(3\)](#).

17.4.11 - MINIMUM REQUIRED SHORE YARDS.

The minimum required yard (setback from ordinary high water mark) for lands adjacent to navigable waters shall be as established in [Chapter 21](#), Shoreland Zoning Ordinance. [Chapter 21](#) also establishes minimum required shoreline frontages.

17.4.12 - OTHER MINIMUM REQUIRED YARDS.

- (1) The tables in Sections [17.2.101](#) and [17.2.102](#) of this chapter include minimum requirements for interior side yards and rear yards, with such requirements varying by base zoning district.
- (2) [Division 17.3](#) of this chapter may include more restrictive yard requirements for particular types of land uses to help mitigate impacts on surrounding land uses.
- (3) No yard shall be reduced in area so as to make such yard less than the minimum required by this chapter. If an existing yard is less than the minimum required, it shall not be reduced further.

17.4.13 - PERMITTED INTRUSIONS INTO REQUIRED YARDS.

- (1) The following are permitted intrusions into required street yards, except where prohibited under TRANS 233, Wis. Adm. Code:
  - (a) Chimneys, flues, sills, pilasters, lintels, ornamental features, windows, cornices, eaves, and gutters, provided they do not extend more than

2½ feet into the required yard.

- (b) Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances, provided that they do not extend above the floor level of the adjacent building entrance or more than 5 feet into the required yard, and that the width of such protrusion does not exceed 4 feet in width or 40 square feet in area.
  - (c) Ramps for use by persons with disabilities.
  - (d) Yard lights, ornamental lights, and signs that comply with the illumination requirements of Section 17.5.04 and do not locate closer than 5 feet from the nearer street right-of-way or street easement line.
  - (e) Reserved. (Dltd. #2006-06-477)
  - (f) Other items not included in the definition of a "structure" under Section 17.1.14.
- (2) The following are permitted intrusions into required rear or interior side yards, except where not allowed under Chapter 21, Shoreland Zoning Ordinance:
- (a) Chimneys, flues, sills, pilasters, lintels, ornamental features, windows, cornices, eaves, gutters, and fire escapes; provided they do not extend more than 2½ feet into the required yard.
  - (b) Ramps for use by persons with disabilities.
  - (c) Items not included in the definition of a "structure" under Section 17.1.14.

17.4.20 - RESERVED FOR FUTURE USE. (Dltd. #2006-06-477)

17.4.30 - MAXIMUM BUILDING AND IMPERVIOUS SURFACE COVERAGE.

Maximum building coverage varies by base zoning district, as prescribed in the tables in Sections 17.2.101 and 17.2.102. Chapter 21, Shoreland Zoning Ordinance, establishes maximum impervious surface coverages applicable in the shoreland zone.

17.4.31 - MINIMUM LANDSCAPED AREA PERCENTAGE. (Am. #2006-06-477)

Minimum landscaped area percentages vary by base zoning district, as prescribed in the tables in Section 17.2.102.

17.4.32 - MAXIMUM NUMBER OF BUILDINGS ON A LOT.

There shall generally be a maximum of one principal building per lot, except in the PD and MR zoning districts, and in cases where all dimensional requirements of this chapter could be met for each principal building if the lot was later divided and no principal building is closer than 25 feet from another principal building.

## DIVISION 17.5 - PERFORMANCE STANDARDS

17.5.01 - PURPOSE.

The purpose of this division is to set forth the requirements for vehicular access, visibility, off-street parking, off-street loading, exterior lighting, screening, landscaping, cultural resource and habitat identification, shoreland protection, erosion control, and stormwater management.

17.5.02 - TRAFFIC ACCESS AND VISIBILITY STANDARDS.

- (1) INTENT. The intent of this section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular access and visibility to public rights-of-way.
- (2) ACCESS STANDARDS.
  - (a) Limitation of Access to Federal, State, and County Highways: No new direct vehicular access shall be allowed to Interstate, United States, and State or County trunk highway public rights-of-way unless approved by the authority having jurisdiction over that highway.
  - (b) Shared Vehicular Access Points Between Abutting Lots: Vehicular access points planned or required to be located across lot lines shall be shared vehicular access points between abutting lots or parcels. The access point centerline may be the property line between 2 lots or parcels and may be a mutually agreed upon land access easement.
  - (c) Distance From Street Intersection: No access point shall be located closer than 100 feet from the intersection of any 2 road rights-of-way or road easement edges, unless there are no other options given the lot dimensions. In all cases, access points shall be located as far from an intersection as the lot size permits.

- (d) Distance Between Access Drives: The minimum distance between access drives serving the same lot shall be 25 feet, measured from the near of the access drives.
  - (e) Angle of Intersection With Public Right-of-Way: All access drives shall intersect with any public road right-of-way or easement at an angle of 90 degrees, wherever possible.
  - (f) Distance From Neighboring Property Line: Except in residential zoning districts, the distance from an access drive to the interior side lot line shall not be less than 3 feet, unless it is a shared vehicular access point.
  - (g) Driveway Access Width: All openings for access drives onto public roads shall have a maximum width of 30 feet in all residential zoning districts, with a minimum width of 12 feet for single-family and two-family dwellings, and 16 feet for multifamily dwellings. There shall be a maximum width of 40 feet in all nonresidential zoning districts, with a minimum width of 16 feet. All widths shall be measured at the road right-of-way or easement line. New occurrences of continuous access onto public roads wider than these maximums shall not be permitted. (Am. #2006-06-477)
  - (h) Depiction on Site Plan: Proposed access driveways on the lot shall be depicted as to their location and configuration on the site plan, if required under Section 17.8.40.
- (3) VISIBILITY STANDARDS.
- (a) Visual Clearance Triangle: In each quadrant of every public road right-of-way intersection or public road easement intersection (including street-railroad intersections), there shall be a visual clearance triangle formed by the 2 intersecting right-of-way or easement centerlines and a chord connecting said centerlines that is 300 feet back from an intersection of any 2 Federal, State, and/or County highways; 200 feet back from an intersection of any such highway and any town or city road; and 100 feet back from an intersection of 2 town or city roads. When a road intersects a railroad line, the chord connection shall be formed by measuring the prescribed measurement above down the center of the rail easement and the type of roadway that it intersects. (Am. #2006-06-477)
  - (b) Height Requirements in the Visual Clearance Triangle: Within the visual clearance triangle described and measured in subsection (a) above, no object over 2½ feet in height above the roadbeds shall be allowed, except under subsection (c).
  - (c) Permitted Objects and Activities in the Visual Clearance Triangle: The following objects and activities are permitted within the visual clearance triangle: open fences, telephone, telegraph, and power transmission poles, lines, and portable equipment; the planting and harvesting of field crops; deciduous trees with canopies greater than 8 feet from the ground; the growing of other trees provided that vision is not obstructed.
  - (d) Depiction on Site Plan: All visual clearance triangles on the lot shall be depicted as to their location and configuration on the site plan, if required under Section 17.8.40.

#### 17.5.03 - OFF-STREET PARKING AND LOADING STANDARDS.

- (1) INTENT. The intent of this section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum off-street parking and loading standards.
- (2) OFF-STREET PARKING STANDARDS.
  - (a) Minimum Off-Street Parking Requirements: The minimum number of parking spaces required for each land use is listed within Division 17.3. The Zoning Administrator may reduce the required number of parking spaces by up to 25 percent if the applicant demonstrates that actual parking demand will be less than the standards normally require.
  - (b) Handicapped Parking Spaces: Parking for the handicapped shall be provided at the number, size, location, and with signage as specified by State and Federal regulations.
  - (c) Location: All required off-street parking areas shall be located on the same lot as the principal use, or not over 1,000 feet from the principal use.
  - (d) Installation of Off-Street Parking Areas: All required off-street parking areas shall be completed prior to building occupancy.
  - (e) Driveway widths: Adequate access to a public right-of-way shall be provided for all off-street parking areas. Access and internal driveways shall be at least 12 feet wide for a single-family or two-family dwelling, and a minimum of 16 feet wide for other land uses. (Am. #2006-06-477)
  - (f) Parking Space Dimensions: Other than for residential uses or parking required to serve the handicapped, all parking stalls shall be at least 9 feet in width and 18 feet in length.
  - (g) Use of Off-Street Parking Areas: The use of all required off-street parking areas shall be limited to the parking of licensed, registered, and operable vehicles.
  - (h) Depiction on Site Plan: All existing and proposed parking areas on the lot shall be depicted as to their location and configuration on the site plan, if required under Section 17.8.40.

## (3) LOADING STANDARDS.

- (a) Applicability: Any nonresidential use which has a gross floor area of 5,000 square feet or more, and which requires deliveries or makes shipments, shall provide at least one off-street loading area in accordance with this subsection.
- (b) Location: Loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public road right-of-way or road easement.
- (c) Depiction on Site Plan: All existing and proposed loading areas on the lot shall be depicted as to their location and configuration on the site plan, if required under Section 17.8.40.

## 17.5.04 - EXTERIOR LIGHTING STANDARDS.

- (1) INTENT. The intent of this section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, land uses in the vicinity of a light source, and the night sky in order to promote traffic safety, prevent nuisances, and preserve rural community character.
- (2) APPLICABILITY. The requirements of this section apply to all exterior lighting for multiple-family residential uses, nonresidential land uses, and signage including billboards within the jurisdiction of this chapter, except for public lighting within a public road right-of-way or public road easement.
- (3) EXTERIOR LIGHTING STANDARDS.
- (a) Power and Orientation of Light Fixture: No exterior light fixture be placed or oriented so that the lighting element (bulb) or associated convex lens is visible from an adjacent lot line, ordinary high water mark line, or public road right-of-way or easement line. Within a residential zoning district, no light fixture shall exceed 150 watts. All lighting fixtures over 150 watts shall be fully shielded and mounted at a 90 degree angle (or less) to the ground, per the following Figure A. No lighting fixture over 150 watts shall be oriented like either example in Figure B:

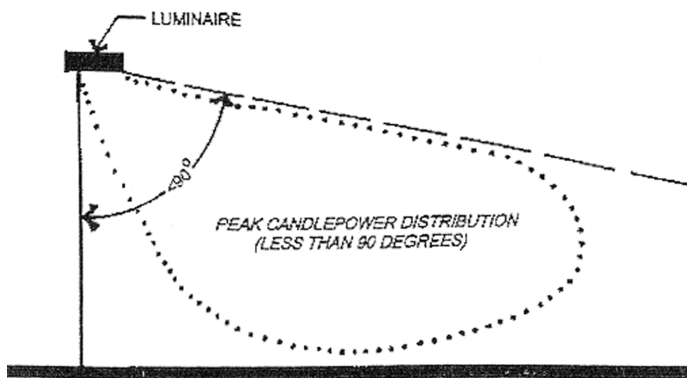
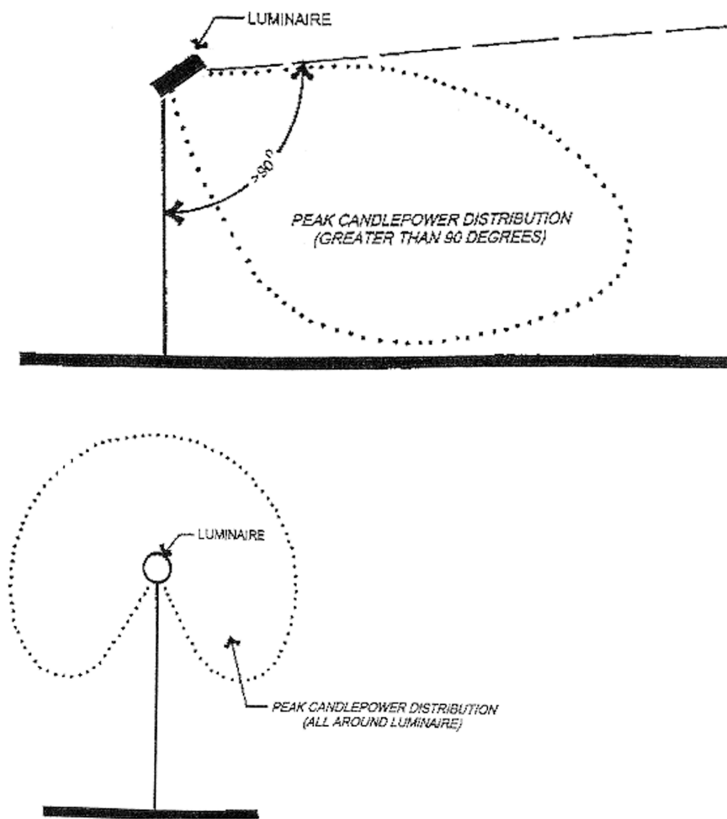


FIGURE A—PERMITTED FIXTURE ORIENTATION FOR LIGHT FIXTURES OVER 150 WATTS



**FIGURE B—PROHIBITED FIXTURE ORIENTATIONS FOR LIGHT FIXTURES OVER 150 WATTS.**

- (b) Maximum Luminaire Height: The maximum permitted luminaire height shall be 20 feet in all residential zoning districts and 40 feet in all other zoning districts. The height of both the pole and base shall be considered in the measurement of the luminaire height.
- (c) Prohibited Light Fixtures: No searchlights or strobe lights shall be permitted.
- (d) Depiction on Site Plan: All existing and proposed exterior light fixtures shall be depicted as to their location, type and wattage on the site plan, if required under Section 17.8.40.

#### 17.5.05 - SCREENING AND LANDSCAPING STANDARDS.

- (1) INTENT. The intent of this section is to indicate the requirements that may be applied for screening and landscaping for certain development projects, zoning districts, and project components.
- (2) SCREENING STANDARDS (LANDSCAPED BUFFERYARDS).
  - (a) Applicability: If required as part of a conditional use permit, site plan, or other County approval of a development, the following areas or features may be required to be effectively screened by fencing, landscaping, or berms from view from public roadways, and adjacent residentially zoned properties:
    1. Exterior structures related to heating systems, cooling or air conditioning systems;
    2. Refuse, garbage, dumpsters and recyclable material collection points;
    3. Outdoor storage areas;
    4. Loading docks;
    5. Any other site area or facility as required for the specific land use under Division 17.3 or by the County approval authority, if reasonably related to the protection of neighboring properties or the public from distracting, unappealing, or offensive views of on-site activities.
  - (b) Options for Screening. The following are options for providing required screening where applicable:
    1. Fencing: The construction of a minimum 6-foot high solid fence shall be deemed adequate screening if required.
    2. Rows of trees: The planting of a minimum of 2 rows of trees staggered with a 10-foot spacing, which are a minimum of 4 feet tall when planted, shall be deemed adequate screening if required. One row shall be either white pine, red pine, or a fast growing hybrid poplar. The other row shall be either white spruce or white cedar. The lot owner shall maintain such planting and any dead trees shall be replaced within one year. Alternate species or planting plan may be substituted if prior approval is received from the Zoning Administrator.

3. *Existing vegetation*: The maintenance of existing native vegetation that, from off the property during full foliage conditions, provides the appearance of a solid wall of vegetation, shall be deemed adequate screening if required. The final determination as to acceptability of the existing vegetative screen shall be by the Zoning Administrator.
4. *Earthen berm*: The construction of an earthen berm to the minimum height of 6 feet which is to be seeded and/or landscaped with shrubs and maintained by the owner shall be deemed adequate screening if required.

(c) Depiction on Site Plan: All existing and proposed screening shall be depicted as to their location, type and wattage on the site plan, if required under Section 17.8.40.

(3) LANDSCAPING STANDARDS (GENERAL YARD LANDSCAPING).

(a) Applicability: Except for single-family and two-family residential dwellings, the requirements of this subsection shall apply to all new land development projects and all additions, expansions, or site modifications to such uses to the extent practical:

1. Within the MR, MH, RE, PB, CMU, PI, PD, and H51 zoning districts; and
2. Where otherwise required for the specific land use in Division 17.3.

(b) Existing Vegetation: To the greatest extent possible, each development shall retain existing trees outside of proposed building and parking areas.

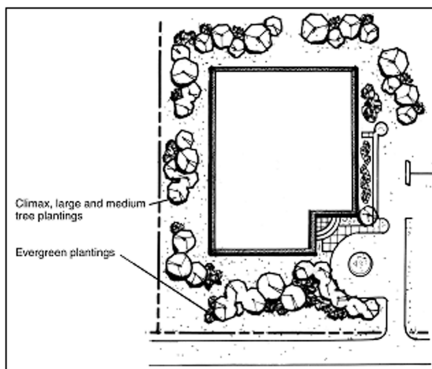
(c) Landscaping Coverage: The lot shall be landscaped with an effective combination of living trees, groundcover, and shrubbery. Landscaping shall be emphasized in street yards, adjacent to residentially zoned lots, within and adjacent to parking lots, and near principal building foundations. The following figure provides an example.

(d) Distance Requirements: No purposely planted tree or shrub as measured from its center shall be located within 5 feet of a driveway or public street right-of-way or easement.

(e) Visual Clearance Triangle: All new landscaping material located within a visual clearance triangle (as described in Section 17.5.02(3)) shall be 2½ feet or less in height or have a clearance of 8 feet beneath the lowest branch or projection.

(f) Depiction on Site Plan: All existing and proposed landscaping on the lot shall be depicted on the site plan, if required under Section 17.8.40.

(g) Installation and Maintenance: All proposed and approved landscaping shall be installed in a sound manner and according to accepted planting procedures with quality plant materials. The lot owner shall maintain such plantings and all dead plantings shall be replaced.



GENERAL YARD LANDSCAPING

17.5.06 - CULTURAL RESOURCE AND HABITAT IDENTIFICATION STANDARDS.

- (1) INTENT. An important goal of the Lincoln County comprehensive plan is protection of critical wildlife habitats and cultural resources sensitive to disruption that may be caused by development and/or other land use activities. These resources include identified historic and archeological resources and rare, threatened, or endangered plant and animal habitat areas. These resources serve important functions which can be lost when land development occurs, in the absence of identification, protection, and/or mitigation approaches.
- (2) IDENTIFICATION. When a land development is proposed on a lot or parcel where a cultural or habitat resource(s) has been identified or mapped in the Lincoln County comprehensive plan, the applicant shall submit more detailed information on the exact location and nature of said resource(s) to the Zoning Administrator before a zoning permit is issued, based on information available from the State Historic Society, the State Department of Natural Resources, or other sources. All State-identified cultural or habitat resources shall be accurately marked and clearly labeled on a site plan, certified survey map, or subdivision plat, if required for the land development.
- (3) PROTECTION. The property owner shall make reasonable efforts to protect such identified cultural resources and habitats, and they shall be subject to State or Federal protection laws.



## 17.5.07 - SHORELAND DEVELOPMENT STANDARDS.

Refer to Chapter 21 of the Lincoln County Code of Ordinances for development standards applicable in the County's shoreland zoning areas.

## 17.5.08 - EROSION CONTROL AND STORMWATER MANAGEMENT STANDARDS.

- (1) INTENT. (Am. #2006-06-477) Lincoln County finds that construction site erosion and uncontrolled stormwater runoff from land disturbing and land development activities can have significant adverse impacts upon local water resources and the health, safety and general welfare of the community, and can diminish the public enjoyment and use of natural resources. It is the intent of this section to provide for the control of soil erosion and stormwater runoff.
- (2) AUTHORITY. (Am. #2006-06-477) This section is adopted under the authority granted by §59.693, Wis. Stats. In the administration of this section, the Zoning Administrator may seek technical advice from the Lincoln County Land Information and Conservation Department, the U.S. Department of Agriculture Natural Resources Conservation Service, or the Wisconsin Department of Natural Resources.
- (3) LAND DISTURBANCE ACTIVITIES SUBJECT TO STORMWATER MANAGEMENT AND EROSION CONTROL. All activities directly related to the planting, growing and harvesting of agricultural crops are not considered land disturbance activities under this section and are, therefore, exempt from all of the requirements of this section. Land or soil disturbance and development activities in the shoreland overlay zone shall be subject to the standards in Chapter 21 of the Lincoln County Code of Ordinances, with the most restrictive regulation applying. Other land disturbance and development activities shall be subject to the stormwater management and erosion and sediment control provisions of this section, if any of the following conditions are present:
  - (a) An area of one acre or greater will be disturbed by excavation, grading, filling, or other earthmoving activities, resulting in the loss or removal of protective ground cover or vegetation.
  - (b) Any land disturbing activity over more than 5,000 square feet is to occur on slopes greater than 15 percent. (See additional criteria in Chapter 21 if property is in the shoreland zone.)
  - (c) Any public street, road or highway is to be constructed, enlarged, relocated or reconstructed, unless otherwise specified under TRANS 401, Wis. Adm. Code.
  - (d) A proposal that suggests any water course to be changed, enlarged, or materials to be removed from stream bed.
  - (e) A proposal is made for any specific land use described under Division 17.3 for which a stormwater management plan, erosion control plan, or both is required.
  - (f) An application is filed for approval of a major subdivision under Chapter 18 of the Lincoln County Code of Ordinances.
  - (g) Any other land disturbing activity is to occur where the Zoning Administrator determines that high levels of erosion or runoff is likely unless an erosion control plan, stormwater management plan, or both is developed.
- (4) STANDARDS FOR STORMWATER MANAGEMENT AND EROSION CONTROL. (Am. #2006-06-477) Stormwater runoff, soil erosion, siltation, or sedimentation from all land disturbing and development activities described in subsection (3) shall meet standards in NR 151 and 216 and COMM 60 and 20-21, Wis. Adm. Code, and/or shall be controlled in accordance with Technical Guidelines as developed by the U.S. Department of Agriculture, Natural Resources Conservation Service, or the Wisconsin Department of Natural Resources. Stormwater management plans required under this section shall be designed to maintain predevelopment peak runoff rates for the 2-year and 10-year, 24-hour storm event and safely pass the 100-year, 24-hour storm event via an emergency spillway.
- (5) EROSION CONTROL PLAN. (Am. #2007-10-514) Prior to the issuance of a zoning permit or recording of a final plat or certified survey map for all land disturbing activities listed under subsection (3), the applicant shall:
  - (a) Reserved.
  - (b) Submit an erosion control plan that meets the technical requirements of NR 216, Wis. Adm. Code, and has been stamped by a licensed engineer qualified in erosion control planning.
- (6) STORMWATER MANAGEMENT PLAN. (Am. #2007-10-514) Prior to the issuance of a zoning permit or recording of a final plat or certified survey map for all land disturbing and development activities listed under subsection (3), the applicant shall:
  - (a) Reserved.
  - (b) Submit a stormwater management plan that meets the technical requirements of NR 216, Wis. Adm. Code, and subsection (4) above, and has been stamped by a licensed engineer qualified in stormwater management planning.
- (7) INSTALLATION AND MAINTENANCE. All construction site erosion control measures shall be installed prior to the land disturbance activity, and maintained by the lot owner throughout the duration of the land disturbance activity. All permanent stormwater management measures shall be installed prior to occupancy of the lot or building, and shall be maintained by the lot owner in perpetuity.

## 17.5.09 - KEEPING OF FARM ANIMALS.

- (1) INTENT. The intent of this section is to establish standards for the keeping of farm animals in a manner which maintains agriculture as a viable part of Lincoln County's economy and rural communities, allows for farms of multiple sizes and descriptions, including hobby and recreational farming; avoids nuisances, undesirable odors, and other negative impacts on neighboring properties; protects human and animal health; satisfies the needs of farm animals for exercise space; and protects water quality and the environment.
- (2) DEFINITIONS. (Am. #2006-11-491) The following definitions describe terms used to interpret this section:
- (a) Farm Animal: Any animal that is customarily raised for a profit on farms and/or to supplement household food supplies or income, and that has the potential for causing a nuisance or public health concerns if not properly maintained. Includes but is not limited to cows, beef cattle, hogs, most pigs, chickens, turkeys, alpaca, llama, horses, ponies, sheep, lambs, most goats, ratites (e.g., emu), and rabbits, but not including pigmy goats or pot-bellied pigs. Refer to Wis. Adm. Code ATCP 51 for applicable definition related to certain livestock facilities covered under those rules.
- (b) Animal Unit: An animal unit is a measure that represents a common denominator for the purpose of defining in what quantity farm animals may be kept. The animal unit measure is related to the amount of feed various farm animal species consume and the amount of waste they produce. The table in Wisconsin Administrative Code NR 243.11 indicates the number of common farm animal species that comprise a single animal unit. For animal types not listed in the NR 243.11 table, 1,000 pounds of live animal weight is equal to one animal unit. (Am. #2006-06-477)
- (3) APPLICABILITY. The requirements of this section apply to the following land uses:
- (a) Uses that first establish the keeping of farm animals following the adoption of this chapter.
- (b) Uses that increase the number of farm animals on a lot following adoption of this chapter.
- (c) Any other land use that keeps farm animals where, in the determination of the Zoning Administrator, the intent of this section is being violated.
- (d) Legal nonconforming uses which have been discontinued for a period of 12 or more continuous months.
- (e) Intensive agriculture uses except where in conflict with Wis. Adm. Code ATCP 51. (Cr. #2006-11-491)
- (4) ANIMAL UNIT DENSITY STANDARD. (Am. #2006-06-477) Land uses that keep or maintain farm animals shall provide and continuously maintain a minimum of one acre per animal unit of open land available for animal exercise and nutrient (manure) management. Such acreage may not include land that is heavily wooded, in wetland, within the minimum ordinary high water setback in the shoreland overlay zone as described in Chapter 21, used for buildings or driveways, or otherwise not available for animal exercise and nutrient management. Exceptions to this standard shall be approved by the Zoning Administrator if one of the following conditions is present:
- (a) The land owner submits a nutrient management plan, has such plan approved by the Lincoln County Land Information and Conservation Department, and implements and continuously maintains such plan on the lot.
- (5) OTHER COUNTY PERFORMANCE STANDARDS.
- (a) No farm animals shall be allowed on a lot that is less than 100,000 square feet in area in any Residential Zoning District.
- (b) Outdoor animal containments, such as fenced pastures, pens, coops and similar structures, shall be located:
1. In accordance with the standards in Ch. 90, Wis. Stats.; and
  2. A distance equal to the required principal building setback from the ordinary high water mark in the shoreland overlay district, where not otherwise preempted by Ch. 90, Wis. Stats.; and
  3. For residentially zoned lots, a minimum of 50 feet from any well, where not otherwise preempted by Ch. 90, Wis. Stats.
- (c) All land uses that keep farm animals are subject to the standards in Chapter 11 of the Lincoln County Code of Ordinances (Animal Waste Management).
- (6) STATE AND FEDERAL STANDARDS. Land uses that keep farm animals may also be subject to State and Federal laws and rules, most of which are not administered by Lincoln County. It is the responsibility of the property owner to adhere to such laws and rules as applicable, which at the time of adoption of this chapter included but were not necessarily limited to the following:
- (a) Agricultural performance standards in ATCP 50 and 51 and NR 115, 151, 243, and 812, Wis. Adm. Code. (Am. #2006-11-491)
- (b) (Rep. #2006-11-491)
- (c) All State manure and nutrient management statutes and rules, including §281.16(3), Wis. Stats.
- (d) Wisconsin Pollutant Discharge Elimination System permits for farm operations over 1,000 animal units, as identified in NR 243.13 through NR 243.16, Wis. Adm. Code.
- (e) Chs. 29 and 169, Wis. Stats., involving the treatment of wild animals.
- (f) Ch. 951, Wis. Stats., involving crimes against animals.

- (g) Ch. 93, Wis. Stats., enabling legislation for the Department of Agriculture Trade and Consumer Protection (ATCP) and which also includes animal regulations.
- (h) Ch. 97, Wis. Stats., involving food regulations. Several ATCP rules also cover various aspects of food processing.
- (i) The U.S. Natural Resources Conservation Service (NRCS) Nutrient Management standard.
- (j) The U.S. Environmental Protection Agency's confined animal feeding operations rule.

#### DIVISION 17.6 - SIGNS

##### 17.6.01 - PURPOSE.

The purpose of this division is to provide requirements for the installation, fabrication, erection, and use of signs, as defined in Section 17.1.14. These sign regulations are intended to promote the public welfare, health, and safety of all persons using public rights-of-way; to aid in the proper promotion of business and industry; to reduce the visual clutter that may be caused by signage that impairs traffic safety and rural community character; and to implement recommendations of the Lincoln County comprehensive plan. Traffic control and other public agency signs located within a public street right-of-way or public road easement are not regulated by this division.

##### 17.6.02 - SIGN PERMIT.

- (1) All new and altered signs described herein shall be authorized only through the issuance of a zoning permit under the provisions in Section 17.8.50, except for the following:
  - (a) Crop demonstration signs.
  - (b) Directional or identification signs, on-premises.
  - (c) Public agency signs located within a public street right-of-way or public road easement.
  - (d) Real estate signs.
  - (e) Temporary signs.
  - (f) Repainting, replacing the sign face or the supporting structure with identical materials, changing parts or bulbs, changing sign message within exactly the same sign area and structure, and preventive maintenance of signs which completely conform to the requirements of this subchapter and result in no other change in the appearance of the sign from that originally approved or lawfully constructed.
  - (g) All signs legally erected prior to adoption of this chapter. Any such sign that does not conform to one or more provisions of this chapter shall be considered a legal nonconforming sign, subject to the provisions of Section 17.7.02.
  - (h) Signs required by State law shall be allowed in the minimum number and size to satisfy state requirements at the site will not be counted against permitted signage amount or total square footage. Pump safety or instructional signs such as "no smoking" or "stop motor" or similar instructional signs, shall be allowed as necessary and in reasonable size, provided such signs are not combined with company brand name, company logo, or company colors in a manner to be construed as both advertising and instructional purpose. (Cr. #2017-02-636)
- (2) Before the issuance of a zoning permit for any billboard, as defined in this division, a conditional use permit shall be required under the provisions of Section 17.8.30.

##### 17.6.03 - GENERAL SIGNAGE STANDARDS.

- (1) SIGN TYPES AND DESCRIPTIONS.
  - (a) Advertising Sign, Off-Premises. A sign that directs attention and/or provides directions to a place, business, institution, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the lot, parcel, or overall development where the sign is displayed. A billboard is one type of off-premises advertising sign that is greater than 32 square feet in area. Billboards may only be constructed following the issuance of a conditional use permit.
  - (b) Billboard. See above definition of off-premises advertising sign.
  - (c) Business Sign, On-Premises. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the lot or parcel where the sign is located, including services offered by institutional or public uses. Does not include any sign for a home occupation or expanded home occupation.
  - (d) Crop Demonstration Sign. Such sign shall be located on the same premises as the crop or product used. A separate sign for each seed, tree, plant variety, fertilizer, herbicide, pesticide or insecticide is permitted.
  - (e) Directional or Identification Sign. A permanent sign which indicates the direction to an entrance or parking lot, an address, household or farm name, the location of a particular building within a complex of structures, a warning such as "no trespassing," business hours,

whether the business is open or closed, rules for use of parking lots, or serves a similar nonadvertising purpose.

- (f) Freestanding Sign. A self-supporting sign resting on or supported by means of poles, standards, or any other type of base affixed to the ground. This type of sign includes monument signs, signs mounted on posts, and pylon signs.
  - (g) Group Sign. An on-premises sign displaying the collective name of a group of uses, such as the title of a shopping center or industrial park and its tenants, a subdivision, an apartment complex, or a mobile home park. Portions of the sign containing names of individual tenants shall be considered as part of the area of a group sign. Such sign shall be located on the same lot as the principal use(s) or within the same development.
  - (h) Home Occupation/Expanded Home Occupation Sign. A sign advertising a home occupation or expanded home occupation. Within residential zoning districts, signs shall not be lighted.
  - (i) Projecting Sign. A type of building mounted sign, other than a wall sign, which is attached to and generally perpendicular from a building face. Includes marquee signs, such as are commonly used on theaters. The bottom edge of such sign shall be located a minimum of 8 feet from ground level directly under the sign. The top of the sign shall be no higher than the nearest portion of the building wall to which it is mounted.
  - (j) Temporary Sign. A sign or advertising display (including festoons, pennants, banners, pinwheels and similar devices) intended to be displayed for a certain limited period of time. Included in the definition of "temporary signs" are retailers' signs temporarily displayed for the purpose of informing the public of a "sale" or special offer, real estate signs, construction signs, political signs, and signs on trailers or wheels. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered a temporary sign. See Section 17.6.07 for detailed regulations for temporary signs.
  - (k) Wall Sign. A type of sign that is mounted parallel to a building facade or other vertical building surface. Wall signs shall not project more than 12 inches beyond the edge of any wall or other surface to which they are mounted. The top of the sign shall be no higher than the nearest portion of the building wall to which it is mounted.
  - (l) Electronic Message Sign. Any advertising sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. Also known as electronic message centers or digital signs. (Cr. #2015-06-615)
- (2) GENERAL SIGNAGE REGULATIONS. These regulations apply to signs in all base zoning districts:
- (a) All freestanding signs shall be set back from all lot lines a minimum distance that is equivalent to their height, except that signs that are 5 feet in height or less shall be set back at least 5 feet from the nearest street right-of-way or street easement line and one foot from all other lot lines. Signs adjacent to State and Federal highways shall also be subject to setback requirements associated with TRANS 233, Wis. Adm. Code.
  - (b) All signs shall meet the visual clearance triangle standards in Section 17.5.02(3).
  - (c) No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, message, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic control sign, signal or device.
  - (d) All sign lighting shall meet the standards of Section 17.5.04.
  - (e) No flashing, fluttering, electronic scrolling messaging, undulating, swinging, rotating, animated, or otherwise moving sign shall be permitted except electronic message signs as permitted by 17.6.03(2)(i). (Am. #2015-06-615)
  - (f) No mobile, inflatable, or portable sign shall be permitted as a permanent sign, but may be permitted as a temporary sign.
  - (g) Closing businesses must remove their signs within 60 days following closing.
  - (h) Where topography obscures visibility of a sign, the sign height may be measured from the adjacent road grade. (Cr. #2006-06-477)
  - (i) Electronic message signs may be permitted subject to the following standards:
    1. Electronic message signs shall only be allowed for on-premise advertising purposes and only allowed under nonresidential zoning district sign standards 17.6.06(1) and (2). The area of the electronic message sign cannot exceed 50% of the total sign area allowed by this section.
    2. All electronic message signs shall not exceed 0.3 footcandles above ambient light conditions measured from a distance based on the area of the sign [measurement distance =  $\sqrt{\text{Area of Sign Sq. Ft.} \times 100}$ ], perpendicular to the sign face, and using an illuminance meter capable of accuracy of 2 decimals. Example: A 24 square foot electronic message center would be limited to 0.3 footcandles when measured at a distance of 49 feet. Measurement Distance =  $\sqrt{(24 \times 100)} = 49$  feet.
    3. All electronic message signs shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.
    4. Each message change shall be accomplished in one second or less, and each message shall remain in a fixed position for a minimum of 8 seconds. Only frame effects of fading and dissolving shall be allowed. (Cr. #2015-06-615)

## 17.6.04 - RURAL ZONING DISTRICT SIGN STANDARDS.

Within the F Forestry, A Agriculture, RL2 Rural Lands "2 per 40", and RL4 Rural Lands "4 per 40" districts, the following sign types are allowed, subject to the listed standards:

- (1) BUSINESS SIGN, ON-PREMISES (FOR PERMITTED BUSINESS AND INSTITUTIONAL USES).
  - (a) Permitted Sign Type(s): Freestanding sign, wall sign.
  - (b) Maximum Permitted Number of Signs: One freestanding sign per lot or parcel and one wall sign per principal building.
  - (c) Maximum Permitted Area Per Sign: 64 square feet for any one sign, as measured for all sign faces visible at any one time.
  - (d) Maximum Permitted Sign Height: 16 feet.
- (2) DIRECTIONAL OR IDENTIFICATION SIGN, ON-PREMISES.
  - (a) Maximum Permitted Area Per Sign: 16 square feet for all sign faces visible at one time.
- (3) TEMPORARY SIGN. Per the requirements of Section 17.6.07.
- (4) HOME OCCUPATION OR EXPANDED HOME OCCUPATION SIGN.
  - (a) Permitted Sign Type(s): Freestanding sign, wall sign.
  - (b) Maximum Permitted Number of Signs: One total per lot or parcel.
  - (c) Maximum Permitted Area Per Sign: 16 square feet for all sign faces visible at one time.
  - (d) Maximum Permitted Sign Height: 8 feet.
- (5) CROP DEMONSTRATION SIGN.
  - (a) Maximum Permitted Area Per Sign: 16 square feet for all sign faces visible at one time.
- (6) OFF-PREMISES ADVERTISING SIGN (INCLUDING BILLBOARDS ON LOTS IN COMMERCIAL OR INDUSTRIAL USE).
  - (a) Permitted Sign Type(s): Freestanding sign, wall sign.
  - (b) Maximum Permitted Number of signs: One per lot or parcel. No billboard, as defined in Section 17.6.03(1)(a), may be placed closer than 5,000 feet from another billboard and other type of no off-premises advertising sign may be placed closer than 2,000 feet from another off-premises advertising sign.
  - (c) Maximum Permitted Area Per Sign:
    1. Thirty-two square feet for all sign faces visible at one time where the lot is not in commercial or industrial use or the nearest adjacent roadway is a County highway or town or city road. Off-premises directional signs for uses such as cottages or resorts shall be subject to the standards in Section 17.6.05(6).
    2. Sixty-four square feet for all sign faces visible at any one time where the lot is in commercial or industrial use and the sign is set back less than 100 feet from the centerline of the nearest adjacent State or Federal highway.
    3. One hundred forty-four square feet for all sign faces visible at any one time where the lot is in commercial or industrial use and the sign is set back between 100 and 200 feet from the centerline of the nearest adjacent State or Federal highway.
    4. Two hundred twenty-five square feet for all sign faces visible at any one time where the lot is in commercial or industrial use and the sign is set back greater than 200 feet from the centerline of the nearest adjacent State or Federal highway.
  - (d) Maximum Permitted Sign Height:
    1. The bottom of the sign face shall be not higher than 10 feet from the ground.
    2. The top of the sign, as measured to the top of the highest extension of the billboard from the lowest grade within the curtilage, shall be no higher than 18 feet for signs of 64 square feet in area or less and 22 feet for signs exceeding 64 square feet in area.
  - (e) Billboard Standards: A billboard, as defined in Section 17.6.03(1)(a), shall only be permitted on a lot or parcel that is devoted to another commercial or industrial use, and that has a legal status for such use, such as an existing nonconforming use or through a previously-granted conditional use permit. All billboards shall identify the owner of the land on which it is placed and the sign owner in letters at least 2 inches tall but not greater than 4 inches tall and include the sign owner's telephone number.

## 17.6.05 - RESIDENTIAL ZONING DISTRICT SIGN STANDARDS.

Within the SR Suburban Residential district, each of the RR Rural Residential districts, the MR Mixed Residential district, and the MH Manufactured/Mobile Home Park district, the following sign types are allowed, subject to the listed standards:

- (1) BUSINESS SIGN, ON-PREMISES (FOR PERMITTED BUSINESS AND INSTITUTIONAL USES).
  - (a) Permitted Sign Type(s): Freestanding sign, wall sign.

- (b) Maximum Permitted Number of Signs: One freestanding sign per lot or parcel or one wall sign per principal building.
  - (c) Maximum Permitted Area Per Sign: 32 square feet for all sign faces visible at any one time.
  - (d) Maximum Permitted Sign Height: 8 feet.
- (2) GROUP SIGN.
- (a) Permitted Sign Type(s): Freestanding sign.
  - (b) Maximum Permitted Number of Signs: One per development or one per entrance road for multiple lot projects.
  - (c) Maximum Permitted Area Per Sign: 32 square feet for all sign faces visible at one time.
  - (d) Maximum Permitted Sign Height: 8 feet.
- (3) DIRECTIONAL OR IDENTIFICATION SIGN, ON-PREMISES.
- (a) Permitted Sign Type(s): Freestanding sign, wall sign.
  - (b) Maximum Permitted Area Per Sign: 4 square feet for any one sign, as measured for all sign faces visible at one time.
- (4) TEMPORARY SIGN. Per the requirements of Section 17.6.07.
- (5) HOME OCCUPATION OR EXPANDED HOME OCCUPATION SIGN.
- (a) Permitted Sign Type(s): Freestanding sign, wall sign.
  - (b) Maximum Permitted Number of Signs: One per lot or parcel.
  - (c) Maximum Permitted Area Per Sign: 4 square feet for all sign faces visible at one time.
  - (d) Maximum Permitted Sign Height: 4 feet.
- (6) OFF-PREMISES DIRECTIONAL SIGN (INCLUDING DIRECTIONS TO A COTTAGE, RESORT, OR SIMILAR USE).
- (a) Permitted Sign Type(s): Freestanding sign.
  - (b) Maximum Permitted Number of Signs: One per lot or parcel.
  - (c) Maximum Permitted Area Per Sign: 2 square feet for each individual sign face visible at one time. No common posting sign structure shall exceed 100 square feet in total sign area and 14 feet in height.
  - (d) Maximum Permitted Sign Height: 8 feet, including structures that contain more than one sign.
  - (e) No off-premises sign for advertising purposes shall be allowed in a residential zoning district.

#### 17.6.06 - NONRESIDENTIAL ZONING DISTRICT SIGN STANDARDS. (Am. #2017-02-636)

Within the RE Recreation, PB Planned Business, GB General Business, CMU Crossroads Mixed Use, PI Planned Industrial, and GI General Industrial district, the following sign types are allowed, subject to the standards listed below.

- (1) BUSINESS SIGN, ON-PREMISES.
- (a) Permitted Sign Type(s): Freestanding sign, wall sign, projecting sign.
  - (b) Freestanding Sign Maximum Permitted Number of Signs: One freestanding sign per lot or parcel. On double frontage lots, as defined in Section 17.1.14, the business shall be allowed a second freestanding sign.
  - (c) Freestanding Sign Maximum Permitted Area Per Sign: Along 2-lane roads and highways, 100 square feet for any one sign as measured for all sign faces visible at any one time along the adjacent public roadway. Along 4-lane highways, 144 square feet for any one sign, as measured for all sign faces visible at any one time along the adjacent public roadway. This provision is intended to allow for V-shaped or L-shaped signs on corner lots.
  - (d) Freestanding Sign Maximum Permitted Sign Height: 22 feet along 2-lane roads and highways, 30 feet along 4-lane highways.
  - (e) Wall or projection sign Maximum Permitted Number of Signs: Any number of wall or projection signs may be installed on no more than 2 of the building faces. One wall sign be permitted on each side of a gas/service island canopy.
  - (f) Wall or projection sign Maximum Permitted Area of Signs: The total area of all wall or projection signs shall not exceed 15 percent of the total surface area of the wall on which signs are placed. Per gas/service island canopy, 9 square feet per wall sign.
- (2) GROUP SIGN.
- (a) Permitted Sign Type(s): Freestanding sign, wall sign.
  - (b) Maximum Permitted Number of Signs: One per development, but where a group sign is used there shall be one fewer on-premises business sign on each lot in the development than normally allowed under subsection (1). On double frontage lots, as defined in Section 17.1.14, the development shall be allowed a second freestanding sign.
  - (c) Maximum Permitted Area Per Sign: Along 2-lane roads and highways, 120 square feet for all sign faces visible at any one time. Along 4-lane

highways, 180 square feet for any one sign, as measured for all sign faces visible at any one time.

(d) Maximum Permitted Sign Height: 22 feet.

(3) DIRECTIONAL OR IDENTIFICATION SIGN, ON-PREMISES.

(a) Permitted Sign Type(s): Freestanding sign, wall sign.

(b) Maximum Permitted Area Per Sign: 16 square feet for any one sign, as measured for all sign faces visible at one time.

(4) TEMPORARY SIGN. Per the requirements of Section 17.6.07.

(5) HOME OCCUPATION OR EXPANDED HOME OCCUPATION SIGN. Same as standards for business sign, on-premises under subsection (1)

(6) OFF-PREMISES ADVERTISING SIGN (INCLUDING BILLBOARDS).

(a) Permitted Sign Type(s): Freestanding sign, wall sign.

(b) Maximum Permitted Number of Signs: One per lot or parcel. No billboard, as defined in Section 17.6.03(1)(a), may be placed closer than 5,000 feet to another billboard and no other type of off-premises advertising sign may be placed closer than 2,000 feet to another off-premises advertising sign.

(c) Maximum Permitted Area Per Sign:

1. Thirty-two square feet for all sign faces visible at one time where the nearest adjacent roadway is a County highway or town or city road.
2. Sixty-four square feet for all sign faces visible at any one time where the sign is set back less than 100 feet from the centerline of the nearest adjacent State or Federal highway.
3. One hundred forty-four square feet for all sign faces visible at any one time where the sign is set back between 100 and 200 feet from the centerline of the nearest adjacent State or Federal highway.
4. Two hundred twenty-five square feet for all sign faces visible at any one time where the sign is set back greater than 200 feet from the centerline of the nearest adjacent State or Federal highway.

(d) Maximum Permitted Sign Height:

1. The bottom of the sign face shall be not higher than 10 feet from the ground.
2. The top of the sign, as measured to the top of the highest extension of the billboard from the lowest grade within the curtilage, shall be no higher than 18 feet for signs of 64 square feet in area or less and 24 feet for signs exceeding 64 square feet in area.

(e) Billboard Standards: All billboards shall identify the owner of the land on which it is placed and the sign owner in letters at least 2 inches tall but not greater than 4 inches tall and include the sign owner's telephone number. All lighted billboards shall be downlit from the top of the billboard, and shall meet the standards in Section 17.5.04.

#### 17.6.07 - TEMPORARY SIGNS.

Temporary signs, as defined in Section 17.6.03(1)(j), may be erected without a sign permit. A maximum of 2 temporary signs may be displayed on any one lot or parcel at any one time. Any one lot or parcel is limited to a maximum of 4 temporary signs in any 12-month period, with the exception of political signs. No temporary sign shall count against the requirements for permanent signs. The following are allowable temporary signs:

- (1) REAL ESTATE SIGN. A sign located on a lot or parcel offered for sale, rent, lease or trade. Each such sign shall not [be] more than 9 square feet for residentially zoned properties and 32 square feet for all other properties. Real estate signs shall be removed upon the completion of the sale, rental, lease or trade.
- (2) CONSTRUCTION SIGN. One temporary project identification sign is permitted per lot or parcel for projects under construction. Each such sign shall not [be] more than 9 square feet for residentially zoned properties and 32 square feet for all other properties. Each sign shall be removed at completion of the project.
- (3) COMMERCIAL SIGN. One temporary commercial sign is permitted per lot or parcel at any one time. Temporary commercial signs typically indicate a special or seasonal sale, limited-time occurrence, or personal greeting. Each such sign shall not [be] more than 9 square feet for residentially zoned properties and 32 square feet for all other properties.
- (4) TEMPORARY EVENT, ON-PREMISES. For a temporary event of public interest, such as a neighborhood garage sale or fair operated by a nonprofit organization, on-premises temporary event signs may located upon the site of the event. Each such sign shall not be more than 32 square feet. Such signs shall not be erected more than 30 days before the event and shall be removed within 5 days after the event.
- (5) TEMPORARY EVENT, OFF-PREMISES. For a temporary event of public interest hosted by and/or held at an institutional facility, temporary off-premises directional signs are permitted. Each such sign shall not be over 32 square feet, except for banners placed over public streets with the approval of the agency with jurisdiction over that street. Such signs shall not be erected more than 30 days before the event and shall be

removed within 5 days after the event.

- (6) POLITICAL SIGN. Such sign shall not be erected more than 60 days before the election and shall be removed within 10 days after the election. The Zoning Administrator may enforce this provision against the property owner or political candidate or entity listed on the sign, as provided under the provisions of this chapter or Wisconsin law. Each such sign shall not be more than 9 square feet for residentially zoned properties and 32 square feet for all other properties.

#### 17.6.08 - STRUCTURAL AND MAINTENANCE REQUIREMENTS.

- (1) All signs shall be constructed and mounted so as to comply with the State of Wisconsin Building Code.
- (2) No sign or any part thereof, or anchor, brace, or guide rod shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe.
- (3) No sign or any part thereof, or anchor, brace or guide rod shall be attached, erected, or maintained which may cover or obstruct any door, doorway, or window of any building which may hinder or prevent ingress or egress, or which may hinder or prevent the raising or placing of ladders against such building in the event of fire.
- (4) All signs must be designed and constructed to withstand winds during typical Wisconsin storm events.
- (5) All permanent freestanding signs shall be securely anchored to a concrete base or footing extending at least 42 inches below the existing ground level, except for public and institutional street and directional signs installed in public rights-of-way or road easements.
- (6) No illuminated sign shall be erected at any location which is not designed, constructed and maintained to meet and maintained to conform with State Electrical Codes.
- (7) All signs and structures appurtenant thereto shall be maintained in a proper state of maintenance. Proper maintenance shall be the absence of loose materials (including peeling paint, paper or other material), the lack of excessive rust, the lack of excessive vibration or shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.
- (8) A sign which is improperly maintained, abandoned, unsafe or otherwise exists in violation of the structural and maintenance requirements of this section shall be repaired or removed by the sign permit holder or the owner of the property on which the sign is located within 3 months from the date the sign permit holder or sign or lot owner receives written notice from the Zoning Administrator of the problem. If the sign is not repaired to sufficiently address the problem or removed in that timeframe, the Zoning Administrator may have the sign removed and charge the costs of said removal to the owner of the sign or owner of the property on which the sign was located.

#### DIVISION 17.7 - NONCONFORMING USES AND SUBSTANDARD LOTS

##### 17.7.01 - NONCONFORMING USES AND STRUCTURES.

- (1) CONTINUANCE OF A NONCONFORMING USE OR STRUCTURE. Any nonconforming use or structure lawfully existing upon the effective date of this chapter, or amendments thereto, may be continued in a manner of operation existing upon such date, except as specified in this section. Uses and structures that are nuisances or present a hazard to the public health, safety, and welfare shall not be permitted to continue as nonconforming uses.
- (2) MAINTENANCE OF A NONCONFORMING USE OR STRUCTURE. The normal maintenance of a nonconforming structure, or of a structure or lot containing or related to a nonconforming use, is permitted without the requirement of a zoning permit. Such normal maintenance includes necessary nonstructural repairs, internal and external painting, decorating, drywalling, interior remodeling, paneling and the replacement of doors, windows, and other nonstructural components.
- (3) MODIFICATION OF A NONCONFORMING USE OR STRUCTURE. For the purposes of this section, the words "modification" and "addition" include any addition, structural modification, structural alteration, enclosure of deck or patio, change of roof pitch, replacement of roof trusses or rafters, replacement of foundational elements or similar components, rebuilding, or replacement of any such existing use or structure that may or may not result in an addition to the livable area, gross floor area, or building footprint. Modifications or additions to nonconforming structures or uses shall be permitted provided that they:
  - (a) Do not encroach into the minimum side yard in the zoning district or the minimum street yard as required in [Section 17.4.10](#), unless such modification involves the rebuilding of a nonconforming structure within its original footprint and to the original livable floor area specifications within that encroachment area.
  - (b) Do not increase the degree of nonconformity with respect to other dimensional or performance standards in this chapter.
  - (c) Meet all provisions of this chapter, Chapter 21, and §59.692(1s), Wis. Stats., if within the shoreland zone.
  - (d) Obtain a zoning permit under [Section 17.8.50](#).
- (4) DISCONTINUANCE OF A NONCONFORMING USE OR STRUCTURE. When any nonconforming use is discontinued for 12 consecutive months, or



is changed into a conforming use, the nonconforming use is no longer permitted and any future use of said structure or lot shall be in complete conformity with the provisions of this chapter. When any lawful nonconforming structure in any district is modified so as to be in conformance with the provisions of this chapter, any subsequent modification of said structure or building shall be in conformance with the provisions of this chapter.

- (5) STRUCTURES AND USES FOR WHICH A ZONING PERMIT HAS BEEN LAWFULLY GRANTED. Structures and uses for which a zoning permit has been lawfully granted prior to the effective date of this chapter or applicable amendments thereto, which will become nonconforming under the provisions of this chapter or amendments thereto, may be completed in accordance with the approved plans, provided that construction is started and completed in accordance with timeframes established under Section 17.8.50. Said structure or use shall thereafter be considered a legal nonconforming structure or use.
- (6) LANDS IN SHORELAND OR FLOODPLAIN OVERLAY ZONES. Chapter 21, Shoreland Zoning Ordinance, and Chapter 20, Floodplain Zoning Ordinance, may include provisions regarding nonconforming uses and structures in the shoreland zone and floodplain zones. In the event of conflict between applicable provisions of those chapters and the provisions in this section, the more restrictive provisions shall apply.

#### 17.7.02 - NONCONFORMING SIGNS.

- (1) NONCONFORMING SIGNS. Signs lawfully existing at the time of the adoption or amendment of this chapter may be continued although the use, size, or location does not conform with the provisions of this chapter (see in particular Division 17.6). Such signs shall be treated as nonconforming structure, subject to the provisions of Section 17.7.01. In addition, no nonconforming sign shall be structurally altered or moved to a new location without being brought into compliance with the requirements of Division 17.6.
- (2) SIGNS FOR NONCONFORMING USES OR STRUCTURES. Business signs on the same lot as a nonconforming use or structure may be continued, but new signs for such uses shall not be allowed, nor shall signs in such situations expand in number, area, height, or illumination. New signs, not to exceed the sign areas under Division 17.6, may be erected only upon the complete removal of all other signs existing at the time of adoption of this chapter.

#### 17.7.03 - SUBSTANDARD LOTS.

- (1) LOTS CREATED AFTER ADOPTION OF THIS CHAPTER. No new lot shall be created which does not meet the dimensional requirements within the base zoning district in which it is located or as specified by subdivision ordinance, whichever is larger.
- (2) PROVISIONS FOR SUBSTANDARD LOTS SERVED BY PUBLIC SANITARY SEWER SERVICE.
- (a) A lot which was part of a plat or certified survey map, or was otherwise recorded in the County Register of Deed's office before November 1, 1968, may be used as a building site for a single-family dwelling (or a use of similar intensity in a nonresidential zoning district) upon the issuance of a zoning permit, subject to the following conditions:
1. Such use is permitted in the base zoning district in which the lot is located.
  2. The minimum lot area shall be at least 7,500 square feet and the minimum lot width shall be at least 50 feet.
  3. All dimensional requirements of this chapter shall be complied with insofar as practical.
- (b) A lot which was part of a plat or certified survey map, or was otherwise recorded as a lot of record in County Register of Deed's office between November 1, 1968 and December 21, 2004 may be used as a building site for a single family dwelling (or a use of similar intensity in a nonresidential zoning district) upon the issuance of a zoning permit, subject to the following conditions:
1. Such use is permitted in the base zoning district in which the lot is located.
  2. The minimum lot area shall be at least 10,000 square feet and the minimum lot width shall be at least 65 feet at the building line and 65 feet at the water line when located on navigable waters.
  3. All dimensional requirements of this chapter shall be complied with insofar as practical.
- (3) PROVISIONS FOR SUBSTANDARD LOTS NOT SERVED BY PUBLIC SANITARY SEWER SERVICE.
- (a) A lot which was part of a plat or certified survey map, or was otherwise recorded in the County Register of Deed's office before November 1, 1968, may be used as a building site for a single-family dwelling (or a use of similar intensity in a nonresidential zoning district) upon the issuance of a zoning permit, subject to the following conditions:
1. Such use is permitted in the base zoning district in which the lot is located.
  2. The minimum lot area shall be at least 10,000 square feet and the minimum lot width shall be 65 feet at the building line and 65 feet at the waterline when located on navigable waters.
  3. All dimensional requirements of this chapter shall be complied with insofar as practical.
- (b) A lot which was part of a plat or certified survey map, or was otherwise recorded as a lot of record in County Register of Deed's office between November 1, 1968 and April 16, 1991, may be used as a building site for a single-family dwelling (or a use of similar intensity in a

nonresidential zoning district) upon the issuance of a zoning permit, subject to the following conditions:

1. Such use is permitted in the base zoning district in which the lot is located.
  2. The minimum lot area shall be at least 20,000 square feet and the minimum lot width shall be 80 feet at the building line and 100 feet at the waterline when located on navigable waters, except as may be otherwise allowed in Chapter 21.
  3. All dimensional requirements of this chapter shall be complied with insofar as practical.
- (c) A lot which was part of a plat or certified survey map, or was otherwise recorded as a lot of record in County Register of Deed's office between April 17, 1991 and December 21, 2004, may be used as a building site for a single-family dwelling (or a use of similar intensity in a nonresidential zoning district) upon the issuance of a zoning permit, subject to the following conditions:
1. Such use is permitted in the base zoning district in which the lot is located.
  2. The minimum lot area shall be at least 30,000 square feet and the minimum lot width shall be 100 feet at the building line and 150 feet at the waterline when on navigable waters, except as may be otherwise allowed in Chapter 21.
  3. All dimensional requirements of this chapter shall be complied with insofar as practical.
- (4) OTHER SUBSTANDARD LOTS. A zoning permit for the improvement of a lot having lesser dimensions than those stated in subsections (2) and (3) or for another use on a substandard lot aside from a single-family dwelling (or a use of similar intensity in a nonresidential zoning district) shall be issued only after the granting of a variance by the Zoning Board of Adjustment.
- (5) LANDS IN SHORELAND OR FLOODPLAIN OVERLAY ZONES. Chapter 21, Shoreland Zoning Ordinance, and Chapter 20, Floodplain Zoning Ordinance, may include provisions regarding substandard lots in those respective zones. In the event of conflict between those chapters and the provisions in this section, the more restrictive provisions shall apply.

#### DIVISION 17.8 - PROCEDURES AND ADMINISTRATION

##### 17.8.01 - PURPOSE.

The purpose of this chapter is to establish:

- (1) Responsibilities for administration of this chapter;
- (2) Procedural requirements for zoning text amendments, zoning map amendments, conditional use permits, site plan review, variance requests, appeals, zoning permits, and density-based zoning tracking; and
- (3) Enforcement procedures and penalties for noncompliance.

##### 17.8.10 - ZONING ADMINISTRATOR.

- (1) ESTABLISHMENT. The Zoning Administrator is hereby designated as the administrative and enforcement officer for the provisions of this chapter.
- (2) DUTIES AND RESPONSIBILITIES. The general duty of the Zoning Administrator is to interpret and administer this chapter, Chapter 18, Chapter 20, Chapter 21, and Chapter 22. The Zoning Administrator shall have the following specific duties and responsibilities:
  - (a) Conduct on-site inspections of buildings, structures, waters, and land to determine compliance with all provisions of this chapter and those other chapters listed above.
  - (b) Be permitted access to premises and structures between 8:00 a.m. and 6:00 p.m., or such other time agreed to by all parties involved, to make inspections to ensure compliance with this chapter. If refused entry after presentations of his identification, he may procure a special inspection warrant in accordance with Wisconsin Statutes.
  - (c) Maintain permanent and current records of this chapter, including but not limited to all maps, amendments, conditional use permits, zoning permits, site plans, variances, appeals, inspections, interpretations, applications, density-based zoning tracking, and other official actions.
  - (d) Advise applicants for development approvals on the provisions of this chapter and assist applicants, to the extent practical, in preparing required permit applications.
  - (e) Receive, file and forward all applications for all procedures governed by this chapter to the designated official review and approval bodies, along with all appropriate technical information and/or reports to assist such bodies in making their decisions.
  - (f) Provide primary staff support to the Land Services Committee and the Zoning Board of Adjustment, including the scheduling of public hearings and other meetings and site visits and the recording of the actions, recommendations, and minutes of such bodies. (Am. #2018-05-659)

- (g) Issue zoning permits, and administer paperwork for all other development approvals described in this division.
- (h) Review and approve site plans for land uses that are permitted by right under this chapter prior to the issuance of zoning permits for such uses.
- (i) Make interpretations regarding the provisions of this chapter in a manner that is consistent with the purpose of this chapter, the applicable chapter section(s), and the comprehensive plan. An interpretation may be requested by the owner(s) of a property, the Land Services Committee, or the County Board, or an interpretation may be initiated by the Zoning Administrator. All interpretations are subject to appeal to the Zoning Board of Adjustment per the procedures in Section 17.8.65. (Am. #2018-05-659)
- (j) Make available to the public, to the fullest extent possible, all reports, documents, and maps concerning the County's comprehensive plan and ordinances. The Zoning Administrator may set fees necessary to recover the cost of providing such information.
- (k) Investigate all complaints made relating to the location and use of structures, lands, and waters and fulfill enforcement functions proscribed under Section 17.8.80.
- (l) Prohibit the use of land or placement of any structure until he has inspected and approved such use or placement.
- (m) Inspect and approve new well locations and private on-site and group waste treatment systems prior to their use, per the provisions of Chapter 22 of the Lincoln County Code of Ordinances.

#### 17.8.11 - LAND SERVICES COMMITTEE. (Am. #2018-05-659)

- (1) ESTABLISHMENT. The Land Services Committee, as established under §59.69, Wis. Stats., is the County agency with primary responsibility over this chapter. See also Section 2.07(5) of the Lincoln County Code of Ordinances. (Am. #2018-05-659)
- (2) DUTIES AND RESPONSIBILITIES. The Land Services Committee shall have the following specific duties and responsibilities pertaining to this chapter: (Am. #2018-05-659)
  - (a) Advise the County Board on appropriate amendments and updates to the comprehensive plan, following procedures established under §§59.69 and 66.1001, Wis. Stats., and within the comprehensive plan.
  - (b) Hear advice from the Zoning Administrator and others on desirable amendments to the text of this chapter or the Official Zoning Map, and initiate amendments as it deems appropriate, following the procedures in Sections 17.8.20 and 17.8.25.
  - (c) Advise the County Board on appropriate amendments to the text of this chapter or to the Official Zoning Map, following procedures established under §59.69, wis. Stats., and in Sections 17.8.20 and 17.8.25.
  - (d) Review and decide on requests for conditional use permits, including associated site plans where required, following the procedures in Section 17.8.30.
  - (e) Oversee the work program and budget for the Zoning Administrator and his office.
  - (f) Advise the Zoning Administrator on enforcement of the provisions of this chapter and on other matters as requested by the Zoning Administrator.
  - (g) Satisfy other duties assigned or referred by the County Board or Wisconsin Statutes.
- (3) RECORDING OF ACTIONS. All actions and recommendations of the Land Services Committee shall be in writing. A recording thereof in the Committee's minutes may constitute the required written action or recommendation. (Am. #2018-05-659)

#### 17.8.12 - ZONING BOARD OF ADJUSTMENT.

- (1) ESTABLISHMENT. A Zoning Board of Adjustment is hereby established. The Zoning Board of Adjustment shall consist of 3 members and 2 alternate members appointed by the Chair of the County Board, subject to the approval of the County Board, according to procedures established under §59.694(2), Wis. Stats. The 2 alternate members shall be appointed for staggered 3-year terms. The Chair of the County Board shall annually designate one of the alternate members as the first alternate and the other as the second alternate and such alternates shall have the authority as designated in §59.694(2)(am), Wis. Stats. The Board of Adjustment shall appoint a chair and other officers and shall adopt such rules as it deems necessary, following all applicable requirements under §59.694, Wis. Stats. (Am. # 2021-12-709)
- (2) DUTIES AND RESPONSIBILITIES. The Zoning Board of Adjustment shall have the following specific duties and responsibilities pertaining to this chapter, Chapter 20, Chapter 21, and Chapter 22 of the Lincoln County Code:
  - (a) Hear and decide appeals where it is alleged that there is an error in any interpretation, order, requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this chapter, Chapter 20, Chapter 21, or Chapter 22 of the Lincoln County Code.
  - (b) Hear and decide appeals where it is alleged that there is an error in any decision of the Land Services Committee related to a conditional use permit request, with such review limited to determining whether the Committee's action considered the appropriate standards and met the requirements of this chapter, as opposed to the Board of Adjustment conducting a de novo review. (Am. #2018-05-659)

(c) Authorize such variances from the terms of this chapter as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and value secured, and substantial justice done.

(3) RECORDING OF ACTIONS.

(a) 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 of the Zoning Administrator, and shall be a public record.

(b) The final disposition of an appeal or variance application to the Board of Adjustment shall be in a form of a written decision signed by both the Chair and Secretary of the Board. Such decision shall state the specific facts that are the basis for the Board of Adjustment's decision; shall either affirm, reverse, or modify any order, requirement, interpretation, or any determination of the Zoning Administrator or, in the case of an appealed decision on a conditional use permit, the Land Services Committee; shall specify any required conditions of approval; and shall specify the extent of any variance granted. (Am. #2018-05-659)

(c) The Zoning Administrator shall, within 10 days of any decision of the Board of Adjustment, transmit a signed copy of the written decision of the Board of Adjustment to the applicant and, if the action affects resources under its jurisdiction, the appropriate office of WisDNR.

(4) REVIEW BY COURT OF RECORD. Any persons aggrieved by any decision of the Board of Adjustment may appeal the decision by filing an action in certiorari in the Lincoln County Circuit Court within 30 days of the decision, setting forth that such decision is illegal and specifying the grounds of the illegality. Lincoln County assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30-day period.

17.8.20 - AMENDMENT OF ZONING PROVISIONS (TEXT AMENDMENT).

(1) PURPOSE. The purpose of this section is to provide procedures for the review of proposed amendments to the provisions of this chapter not including the Official Zoning Map. The County Board may from time to time amend, remove, or add to such provisions in the manner provided by §59.69, Wis. Stats., including town consent provisions described below.

(2) PETITION. Amendments to one or more provisions of this chapter shall be initiated by the filing of a petition on a form provided by the Zoning Administrator. Such petition may be filed by any property owner affected by the provision of this chapter, the town board of any town in which the provision is in effect, any member of the County Board, or the Land Services Committee. To be determined complete by the Zoning Administrator, the petition shall include: (Am. #2018-05-659)

(a) The current provision(s) of this chapter proposed to be amended or deleted;

(b) The text proposed to replace the current provision(s) of this chapter. The petitioner is encouraged to consult with the Zoning Administrator in advance of preparing such text to ensure that it is in proper format;

(c) Written justification for the proposed amendment, consisting of the reasons why the amendment is in harmony with the purposes of this chapter, the division or section in which the amendment is proposed, and the comprehensive plan; and

(d) The required review fee, as provided through the fee schedule approved annually by the Land Services Committee. (Am. #2018-05-659)

(3) ZONING ADMINISTRATOR REPORT. The Zoning Administrator or his designee shall prepare a report on the petition, evaluating it based on its harmony with the purposes of this chapter, the division or section in which the amendment is proposed, the comprehensive plan, State and Federal law, and sound planning and zoning principles. The Zoning Administrator may contact the petitioner to inquire whether certain changes to the petition may be desired in light of this evaluation prior to the formal review process described below.

(4) PUBLIC HEARING. Per §59.69(5)(e)2, Wis. Stats., the Zoning Administrator shall cause to be scheduled and noticed a public hearing before the Land Services Committee. Not less than 10 days before the public hearing, the Zoning Administrator shall mail the petition and a public hearing notice to the Land Services Committee, the County Clerk, the petitioner, the clerks of all affected towns, the owner or operator of any airport if the petition would affect an airport affected area under §62.23(6)(am), Wis. Stats., the appropriate district office of WisDNR if required under subsection (9) below, and other interested parties on a request basis. The Zoning Administrator's report shall also be provided to the Land Services Committee and petitioner in advance of the hearing, and to other interested parties on a request basis. (Am. #2018-05-659)

(5) TOWN ACTION. If a town affected by the proposed amendment disapproves of the proposed amendment, the town shall file a certified copy of a resolution adopted by the town board disapproving of the proposed amendment with the Zoning Administrator. The procedures, required timeframes, and effects of town action shall be as specified in §59.69(5)(e), Wis. Stats.

(6) COMMITTEE RECOMMENDATION. As soon as possible following the public hearing and the passage of the allowable timeframe for town action in §59.69(5)(e), Wis. Stats., the Committee shall recommend whether the County Board should approve, approve with further changes, or disapprove the proposed amendment advised by the petition. The procedures shall be as specified in §59.69(5)(e), Wis. Stats.

(7) COUNTY BOARD ACTION. Following the recommendation of the Committee, the County Board shall act to enact by ordinance, enact by

ordinance including further modifications, disapprove the proposed amendment advised by the petition, or refer said amendment back to the Committee for further consideration.

- (8) EFFECTIVE DATE AND SUBSEQUENT STEPS. If the Board approves an amendment advised by the petition as originally presented (without further modifications), and the petition was not disapproved by a majority of affected towns, it shall become effective upon passage of the associated ordinance. If the Board enacts the proposed amendment with modifications from the petition, the procedures for further town action shall be as proscribed in §59.69(5)(e), Wis. Stats. The County Clerk shall forward copies of all actions of the County Board on proposed amendments to parties and shall record such actions as specified in §59.69, Wis. Stats.
- (9) AMENDMENTS AFFECTING LANDS IN THE W WETLAND, SW SHORELAND-WETLAND, AND S SHORELAND DISTRICTS. The Zoning Administrator shall provide to appropriate district office of WisDNR, in addition to the information supplied to it under subsection (4) above, a copy of every petition for proposed text amendments affecting the W Wetland, SW Shoreland-Wetland, and S Shoreland overlay districts within 5 days of the filing of the petition, at least 10 days prior to the public hearing on the petition (including the public hearing notice), and within 10 days after the County Board's decision on the proposed amendment (including the Board's decision). A text amendment affecting the W or SW districts may not be enacted by the County Board if the proposed amendment may result in a significant adverse impact upon any of the following:
- (a) Storm and floodwater storage capacity.
  - (b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland.
  - (c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
  - (d) Shoreline protection against soil erosion.
  - (e) Fish spawning, breeding, nursery or feeding grounds.
  - (f) Wildlife habitat.
  - (g) Areas of special recreational, scenic or scientific interest, including scarce wetland types.
- (10) EFFECT OF DENIAL. No petition which has not been enacted under this section shall be resubmitted for a period of 12 months from the date of final County Board action, except on grounds of new evidence or proof of change of factors found valid by the Land Services Committee. (Am. #2018-05-659)

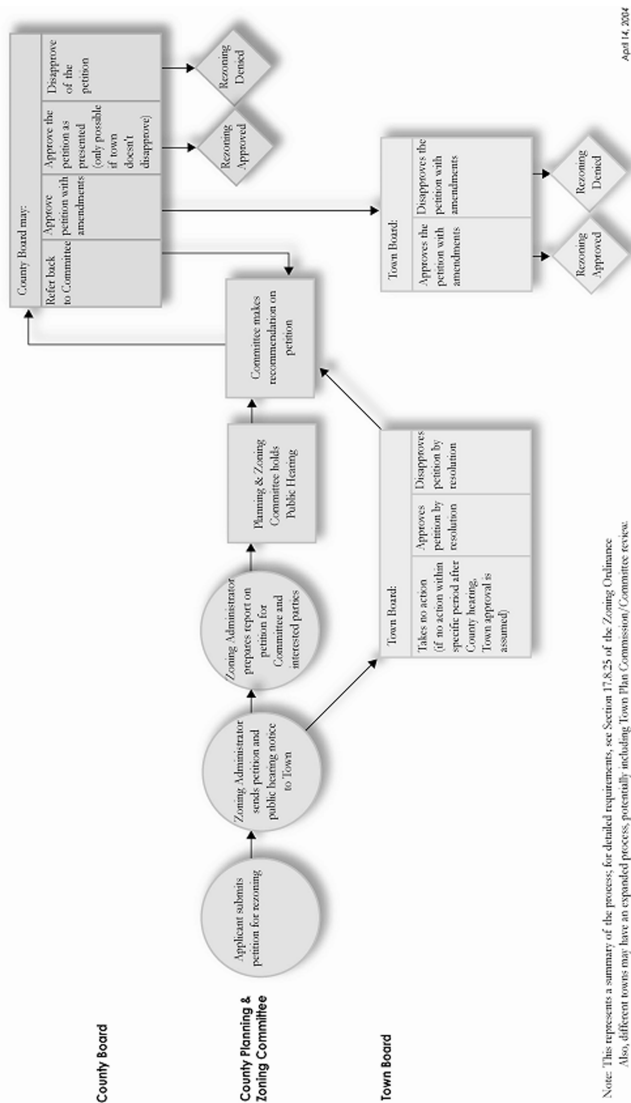
#### 17.8.25 - AMENDMENT OF OFFICIAL ZONING MAP (REZONING).

- (1) PURPOSE. The purpose of this section is to provide procedures for the review of proposed amendments to the Official Zoning Map (rezonings). The County Board may from time to time amend the Official Zoning Map in the manner provided by §59.69, Wis. Stats., including affected town consent provisions described below.
- (2) PETITION. Amendments to the Official Zoning Map shall be initiated by the filing of a petition on a form provided by the Zoning Administrator. Such petition may be filed by any property owner in the area affected by the proposed amendment, the town board of the town in which the map amendment is proposed, any member of the County Board, or the Land Services Committee. To be determined complete by the Zoning Administrator, the petition shall include: (Am. #2018-05-659)
- (a) A legal description covering all lands for which the zoning is proposed to be amended;
  - (b) A scaled map, not larger than 11" x 17" or 3 copies if larger, showing all lands for which the zoning is proposed to be amended, and all other lands within 300 feet of the boundaries of such lands, together with the current zoning and names and addresses of the owners of all lands on said map as they appear on the current records of the Register of Deeds;
  - (c) Written justification for the proposed map amendment, consisting of the reasons why the amendment is in harmony with the purposes of this chapter, the division or section in which the amendment is proposed, and the comprehensive plan;
  - (d) The required review fee, as provided through the fee schedule approved annually by the Land Services Committee; and (Am. #2018-05-659)
  - (e) A complete site plan submittal per Section 17.8.40 and/or a preliminary plat per Chapter 18, if one or both of the following circumstances is applicable:
    1. If the town board of the affected town has passed a resolution requiring the submittal of a site plan or preliminary plat with all or certain petitions for Official Zoning Map amendments. In such case, the petitioner shall also submit the site plan or preliminary plat directly to the town.
    2. If the petition is requesting the rezoning of land to the PD Planned Development district as described in Section 17.2.70. Such petitions shall also include an indication of the proposed dimensional standards for the development that are listed in Section 17.2.70(4), an indication of any other normal standards of this chapter for which a waiver is sought, and any other information requested by the Zoning Administrator to allow the proper evaluation of such a request.
- (3) ZONING ADMINISTRATOR REPORT. The Zoning Administrator or his designee shall prepare a report on the petition, evaluating it based on its

harmony with the purposes of this chapter, the comprehensive plan, State and Federal law, sound planning and zoning principles, and changed factors affecting the area. The Zoning Administrator may contact the petitioner to inquire whether certain changes to the petition may be desired in light of this evaluation prior to the formal review process described below.

- (4) PUBLIC HEARING. Per §59.69(5)(e)2, Wis. Stats., the Zoning Administrator shall cause to be scheduled and noticed a public hearing before the Land Services Committee. Not less than 10 days before the public hearing, the Zoning Administrator shall mail the petition and a public hearing notice to the Land Services Committee, the County Clerk, the County Board member representing the district, the petitioner, the clerk of the affected town, the owners of all properties within 300 feet of all edges of the proposed map amendment area, the owner or operator of any airport if the petition would affect an airport affected area under §62.23(6)(am), Wis. Stats., the appropriate district office of WisDNR if required under subsection (9) below, and other interested parties on a request basis. The Zoning Administrator's report shall also be provided to the Land Services Committee and petitioner in advance of the hearing, and to other interested parties on a request basis. (Am. #2018-05-659)
- (5) TOWN ACTION. If the town within which the proposed Official Zoning Map amendment is located disapproves of the proposed amendment, the town shall file a certified copy of a resolution adopted by the town board disapproving of the proposed amendment with the Zoning Administrator. The procedures, required timeframes, and effects of town action shall be as specified in §59.69(5)(e), Wis. Stats.
- (6) COMMITTEE RECOMMENDATION. As soon as possible following the public hearing and the passage of the allowable timeframe for town action in §59.69(5)(e), Wis. Stats., the Committee shall recommend whether the County Board should approve, approve with further changes, or disapprove the proposed map amendment advised by the petition. The procedures shall be as specified in §59.69(5)(e), Wis. Stats. A special meeting of the Land Services Committee to hear rezoning requests may be called by the Committee chair upon written request and payment of a special meeting fee established by the Committee. (Am. #2018-05-659)
- (7) COUNTY BOARD ACTION. Following the recommendation of the Committee, the County Board shall act to enact by ordinance, enact by ordinance including further modifications, or disapprove the proposed map amendment advised by the petition, or refer said amendment back to the Committee for further consideration.
- (8) EFFECTIVE DATE AND SUBSEQUENT STEPS. If the County Board approves the map amendment advised by the petition as originally presented (without further modifications), and the petition was not disapproved by the affected town board, it shall become effective upon passage of the associated ordinance. If the County Board enacts the proposed amendment with modifications from the petition, the procedures for further town action shall be as proscribed in §59.69(5)(e), Wis. Stats. The County Clerk shall forward copies of all actions of the County Board on proposed map amendments to parties and shall record such actions, as specified in §59.69, Wis. Stats. In the case of rezoning to the PD Planned Development district, the property may only be developed in accordance with the site plan and/or preliminary plat also approved as part of the request. The PD zoning district allows the County Board to waive certain provisions generally applicable in other zoning districts without requiring a variance.
- (9) AMENDMENTS AFFECTING LANDS IN THE W WETLAND, SW SHORELAND-WETLAND, AND S SHORELAND DISTRICTS. The Zoning Administrator shall provide to appropriate district office of WisDNR, in addition to the information supplied to it under subsection (4) above, a copy of every petition for proposed map amendments affecting the W Wetland, SW Shoreland-Wetland, and S Shoreland overlay districts within 5 days of the filing of the petition, at least 10 days prior to the public hearing on the petition (including public hearing notice), and within 10 days after the County Board's decision on the proposed amendment (including the Board's decision). A map amendment affecting the W or SW districts may not be enacted by the County Board if the proposed amendment may result in a significant adverse impact upon any of the following:
  - (a) Storm and floodwater storage capacity.
  - (b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland.
  - (c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
  - (d) Shoreline protection against soil erosion.
  - (e) Fish spawning, breeding, nursery or feeding grounds.
  - (f) Wildlife habitat.
  - (g) Areas of special recreational, scenic or scientific interest, including scarce wetlands.
- (10) EFFECT OF DENIAL. No petition which has not been enacted under this section shall be resubmitted for a period of 12 months from the date of final County Board action, except on grounds of new evidence or proof of change of factors found valid by the Land Services Committee. (Am. #2018-05-659)

**Summary of Lincoln County Rezoning Process**



Note: This represents a summary of the process; for detailed requirements, see Section 17.8.25 of the Zoning Ordinance. Also, different towns may have an expanded process, potentially including Town Plan Commission/Committee review.

**COUNTY REZONING PROCESS**

**17.8.30 - CONDITIONAL USE REVIEW AND APPROVAL PROCEDURE.**

- (1) PURPOSE. (Am. #2006-11-491) The purpose of this section is to specify the procedures and standards for the review of conditional use permit requests, and amendments to grandfathered conditional uses and conditional use permits previously granted. Refer to Wis. Adm. Code ATPC 51, Subchapter III, for conditional use review and application procedures applicable to certain livestock facilities covered by those rules.
- (2) PETITION. Requests for approval or required amendment of a conditional use permit shall be initiated by the filing of a petition on a form provided by the Zoning Administrator. Such petition may be filed by the owner of the property on which the conditional use permit is requested, or by a representative of the property owner with the owner's written consent. No later than 5 days of its submittal to the Zoning Administrator, the applicant shall transmit 2 identical copies of the petition and all applicable materials to the clerk of the town in which the proposal lies. To be determined complete by the Zoning Administrator, the petition shall include:
  - (a) A legal description covering all lands for which the conditional use permit is sought;
  - (b) A scaled map, not larger than 11" x 17" or 3 copies if larger, showing all lands for which the conditional use permit is sought, and all other lands within 300 feet of the boundaries of such lands, together with the names and addresses of the owners of all lands on said map as they appear on the current records of the Register of Deeds;
  - (c) Written justification for the proposed conditional use permit, consisting of the petitioner's evaluation of the request against the standards for granting a conditional use permit as established in subsection (7) below;
  - (d) A complete site plan submittal per Section 17.8.40, and including a signature line to be completed by the appropriate town denoting town action;
  - (e) Other pertinent information as requested by the Zoning Administrator to determine if the proposed use meets the requirements of this chapter; and

- (f) The required review fee, as provided through the fee schedule approved annually by the Land Services Committee. (Am. #2018-05-659)
- (3) ZONING ADMINISTRATOR REPORT. The Zoning Administrator or designee shall prepare a report on the petition, evaluating it based on its harmony with the purposes of this chapter, the comprehensive plan, State and Federal law, sound planning and zoning principles, and standards within the Zoning Ordinance. The Zoning Administrator may contact the petitioner to inquire whether certain changes to the petition may be desired in light of this evaluation prior to the formal review process described below. (Am. #2018-05-659)
- (4) PUBLIC HEARING. The Zoning Administrator shall cause to be scheduled and noticed a public hearing before the Land Services Committee. Not less than 10 days before the public hearing, the Zoning Administrator shall mail the petition and a public hearing notice to the Land Services Committee, the petitioner (and property owner if different), the clerk of the affected town, the owners of all properties within 300 feet of all edges of the lot or parcel that would contain the conditional use, the owner or operator of any airport if the petition would affect an airport affected area under §62.23(6)(am), Wis. Stats., the appropriate district office of WisDNR if required under subsection (8) below, and other interested parties on a request basis. The Zoning Administrator's report shall also be provided to the Land Services Committee and petitioner in advance of the hearing, and to other interested parties on a request basis. (Am. #2018-05-659)
- (5) TOWN RECOMMENDATION. The town within which a proposed conditional use permit is located may offer a recommendation to the Committee on whether to approve such request as presented, approve such request with conditions, or disapprove such request. Such town recommendation shall be in the form of a formal action of the town board, shall be signified by the addition of a town signature by an authorized town official on submitted plans, and shall be filed with the Zoning Administrator before or at the public hearing. The town may request one 30-day extension of the time required for a town recommendation. The Land Services Committee will not take action on the conditional use permit request until it receives a recommendation from the affected town board, or the town board indicates that it will not provide a recommendation, or a mutually agreed extension to the town review period elapses. (Am. #2018-05-659)
- (6) COMMITTEE ACTION. As soon as possible following the public hearing and the passage of the allowable timeframe for town action in subsection (5), the Committee shall approve as presented, approve with conditions, or disapprove of the conditional use permit request. The Committee shall review the application for conditional use, together with reports and recommendations from the Zoning Administrator, public safety officials, public hearing testimony, and other reviewing agencies. The Committee shall then make a determination on the conditional use application based on the substantial evidence, other requirements and standards of this ordinance. The Committee shall provide the reasons for its action, proof of the required notice of the public hearing, proof of required notification to the affected town, and any submitted town action. A special meeting of the Land Services Committee to hear conditional use permit requests may be called by the committee chair upon written request and payment of a special meeting fee established by the Committee. In the event the scope, range of uses, character, or geographic area of the conditional use permit request is substantially altered from the time of the town recommendation, the Committee shall refer the altered request back to the appropriate town for further consideration and action within 40 days of the Committee's referral. In the event that the scope, range of uses, or geographic area of the request is substantially increased from that noticed or presented at the public hearing, the Committee shall cause to be noticed and conduct an additional public hearing before taking action on the request. (Am. #2006-06-477; Am. #2018-05-659)
- (7) CONDITIONAL USE PERMIT STANDARDS. The applicant must demonstrate that the application and all requirements to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the county ordinance or those imposed by the Land Services Committee, the county shall grant the conditional use permit. (Am. #2018-05-659)

The Committee may impose reasonable conditions with the approval of a conditional use proposal, to the extent authorized by law as described in §59.69(5e)(2b), Wis. Stats. Conditions imposed shall meet all of the following requirements:

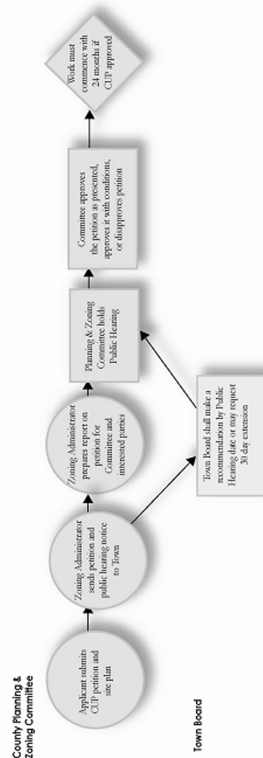
- (a) Conditions must be practical and measurable. (Am. #2018-05-659)
- (b) Any condition imposed must be related to the purpose of the ordinance, outlined in Section 17.3 regarding the specific land use and be based on substantial evidence. (Am. #2018-05-659)
- (c) Any condition must be reasonable and to the extent practicable, measurable and may include conditions such as the permits duration, transfer, or renewal. (Am. #2018-05-659)
- (d) The proposed conditional use will maintain compliance with the zoning standards and the county comprehensive land use plan, including town land use plans developed by individual towns and as incorporated in the county comprehensive land use plan. (Am. #2018-05-659)
- (e) The conditional use will meet all applicable standards of other divisions of this chapter, particularly any standard in Division 17.3, which is applicable to the particular conditional use being sought. (Am. #2018-05-659)
- (8) CONDITIONAL USE PERMITS AFFECTING LANDS UNDER WISDNR JURISDICTION. The Zoning Administrator shall provide to appropriate district office of WisDNR, in addition to the information supplied to it under subsection (4) above, a copy of every petition for a conditional use permit within the FW, FF, GFP, S, SW, and W within 5 days of the filing of the petition with the Zoning Administrator and written notice of the Committee's decision on the proposed conditional use permit within 10 days after it is issued. Final action on the petition shall not be taken for



30 days from the filing of the petition with WisDNR or until the WisDNR has made its recommendation, whichever comes first. The following additional standards, along with any included in Chapters 20 and 21 of the Lincoln County Code, shall be considered for conditional use permit requests in the FW, FF, GFP, S, SW, and W districts:

- (a) Storm and floodwater storage capacity.
  - (b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland.
  - (c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
  - (d) Shoreline protection against soil erosion.
  - (e) Fish spawning, breeding, nursery or feeding grounds.
  - (f) Wildlife habitat.
  - (g) Areas of special recreational, scenic or scientific interest, including scarce wetland types.
- (9) EFFECT OF DENIAL. No conditional use permit which has been disapproved under this section shall be resubmitted for a period of 12 months from the date of final Committee action, except on grounds of new evidence or proof of change of factors found valid by the Committee.
- (10) APPEALS OF COMMITTEE DECISIONS. If the Committee denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in §59.694(10), Wis. Stats. (Am. #2018-05-659)
- (11) RECORDING OF CONDITIONS. Each action taken with respect to a conditional use shall be duly recorded in the minutes of the Land Services Committee. The minutes shall record the findings of fact relative to each conditional use proposal, the grounds for the action taken, and any conditions imposed in conjunction with approval. (Am. #2018-05-659)
- (12) TIME LIMITS ASSOCIATED WITH CONDITIONAL USES. Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the Land Services Committee may impose conditions through the approval process, such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the Land Services Committee. (Am. #2018-05-659)
- (13) AMENDMENTS TO CONDITIONAL USES. Any expansion, structural change, or substantial alteration to a grandfathered conditional use shall require a new conditional use permit following the procedures and requirements of this section. Any substantial change to the nature or intensity of a use for which a conditional use permit was previously granted, or to a previously required condition of approval, shall require a new or amended conditional use permit following the procedures and requirements of this section.

Summary of Lincoln County Conditional Use (CUP) Permit Process



Note: This represents a summary of the process; for detailed requirements, see Section 17.8.30 of the Zoning Ordinance. Also, different towns may have an expanded process, potentially including Town Plan Commission/Committee review.

COUNTY CONDITIONAL USE PERMIT PROCESS

## 17.8.40 - SITE PLAN SUBMITTAL AND APPROVAL PROCEDURE.

- (1) PURPOSE. The purpose of this section is to specify the requirements and procedures for the review and approval of site plan applications. A site plan submittal must be made before a conditional use permit or zoning permit will be issued in the following zoning districts, except for single and two family dwellings as they may be permitted: MR, MH, RE, PB, CMU, PI, PD, H51. A site plan submittal must also be made where specifically required for the particular land use in Division 17.3.
- (2) SITE PLAN SUBMITTAL DOCUMENTS. Requests for site plan approval shall be initiated by the filing of a complete site plan submittal to the Zoning Administrator. Such submittal may be made by the owner of the property on which the site plan approval is requested, or by a representative of the property owner with the owner's written consent. The submittal shall include the following plans on one or more sheets, not larger than 11" x 17" or 3 copies of each if larger, unless the Zoning Administrator waives the submittal of one or more plans:
- (a) Site plan, drawn to scale of not less than one inch to 100 feet, and showing and labeling the date of preparation and revisions; land owner's name; north arrow; lot dimensions; adjacent public streets and rights-of-way; easement labels and locations; existing and proposed structures and their dimensions; parking and loading areas; any outdoor storage or dumpster areas; visual clearance triangles; distances between structures and lot lines, and between structures and other structures; distances between structures and the centerlines of abutting streets and highways; floodplain(s); wetland(s); shoreland zone boundaries; distance between structures and the ordinary high water mark of any abutting watercourse and the watermark as of the day of the sketch. See Sections 17.2.101 and 17.2.102 for dimensional standards and Sections 17.5.02 and 17.5.03 for traffic, parking, and loading standards.
  - (b) Landscape plan, showing an overhead view of all existing and proposed landscaping on the site. The location, species, size at time of planting, and mature size shall be indicated for all new plantings. See Section 17.5.05 for landscaping standards.
  - (c) Grading and drainage plan, showing existing and proposed surface elevations, and proposed erosion control and stormwater management provisions. Soils information may also be required. See Section 17.5.08 and Chapter 21 for erosion control and stormwater management standards.
  - (d) Utilities plan, showing existing and proposed locations and types of private well and on-site waste treatment systems, or connections to public sanitary sewer, water, and/or storm sewer. See Chapter 22 for sanitary standards.
  - (e) Building elevations, showing the dimensions, colors, and materials used on all exterior sides of the building(s). See Sections 17.2.101 and 17.2.102 for height standards.
  - (f) Sign plan, showing the location, height, dimensions, colors, materials, lighting and copy area of all signage. See Division 17.6 for sign standards.
  - (g) Lighting plan, showing the location, height, type, orientation, and power of all proposed exterior lighting. See Section 17.5.04 for exterior lighting standards.
- (3) ZONING ADMINISTRATOR ACTION-PERMITTED BY RIGHT USES. Prior to the issuance of a zoning permit for uses listed as permitted-by-right uses in the applicable zoning district, the Zoning Administrator shall review the submittal against the purposes and requirements of this chapter and either:
- (a) Approve the site plan submittal and the associated zoning permit, with conditions as necessary to ensure compliance with this chapter; or
  - (b) Advise the petitioner of any changes to the site plan submittal necessary to achieve compliance with this chapter and enable issuance of a zoning permit.
- (4) LAND SERVICES COMMITTEE ACTION-CONDITIONAL USES. Prior to the issuance of a conditional use permit for uses listed as conditional uses in the applicable zoning district, the Committee shall review the complete site plan submittal as one component of the overall conditional use permit process described in Section 17.8.30. (Am. #2018-05-659)

## 17.8.50 - ZONING PERMIT REVIEW AND APPROVAL PROCEDURE.

- (1) PURPOSE. The purpose of this section is to specify the requirements and procedures for the issuance of zoning permits. A zoning permit is required from the Zoning Administrator in the following instances:
- (a) Before any structure, as defined in Section 17.1.14, is erected, affixed, moved, or structurally altered to increase its floor area.
  - (b) Before the commencement of any structural modification or structural repair of an existing nonconforming structure, or to a structure housing a nonconforming use.
  - (c) Before the commencement of any ditching, lagooning, dredging, filling, grading as per Chapter 21 of the Lincoln County Code of Ordinances, paving, excavation, drilling, or deposition or extraction of earthen materials in the shoreland zone.
  - (d) Reserved. (Dltd. #2006-06-477)

- (e) Before any on-site waste treatment system is constructed or structurally altered, per the requirements of Chapter 22. The Zoning Administrator issue a sanitary permit instead of a zoning permit in such instances.
- (2) APPLICATION FOR A ZONING PERMIT. An application for a zoning permit shall be made to the Zoning Administrator. Such application may be made by the owner of the property on which the zoning permit is requested, or by a representative of the property owner with the owner's written consent. The application shall include the following data and supplementary materials:
- (a) A completed form, provided by the Zoning Administrator, including basic information on the owner and project to ensure compliance with this chapter;
  - (b) Legal description of the subject site by lot, block, and recorded subdivision or certified survey map, or by metes and bounds;
  - (c) If required under Section 17.8.40(1), a complete site plan submittal including all of the plans listed under Section 17.8.40(2). If a site plan is not required under Section 17.8.40(1), a sketch of the subject site meeting only the requirements of Section 17.8.40(2)(a);
  - (d) Proposed sewage disposal plan and well location meeting the requirements of Chapter 22 where municipal sewer and/or water service will not be provided;
  - (e) Written permit for highway access from the appropriate highway authority;
  - (f) If within the shoreland zone, other application materials as specified in Chapter 21;
  - (g) Other pertinent information as requested by the Zoning Administrator to determine if the proposed use meets the requirements of this chapter; and
  - (h) The required review fee, as provided through the fee schedule approved annually by the Land Services Committee. There shall be no separate zoning permit review fee required where the use also requires a conditional use permit, unless the conditional use permit involved the construction or placement of new structures. (Am. #2018-05-659)
- (3) AIRPORT HEIGHT LIMITATIONS. If the parcel for which a zoning permit is sought is within an airport height limitation zone, adopted pursuant to §§59.97, 59.99, and/or 114.136, Wis. Stats., the Zoning Administrator shall provide a copy of the application and associated materials to the airport operator to request comment in advance of the Zoning Administrator granting a zoning permit. No zoning permit shall be granted for a structure that is in violation of the requirements of a legally adopted airport height limitation zone.
- (4) TIME LIMITS ASSOCIATED WITH ZONING PERMITS. A zoning permit shall either be granted or denied in writing by the Zoning Administrator within 30 days of the filing of a complete application, unless other parallel processes (e.g., conditional use permit) require a longer review period. A zoning permit shall expire 24 months from the date issued if the work described in the permit is not commenced, unless a one-time, one-year extension is applied for, without fee, from the Zoning Administrator prior to the expiration date.

#### 17.8.51 - SHORT TERM RENTAL OF A RESIDENTIAL DWELLING—PERMIT REQUIRED (Cr. #2019-08-677)

- (1) PURPOSE. The purpose of this section is to ensure a short term rental operating in a residential dwelling within Lincoln County is adequate for protecting public health, safety and general welfare, including establishing minimum standards for human occupancy; determining the responsibilities of owners, and resident agents offering these properties for rent; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises as well as the surrounding community; and provisions for the administration and enforcement thereof.
- (2) APPLICABILITY. This section shall apply to all rentals of residential dwellings under county zoning for periods of 29 days or less, but shall not apply to monthly rentals. Rentals of residential dwellings less than 2 consecutive nights are prohibited. Does not include "bed and breakfast establishments," "hotels, motels, or lodging resorts," or "boarding houses." as defined in Chapter 17 of the Lincoln County Code of Ordinances.
- (3) DETERMINATION OF APPLICATION COMPLETENESS. The Land Services Department shall make a finding of completeness of the application. Applications determined to be complete will be approved and the permit shall be issued. Once approved, each permit shall be valid for a period of one year from permit issuance date.
- (4) OCCUPANCY. If the property is served by public sanitary sewer, occupancy is limited to the number of occupants authorized by the State tourist rooming house license issued by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection in accordance with Wisconsin Administrative Code ATCP 72. If the property is served by a POWTS, occupancy is limited to the number of occupants for which the POWTS was designed, or the occupancy granted by the State tourist rooming house license, whichever is less. No recreational vehicles, campers, tents, or other temporary lodging arrangements shall be permitted onsite as a means of providing additional accommodations for paying guests or other invitees.
- (5) SANITARY FACILITIES. Adequate sanitary facilities shall be provided. Non-plumbing sanitary systems such as composting toilets, incinerating toilets, privies, and portable restrooms are prohibited. If the property is not served by public sanitary sewer, a private onsite wastewater treatment system (POWTS) in full compliance with this Code and in accordance with Chapter 22, Lincoln County Code of Ordinances, and Wisconsin Administrative Code DSPS 383 must serve the property.

- (6) SOLID WASTE DISPOSAL. Trash and garbage removal shall be provided on an as needed basis. Such service shall be evidenced by a contract with a licensed garbage hauler or, if not contracted, by name of a private party responsible for weekly trash removal. Trash and garage receptacles must be available and secured from disturbance by wildlife.
- (7) PARKING. A minimum of 2 parking spaces shall be provided. No on-street parking for renters of the property will be allowed. Parking spaces must meet the standards set forth in Section 17.5.03(2) of the Lincoln County Zoning Code.
- (8) RESIDENT AGENT. A resident agent is required for all short-term rentals and shall meet the following requirements:
- (a) Be an adult person residing in or within a 50-mile radius of the location of the property or a corporate entity with offices located within a 50-mile radius of the property that is the subject of the application.
  - (b) Be authorized in writing by the owner to act as the agent for the owner for:
    1. The receipt of service of notice of violation of this section's provisions,
    2. Service of process pursuant to this Code, and
    3. To allow the county to enter the property permitted under this section for inspection and enforcement.
- (9) PROPERTY RENTAL RULES. A list of property rules must be posted at the property, provided to the guests and a copy submitted with the application for a permit. Property rules must include the following minimum information:
- (a) Maximum overnight occupancy of the rental.
  - (b) Contact information for the resident agent.
  - (c) Where to park vehicles.
  - (d) Outdoor burning regulations to follow current WIDNR and local fire warden restrictions.
  - (e) Non-emergency contact information for law enforcement and fire.
  - (f) If applicable, information on the location of the high water alarm for the POWTS, and procedure to follow if the alarm is activated.
  - (g) What to do with the garbage after the rental period is done.
  - (h) Pet policy.
  - (i) Local navigable water/ice information as it pertains to recreational purposes.
  - (j) Copy of the State of Wisconsin tourist rooming house license.
  - (k) Copy of the County short term rental permit.
  - (l) Copy of the issued Lincoln County Health Department rental license.
- (10) PERMIT (AND RENEWAL) APPLICATION AND FEES. Any property owner or person having a contractual interest in any residential dwelling within the jurisdiction of this chapter may file an application for a permit (or renewal) to offer for rent a short term rental with the Department at least 30 days in advance of the date the property is first offered for rent on forms furnished by the Department :
- (a) The application shall include the following prior to the issuance of a permit or permit renewal:
    1. Address and tax parcel number of the residential dwelling.
    2. Names and addresses of the applicant and owner of the dwelling
    3. Copy of State of Wisconsin tourist rooming house license.
    4. Name, address and phone number of a resident agent for the property and include the resident agent agreement form.
    5. Proposed overnight occupancy for the dwelling.
    6. Floor plan of all floors to be occupied in the dwelling, drawn neatly and accurately with dimensions clearly shown.
    7. Site plan drawn neatly and accurately of the parcel including but not limited to, lot lines, parking, and location of garbage collection areas.
    8. Copy of property rental rules.
    9. Schedule for refuse pickup and name of refuse hauler.
    10. Proof of adequate sanitation facilities.
    11. Proof of application for Lincoln County Health Department License (initial application)
    12. Copy of Lincoln County Health Department License (all renewals)
    13. Proof of no outstanding citations relating to land use, health/licensing codes, and POWTS on subject rental property.
  - (b) Any changes in ownership of the property, resident agent, or refuse hauler shall be forwarded to the Department within 10 days of the change.
  - (c) Permit fee schedule. The permit application fees shall be established by the Lincoln County Land Services Committee, according to

procedures set forth in the County Code of Ordinances, in a fee schedule and may, from time to time, be modified. The fees shall be related to costs involved in processing permit applications, permit renewal applications, reviewing plans, conducting inspections, and documentation. A schedule of the fees shall be available for review in the Lincoln County Land Service Department or on the County website.

- (d) Annual permit renewal and fees. Annual permit renewal shall occur from the date of the initial permit being issued and follow Section 17.8.51 (11)(a) through (c). Permit fees will be established and adjusted as provided through the fee schedule approved annually by the Land Services Committee.

(11) ENFORCEMENT OF PERMIT CONDITIONS AND PROCESS.

- (a) The owner of the property shall be notified of any noncompliance by the Department.  
 (b) The owner shall address the violation within 48 hours to the satisfaction of the Department.  
 (c) Continued operation of rental in violation of permit conditions may result in the issuance of a citation.

17.8.60 - VARIANCE REVIEW AND APPROVAL PROCEDURE.

- (1) PURPOSE. The purpose of this section is to provide regulations which enable the Board of Adjustment to hear and decide requests for permitted variation from the terms of this chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done; as provided for by Wisconsin Statutes and applicable case law. Variances shall not be required within the PD district to provisions for which the County Board granted waivers through the PD approval process.
- (2) APPLICATION FOR A VARIANCE. Proceedings for approval of a requested variance shall be initiated by an application of the owner(s) of the subject property to the Zoning Administrator. The application shall include:
- (a) A completed form, provided by the Zoning Administrator, including basic information applicable to the owner and the specific nature of the variance request;
- (b) Legal description of the subject site by lot, block, and recorded subdivision or certified survey map, or by metes and bounds;
- (c) A scaled map showing all lands for which the variance is sought, and all other lands within 300 feet of the boundaries of such lands, on a sheet not larger than 11" x 17" or 3 copies if larger, together with the names and addresses of the owners of all lands on said map as they appear on the current records of the Register of Deeds;
- (d) A sketch of the subject site meeting the requirements of Section 17.8.40(2)(a), and indicating where the variance is requested;
- (e) Written justification for the proposed variance, consisting of the petitioner's evaluation of the request against the standards for granting a variance as established in subsection (7) below;
- (f) Other pertinent information as requested by the Zoning Administrator to determine if the proposed request meets the requirements of this chapter; and
- (g) The required review fee, as provided through the fee schedule approved annually by the Planning and Zoning Committee.
- (3) ZONING ADMINISTRATOR REPORT. The Zoning Administrator or his designee shall prepare a report on the variance request, evaluating it based on its harmony with the purposes of this chapter, the comprehensive plan, State and Federal law, sound planning and zoning principles, and compliance with the standards in subsection (7) below. The Zoning Administrator may contact the petitioner to inquire whether certain changes to the petition may be desired in light of this evaluation prior to the formal review process described below.
- (4) PUBLIC HEARING. The Zoning Administrator shall cause to be scheduled and noticed a public hearing before the Board of Adjustment. Not less than 10 days before the public hearing, the Zoning Administrator shall mail the petition and a public hearing notice to the Board of Adjustment, the petitioner (and property owner if different), the clerk of the affected town, the owners of all properties within 300 feet of all edges of the lot or parcel that would require the variance, the owner or operator of any airport if the petition would affect an airport affected area under §62.23(6)(am), Wis. Stats., the appropriate office of WisDNR if the variance request is within the FW, FF, GFP, S, SW, or W zoning districts, and other interested parties on a request basis. The Zoning Administrator's report shall also be provided to the Board of Adjustment and petitioner in advance of the hearing, and to other interested parties on a request basis.
- (5) TOWN TESTIMONY. The town within which a proposed variance is sought may offer written or verbal testimony on whether to approve such request as presented, approve such request with conditions, or disapprove such request. Such town recommendation shall be in the form of a formal action or endorsement of the town board.
- (6) BOARD OF ADJUSTMENT ACTION. As soon as possible following the public hearing, the Board of Adjustment shall approve as presented, approve with conditions, or disapprove of the variance request. The Board shall evaluate the request against the standards included in subsection (7) below, and may consider all applicable information included in the petition, the Zoning Administrator's report, public testimony,

or its own investigations. In its action, the Board shall include findings of fact relative to its decision. A special meeting of the Board of Adjustment to hear variance requests may be called by the Board chair upon written request and payment of a special meeting fee established by the Planning and Zoning Committee.

- (7) VARIANCE STANDARDS. The Board of Adjustment shall review all variance requests against the standards provided under Wisconsin Statutes and applicable case law, and with the consideration to the following questions:
- (a) What exceptional or extraordinary conditions, circumstances, or special factors are present which apply only to the subject property, and which prevent compliance with ordinance standards? The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district or within the same area that prevent compliance with one or more ordinance standards.
  - (b) In what manner do the above conditions or circumstances unreasonably prohibit the development of the property from being used for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome with the requested variances? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.
  - (c) Would the granting of the proposed variance result in a substantial or undue adverse impact on adjacent properties, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare? The response to this question shall clearly indicate how the proposed variance will have no substantial or undue impact on these factors.
  - (d) Have the factors which present the reason for the proposed variance been created by the act of the applicant or previous property owner after the effective date of this chapter? The response to this question shall clearly indicate that such factors existed prior to the effective date of this chapter and were not created by action of the applicant or a previous property owner.
  - (e) Does the proposed variance involve the proposed use of the property? The response to this question shall clearly indicate that the requested variance does not involve the proposed use, as use variances are not permitted.
- (8) EFFECT OF DENIAL. No variance request which has been disapproved shall be resubmitted for a period of 12 months from the date of final Board of Adjustment action, except on grounds of new evidence or proof of changed factors found valid by the Board.
- (9) TIME LIMITS ASSOCIATED WITH VARIANCES. An approved variance shall expire 24 months from the date issued if the work described in the permit is not commenced, unless a one-time, one-year extension is applied for, without fee, from the Board of Adjustment prior to the expiration date.

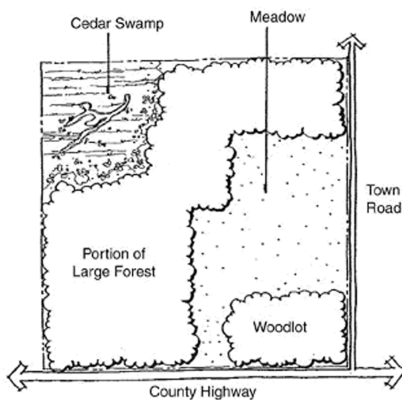
#### 17.8.65 - APPEALS OF ZONING INTERPRETATIONS.

- (1) PURPOSE. The purpose of this section is to provide regulations which enable the Board of Adjustment to hear and decide requests for appeals from the interpretations, orders, requirements, or decisions of the Zoning Administrator and conditional use permit decisions of the Planning and Zoning Committee, where it is alleged that there is an error in any decision as provided for by Wisconsin Statutes and applicable case law.
- (2) APPLICATION FOR AN APPEAL. Proceedings for an appeal may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the County affected by any decision of the Zoning Administrator. Any appeal must be made within a period not exceeding 30 days from the date of issuance of the interpretation, order, requirement, or decision of the Zoning Administrator. The appeal shall be initiated by an application to the Zoning Administrator, which shall include the following data and supplementary materials:
  - (a) A completed form, provided by the Zoning Administrator, including basic information on the specific nature of the interpretation, order, requirement, or decision of the Zoning Administrator, the reasons for the appeal of such action, and the remedy sought;
  - (b) Other pertinent information as requested by the Board of Adjustment to make a determination on the appeal; and
  - (c) The required review fee, as provided through the fee schedule approved annually by the Planning and Zoning Committee.
- (3) ZONING ADMINISTRATOR REPORT. The Zoning Administrator or his designee shall prepare a report on the appeal request, evaluating it based on its harmony with the purposes of this chapter and the applicable division or section, the comprehensive plan, State and Federal law, and sound planning and zoning principles; and shall provide rationale for the initial interpretation, order, requirement or decision that prompted the request.
- (4) PUBLIC HEARING. The Zoning Administrator shall cause to be scheduled and noticed a public hearing before the Board of Adjustment meeting the requirements of §59.694(7), Wis. Stats. Not less than 10 days before the public hearing, the Zoning Administrator shall mail the petition and a public hearing notice to the Board of Adjustment, the petitioner, and the appropriate office of WisDNR if the action affects resources under its jurisdiction. The Zoning Administrator's report shall also be provided to the Board of Adjustment and petitioner in advance of the hearing, and to other interested parties on a request basis.
- (5) BOARD OF ADJUSTMENT ACTION. As soon as possible following the public hearing, the Board of Adjustment shall reverse or affirm the

interpretation, order, requirement or decision, wholly or in part, or may modify the interpretation, order, requirement or decision. The Board shall evaluate the request based on its harmony with the purposes of this chapter and the applicable division or section, the comprehensive plan, State and Federal law, case law, and sound planning and zoning principles. In its action, the Board shall include findings of fact relative to its decision. A special meeting of the Board of Adjustment to hear appeals may be called by the Board chair upon written request and payment of a special meeting fee established by the Planning and Zoning Committee.

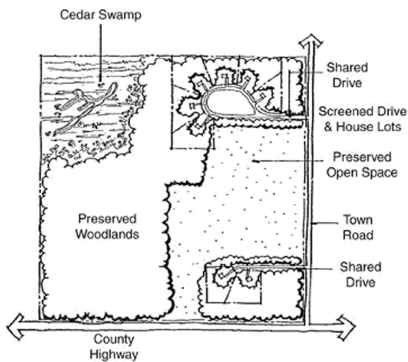
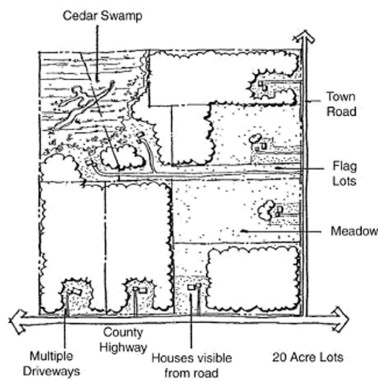
#### 17.8.70 - DENSITY-BASED ZONING TRACKING.

- (1) **PURPOSE.** This section provides standards for the tracking and calculation of allowable new dwelling units on parcels in the A, RL2, and RL4 zoning districts. These districts limit the overall density of new nonfarm dwelling units. While each of these zoning districts has a minimum lot size of 40,000 square feet, the A Agriculture district has a maximum development density of one new nonfarm dwelling unit per 35 contiguous acres of gross site area, the RL2 district has a maximum development density of 2 new nonfarm dwelling units per every 40 contiguous acres of gross site area, and the RL4 district has a maximum development density of 4 new nonfarm dwelling units per every 40 contiguous acres of gross site area.
- (2) **METHOD OF CALCULATION.** The following method shall be used to calculate the maximum permitted number of new dwelling units or equivalent principal uses (as described in subsection (4)) allowed in the A, RL2, and RL4 districts:
- (a) Determine the gross site area of the contiguous lands held in single ownership as of the date of adoption of this chapter. The terms "gross site area," "contiguous," and "single ownership" are as defined in Section 17.1.14. In the following graphic example, the gross site area is 160 acres, including lands in town and County road easements and in the cedar swamp.



#### DENSITY-BASED ZONING TRACKING

- (b) If the lands are zoned A Agriculture, divide the gross site area of the contiguous lands held in single ownership as of the date of adoption of this chapter by 35. If the lands are zoned RL2, divide the gross site area of the contiguous lands held in single ownership as of the date of adoption of this chapter by 20. If the lands are zoned RL4, divide the gross site area of the contiguous lands held in single ownership as of the date of adoption of this chapter by 10. This is the total number of new dwelling units or new equivalent principal uses (see subsection (4)(e)) that will be allowed on the lands from the effective date of this chapter forward. Round up if any fractional amount is equal to  $\frac{1}{2}$  or greater. In the example, assume the 160 acres is zoned RL2, which would allow a total of 8 new dwelling units.
- (c) Determine the total number of new dwelling units or equivalent principal uses that have been constructed on the contiguous lands held in single ownership since the date of adoption of this chapter. Dwelling units on lots that were divided off from the contiguous lands held in single ownership count in this total. In the example, assume that there had been one dwelling unit constructed on the lands since this chapter (the new zoning ordinance) was adopted. This means that 7 additional dwelling units could still be constructed within the boundaries of the contiguous lands held in single ownership as of the date of adoption of this chapter. These 7 additional dwelling units could be constructed in different configurations and lot sizes. The following graphics show 2 of several possible approaches of how the total of 8 dwelling units might be constructed on the example site if zoned RL2.



#### EXAMPLES OF DWELLING LOCATIONS

- (3) EFFECT OF LAND SALES. Changes and reconfigurations in ownership do not trigger new allotments of potential future dwelling units in the A, RL2, and RL4 districts. When land is sold or consolidated after the effective date of this chapter, the Zoning Administrator will use the following approaches in the order listed to determine how many (if any) potential future dwelling units were transferred along with the land:
- Any sales contracts or other recorded documents indicating how many potential future dwelling units (if any) are being transferred along with the land.
  - In the absence of a clearly understood sales contract or similar document, the Zoning Administrator will attempt to learn from all affected property owners the intent and keep a record of this intent for future use.
  - In the absence of a clearly understood sales contract or statement of intent, the Zoning Administrator will make a determination based on the best available evidence.
- (4) TREATMENT OF PREVIOUS OR DIFFERENT LAND USES.
- Each single dwelling unit or other single principal use that received a zoning permit or was otherwise legally constructed prior to the effective date of this chapter shall be counted against the maximum number of new dwelling units that may be built. Each single dwelling unit or other single principal use that was legally constructed prior to the effective date of this chapter but does not meet the density requirements of this section shall be allowed to be rebuilt on the lot in a compliant location within a 12-month period. Greater restrictions such as those of Chapter 21 may apply (see exception within subsection (b) below). (Am. #2007-10-514)
  - Any legal farm dwelling meeting the criteria in Section 17.3.03(2) of this chapter shall not be counted against the maximum number of new dwelling units that may be built, regardless of when such farm dwelling was permitted or constructed.
  - Each new manufactured home, mobile home, or seasonal dwelling permitted or legally established on the lands following the effective date of this chapter shall be counted as one dwelling unit for the purposes of this section.
  - Each two-family dwelling unit permitted or legally established on the lands following the effective date of this chapter shall be counted as 2 dwelling units for the purposes of this section.
  - Each principal commercial, institutional, recreational, utility, transportation, or industrial land use permitted or legally established on the lands following the effective date of this chapter shall be counted as the equivalent of one dwelling unit for the purposes this section. These are referred to as "equivalent principal uses" in subsection (2) above.
- (5) MISCELLANEOUS PROVISIONS.
- The Zoning Administrator shall maintain a copy of Lincoln County parcel records as of the date of adoption of this chapter. These shall be used as the basis for determining contiguous lands held in single ownership as of the date of adoption of this chapter, unless the petitioner is able to demonstrate to the Zoning Administrator that such records are in error.



- (b) Lands in contiguous single ownership that were legally established prior to the effective date of this chapter and that are less than 35 acres in area in the A district, less than 20 acres in gross site area in the RL2 district, or less than 10 acres in gross site area in the RL4 district shall be able to construct one farm dwelling, one single-family dwelling unit, one seasonal dwelling, or one principal commercial, institutional, recreational, utility, transportation, or industrial land use as may be allowed in the zoning district. No further division of such lands under their then-present zoning is permitted.
- (c) Nothing in this section shall preclude the petitioner from seeking a zoning map amendment to remove lands from the A, RL2, or RL4 zoning districts. In the event that such lands are rezoned away from one of these districts (and not rezoned to another one of these districts), the provisions of this section shall no longer apply.
- (d) While the minimum lot size for new lots under this section is 40,000 square feet, no new lots shall be created unless such lot has at least one density allotment allocated to it or such lot is designated an outlot and meets the purpose and intent of this chapter and the Lincoln County Comprehensive Plan. (Cr. #2007-10-514)

#### 17.8.80 - ENFORCEMENT AND PENALTIES.

##### (1) INVESTIGATION AND NOTICE OF VIOLATION.

- (a) The Zoning Administrator or his designee is responsible for conducting the necessary inspection and investigation to insure compliance with this chapter and, through field notes, photographs and other means, documenting the presence of violations.
- (b) If, upon investigation, the Zoning Administrator becomes aware of a violation of this chapter, staff shall notify the Land Services Committee, responsible parties and those potentially liable. Such notice shall include an order that the condition that is alleged to constitute a violation be halted or remedied and a statement that a complaint about the condition will be transmitted to the Corporation Counsel for enforcement under subsection (2) if remedial action has not occurred within 10 days, or a longer time period if determined appropriate by the Zoning Administrator. Responsible parties and those potentially liable shall include but not be limited to the landowner, tenants, and contractors. (Am. #2018-05-659)
- (c) If the same or similar violation recurs within a 2-year period, whether or not it involves the same property or the same or similar conduct by the owner, agent or contractor, notification of violation may be waived by the Zoning Administrator and immediate legal enforcement action can be commenced under subsection (2). (Am. #2018-05-659)

##### (2) ENFORCEMENT OF VIOLATIONS.

- (a) Corporation Counsel shall expeditiously review all violations of this chapter reported by the Zoning Administrator, following the investigation and notices provided for in subsection (1) above, and take action as appropriate. (Am. #2018-05-659)
- (b) A violator shall upon conviction forfeit to the County a penalty in accordance with the forfeiture schedule established in Section 25.04 of the Lincoln County Code of Ordinances, together with the taxable costs in such action.
- (c) Upon failure to pay a forfeiture, the violator may be confined in the County jail until such forfeiture is paid, for a period not exceeding 6 months.
- (d) Each day a violation exists or continues shall be considered a separate and distinct offense to which a separate penalty applies. (Am. #2018-05-659)
- (e) As a substitute for, in addition to, or in conjunction with forfeiture actions, the Corporation Counsel may, on behalf of the County, seek enforcement of any and all parts of this chapter by court actions seeking injunctive orders or restraining orders and/or by pursuing nuisance actions against the violator. (Am. #2018-05-659)
- (f) Compliance with this ordinance may also be enforced pursuant to Wisconsin Statutes.

##### (3) VIOLATIONS OF PERMITS ISSUED UNDER THIS CHAPTER.

- (a) Violation of a permit issued under this chapter, or any condition or approved plan associated with such permit, shall be deemed a violation of this chapter, and shall constitute grounds for revocation of the permit, as well as fines and forfeitures and any other available remedies. A permit may be revoked only by action of the body that initially granted the permit, following procedures required for its initial issuance to the extent practical. The decision of the appropriate body shall be furnished to the permit holder in writing, stating the reasons therefore.
- (b) A permit issued in violation of this chapter, other chapters of the Lincoln County Code of Ordinances, the Wisconsin Administrative Code, or Wisconsin Statutes gives the permit holder no vested right to continue the activity authorized by the permit, and the permit is considered voidable.
- (c) In the event the circuit court determines that a permit has been violated and orders compliance within a time certain, an abridged judgment or order to that effect shall be recorded by the Zoning Administrator with the Register of Deeds if the property owner does not comply. Upon compliance, the Zoning Administrator shall file an affidavit to that effect.