

Chapter 45 - WIND ENERGY SYSTEM SITING ORDINANCE

ARTICLE I. - GENERAL PROVISIONS

Sec. 45-1. - Title.

This chapter is entitled the Monroe County Wind Energy System Siting Ordinance.

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-2. - Purpose.

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

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-3. - Authority.

This chapter is adopted pursuant to Wis. Stats. § 66.0401 and Wis. Admin. Code PSC 128.

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-4. - Applicability.

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

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-5. - Severability.

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

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-6. - Administration.

This chapter shall be administered by the Monroe County Zoning Department.

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-7. - Definitions.

Terms found in this chapter shall have the same meaning as defined in Wis. Admin. Code PSC 128.01 unless noted specifically below or unless context requires otherwise.

Committee means the Monroe County Planning and Zoning Committee.

Department means the Monroe County Zoning Department.

Department director or *director* means the director of the Monroe County Zoning Department or the department director's designee.

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

Permit means a zoning permit issued by the Monroe County Zoning Department.

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

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

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

(Res. No. 01-19-05, 1-23-2019)

Secs. 45-8—45-19. - Reserved.

ARTICLE II. - PERMIT APPLICATION FILING AND PROCESSING REQUIREMENTS

Sec. 45-20. - Permit requirement and fee.

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

and other consultants and experts to perform necessary services in connection with this chapter.

- (5) The corporation counsel is authorized to contract with outside legal counsel to perform services in connection with this chapter.

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-21. - Permit expiration and extension.

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

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-22. - Application requirements.

- (a) *For small wind energy systems.* An owner shall file an application with the department that, at a minimum, includes the following information:
- (1) Wind energy system description and maps showing the locations of all proposed wind energy facilities.
 - (2) Technical description of wind turbines and wind turbine sites.
 - (3) Timeline and process for constructing the wind energy system.
 - (4) Information regarding anticipated impact of the wind energy systems on local infrastructure.
 - (5) Information regarding noise anticipated to be attributable to the wind energy system.
 - (6) Information regarding shadow flicker anticipated to be attributable to the wind energy system.
 - (7) Information regarding the anticipated effects of the wind energy system on existing land uses adjacent to the wind energy system.
 - (8) Information regarding the anticipated effects of the wind energy system on airports and airspace.
 - (9) Information regarding the anticipated effects of the wind energy system on line-of sight communications.
 - (10) A list of all state and federal permits required to construct and operate the wind energy system.
 - (11) Information regarding the planned use and modification of roads during the construction, operation, and decommissioning of the wind energy system, including a process for assessing road damage caused by wind energy system activities and for conducting road repairs at the owner's expense.
 - (12) A representative copy of all notices issued under PSC 128.10(5) and PSC 128.105(1), which are: Pre-application notice. At least 60 days before an owner files an application to construct a wind energy system, an owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:
 - a. Adjacent landowners to the planned wind turbine host property;
 - b. Political subdivisions within which the wind energy system may be located.
- (b) *For large wind energy systems.* An owner shall file an application with the department that, at a minimum, includes the following information:
- (1) All information required under 45-22(a)(1)–(6) and (8)–(11) of this chapter.

- (2) Information regarding the anticipated effects of the wind energy system on existing land uses within 0.5 mile of energy system.
- (3) A representative copy of all notices issued under PSC 128.105(1) and 128.42, which are:
- a. *PSC 128.105(1): Pre-application notice.* At least 90 days before an owner files an application to construct a wind energy system, an owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:
 1. Land owners within one mile of the planned wind turbine host property.
 2. Political subdivisions within which the wind energy system may be located.
 3. Emergency first responders and air ambulance service providers serving the political subdivisions within which the wind energy system may be located.
 4. The Wisconsin department of transportation.
 5. The public service commission.
 6. The Wisconsin department of natural resources.
 7. The Wisconsin department of agriculture, trade and consumer protection.
 8. The office of the deputy undersecretary of the U.S. department of defense.
 - b. *PSC 128.42(1): Notice of process for making complaints.* Before construction of a wind energy system begins, an owner shall provide written notice of the process for making complaints and obtaining mitigation measures to all residents and landowners within 0.5 mile of any wind energy system facility. An owner shall include in the notice the requirements under PSC 128.40(1) for submitting a complaint to the owner, a petition for review to the political subdivision, and an appeal to the commission, and shall include a contact person and telephone number for the owner for receipt of complaints or concerns during construction, operation, maintenance and decommissioning.
- (4) A copy of all emergency plans developed in collaboration with appropriate first responders under PSC 128.18(4)(b). An owner may file plans using confidential filing procedures as necessary.
- (5) A decommissioning and site restoration plan providing reasonable assurance that the owner will be able to comply with PSC 128.19.
- (c) For all applications, the owner shall ensure that information contained in the application is accurate.
- (d) Evidence shall be included for all applications to show that, on the same day an owner filed an application under this chapter, the owner did use commercially reasonable methods to provide written notice of the filing of the application to property owners and residents as required under PSC 128.10 (5), PSC 128.105(1) and 128.42 as applicable.
- (e) An owner shall submit eight copies of an application and one copy of the application to the clerk of each town in which any wind energy system facility is located. A digital copy shall also be submitted in a format acceptable to the county. Additional copies may be required for review by the public. Each copy of the application shall include all documents, drawings, maps, worksheets, and other materials that are included in the original application.

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-23. - Application processing.

- (a) Within 45 days of receiving the application, the department shall notify the applicant in writing whether the application is complete and, if it is not, what the applicant must do in order to make it complete.

- (1) The applicant shall provide the additional information specified in the notice to the department within 60 days of the date of the notice.
 - (2) An additional 45-day completeness review period shall begin the day after the department receives responses to all items identified in the notice under subsection (1).
 - (3) If the applicant fails to provide additional information specified in the notice to complete the application within 60 days of the date of the notice, the application shall be deemed abandoned. The owner may file a new application at a later date, subject to payment of a new application fee. There is no limit to the number of times that an owner may file an application.
 - (4) An application shall be deemed complete if it complies with the filing requirements of section 45-22 of this chapter and of PSC 128.50.
- (b) A date and time for a public hearing on the application shall be set as soon as possible after receiving a complete application. The department shall publish a class 1 notice, under Wis. Stats. ch. 985 stating that an application for approval has been filed with the county. If the application is deemed incomplete, the notice shall state the reason for the determination. The notice shall include a brief description of the proposed wind energy system and its proposed location, the locations where the application is available for public review, the method and time period for the submission of public comments to the department, and the approximate schedule for review of the application by the county.
 - (c) The application shall be made available for public review at one or more local libraries, in the zoning department and on the county website.
 - (d) The county shall make a record of its decision making on an application for approval, including a recording of any public hearing, copies of documents submitted at any public hearing, and copies of any other documents provided to the county in connection with the application for approval.
 - (e) The county shall base its decision on an application for approval on written findings of fact that are supported by the evidence in the record of any public hearing.
 - (f) The county shall grant or deny an application for a wind energy system no later than 90 days after the day on which it notifies the applicant that the application for approval is complete. The county may extend this time period in writing provided the extension is done during the initial 90-day period. Any combination of the following extensions may be granted:
 - (1) An extension of up to 45 days if the county needs additional information to determine whether to approve or deny the application.
 - (2) An extension of up to 90 days if the applicant makes a material modification to the application.
 - (3) An extension of up to 90 days for other good cause specified in writing by the county. If the county fails to act within the initial 90 days, or within any extended time period, the application is considered approved.
 - (g) For large wind energy systems with a nominal capacity of at least one megawatt, the county may deny an application if the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development as shown in an adopted comprehensive plan.
 - (h) The county shall provide a written decision to the applicant and the public service commission. Said decision shall contain findings of fact supported by evidence in the record.

(Res. No. 01-19-05, 1-23-2019)

Secs. 45-24—45-39. - Reserved.

ARTICLE III. - LOCAL REGULATIONS

Sec. 45-40. - Real property provisions.

- (a) *Easement recording required.* A wind energy system easement or wind access easement shall be recorded under Wis. Stats. ch. 706. A wind energy system easement or wind access easement shall include the term of the easement and a full legal description of the property subject to the easement.
- (b) *Wind lease and waiver provisions.* A wind energy system lease and any waiver under sections 45-42(d) or 45-46(b) shall hold harmless and indemnify the real property owner for all of the following:
 - (1) Any violation of federal, state or local law by the owner of the wind energy system.
 - (2) Any damages or bodily injury caused by the construction, operation or decommissioning of the wind energy system.

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-41. - Existing property uses.

- (a) *Land use and commercial enterprises.* An owner shall make reasonable efforts to ascertain and accommodate any land use or commercial enterprise located on a nonparticipating property within 0.5 mile of a proposed wind turbine site if the land use or commercial enterprise exists when the owner gives notice under PSC 128.105(1), or if complete publicly-available plans for construction are on file with a political subdivision within 30 days of the date the owner gives notice under PSC 128.105(1).
- (b) *Land use and commercial enterprises—Small wind.* Section 45-41(a) applies to small wind energy systems but only for existing land uses and enterprises that are located on adjacent nonparticipating properties.
- (c) *Agricultural use.* An owner shall design a wind energy system to reasonably minimize the conversion of land from agricultural use.

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-42. - Shadow flicker.

- (a) *Planning.*
 - (1) The shadow flicker requirements in this section apply to a nonparticipating residence or occupied community building that exists when the owner gives notice under PSC 128.105(1) or for which complete publicly-available plans for construction are on file with a political subdivision within 30 days of the date on which the owner gives notice under PSC 128.105(1).
 - (2) An owner shall design the proposed wind energy system to minimize shadow flicker at a residence or occupied community building to the extent reasonably practicable.
 - (3) An owner of a large wind energy system shall use shadow flicker computer modeling to estimate the amount of shadow flicker anticipated to be caused by a wind energy system and shall design the wind energy system so that computer modeling indicates that no nonparticipating residence or occupied community building will experience more than 30 hours per year of shadow flicker under planned operating conditions.

- (b) *Shadow flicker limits.* An owner shall operate the wind energy system in a manner that does not cause more than 30 hours per year of shadow flicker at a nonparticipating residence or occupied community building. If a nonparticipating residence or occupied community building experiences more than 30 hours per year of shadow flicker under the wind energy system's normal operating conditions, the owner shall use operational curtailment to comply with this subsection.
- (c) *Shadow flicker mitigation.*
- (1) An owner of a wind energy system shall work with an owner of a nonparticipating residence or occupied community building to mitigate the effects of shadow flicker to the extent reasonably practicable.
 - (2) An owner of a large wind energy system shall provide reasonable shadow flicker mitigation at the owner's expense for a nonparticipating residence or occupied community building experiencing 20 hours or more per year of shadow flicker.
 - (3) An owner of a large wind energy system shall model shadow flicker and a nonparticipating residence or occupied community building is eligible for mitigation if computer modeling shows that shadow flicker at the nonparticipating residence or occupied community building will be 20 hours or more per year. An owner of a nonparticipating residence or occupied community building is not required to document the actual hours per year of shadow flicker if modeling indicates the nonparticipating residence or occupied community building is eligible for mitigation. A nonparticipating residence or occupied community building that experiences 20 hours or more per year of shadow flicker based on records kept by the resident of a nonparticipating residence or the occupant of an occupied community building shall also be eligible for mitigation.
 - (4) An owner of a large wind energy system may provide shadow flicker mitigation for any residence or occupied community building in addition to the mitigation required under subsection (2).
 - (5) The requirement under subsection (2) to mitigate shadow flicker applies when the owner of a large wind energy system receives a complaint or request for mitigation regarding shadow flicker for an eligible nonparticipating residence or occupied community building. If shadow flicker mitigation is required, the owner of the wind energy system shall allow the owner of the nonparticipating residence or occupied community building to choose a preferred reasonable mitigation technique, including installation of blinds or plantings at the wind energy system owner's expense.
- (d) *Waiver.* Upon request by an owner of a wind energy system, an owner of an affected nonparticipating residence or occupied community building may relieve the wind energy system owner of a requirement under section 45-42(b) or 45-42(c)(2) at the affected nonparticipating residence or occupied community building by written contract with the wind energy system owner. Unless otherwise provided in a contract signed by an owner of an affected nonparticipating residence or occupied community building, a waiver by an owner of an affected nonparticipating residence or occupied community building is an encumbrance on the real property and runs with the land until the wind energy system is decommissioned, and shall be recorded under Wis. Stats. ch. 706.
- (e) *Notification.*
- (1) Before entering into a contract under section 45-42(d), a large wind energy system owner shall provide notice of the requirements of this section to individual owners of an affected nonparticipating residence or occupied community building.
 - (2) Before the initial operation of the large wind energy system, a large wind energy system owner shall provide notice of the requirements of this section to an owner of a nonparticipating residence or occupied community building within 0.5 mile of a constructed wind turbine that has not entered into a contract under section 45-42(d).

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-43. - Signal interference.

(a) *Planning.*

- (1) Except as provided in section 45-43(d), the signal interference requirements in this section apply to commercial communications and personal communications in use when the wind energy system begins operation.
- (2) An owner shall use reasonable efforts to avoid causing interference with commercial communications and personal communications to the extent practicable.
- (3) An owner may not construct wind energy system facilities within existing line-of-sight communication paths that are used by government or military entities to provide services essential to protect public safety. The county may require an owner to provide information showing that wind turbines and other wind energy system facilities will be in compliance with this paragraph.

(b) *Commercial communications interference mitigation.* An owner of a large wind energy system shall use reasonable and commercially available technology to mitigate interference caused by a wind energy system with commercial communications in use when a wind energy system begins operation. Before implementing mitigation measures, the owner shall consult with affected parties regarding the preferred mitigation solution for commercial communications interference problems. Except as provided in section 45-43(d), an owner shall mitigate commercial communications interference caused by the wind energy system by making the affected party's preferred reasonable mitigation solution effective until either the wind energy system is decommissioned or the communication is no longer in use, whichever is earlier.

(c) *Personal communications interference mitigation.*

- (1) An owner of a large wind energy system shall use reasonable and commercially available technology to mitigate interference with personal communications in use when a wind energy system begins operation caused by a wind energy system. The county may require an owner to use reasonable and commercially available technology to mitigate interference with personal communications that were not in use when the wind energy system began commercial operation, if a wind energy system is causing the interference and the interference occurs at a location at least 0.5 mile from a wind turbine.
- (2) Before implementing mitigation measures, the owner of a large wind energy system shall consult with affected parties regarding the preferred mitigation solution for personal communications interference problems. Except as provided in section 45-43(d), an owner shall mitigate personal communications interference caused by the wind energy system by making the affected party's preferred reasonable mitigation solution effective until either the wind energy system is decommissioned or the communication is no longer in use, whichever is earlier.

(d) *Mitigation protocol.* The county may, under a protocol established under PSC 128.50(2), require an owner to implement a new mitigation solution that becomes commercially available before the wind energy system is decommissioned to address interference for which mitigation is required under section 45-43(b) or 45-43(c) and for which the original mitigation solution implemented is only partially effective.

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-44. - Stray voltage.

(a) *Testing required.*

- (1) An owner shall work with the local electric distribution company to test for stray voltage at all dairy and confined animal operations within 0.5 mile of a wind energy system facility pursuant to the stray voltage protocol established by the commission before any wind energy system construction activity that may interfere with testing commences and again after construction of the wind energy system is completed, except as otherwise specified by commission staff under subsection (2).
- (2) Before any testing under subsection (1) begins, an owner shall work with commission staff to determine the manner in which stray voltage testing will be conducted and on which properties. The electric distribution company serving a dairy or confined animal operation where testing is required under subsection (1) shall conduct or arrange to conduct all required testing at the expense of the owner.

(b) *Results of testing.* An owner and the electric distribution company shall provide to commission and department staff the results of all stray voltage testing in writing.

(c) *Requirement to rectify problems.* An owner shall work with the electric distribution company and farm owner to rectify any stray voltage problems attributable to the construction and operation of the wind energy system, in compliance with the commission's stray voltage protocol.

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-45. - Lighting.

(a) *Large wind energy systems:*

- (1) An owner shall use shielding or control systems approved by the federal aviation administration to reduce visibility of light to individuals on the ground.

(b) *Small wind energy systems:*

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

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-46. - Noise.

- (a) The noise generated by the operation of a wind energy system may not exceed 50 dBA during the daytime hours and 45 dBA during the nighttime hours as measured at the outside wall of a nonparticipating residence or occupied community building that existed when the owner gave notice pursuant to PSC 128.105(1) or for which complete publicly available plans for construction were on file with a political subdivision within 30 days of the date when the owner gave notice pursuant to PSC 128.105(1).
- (b) The owner of an adjacent nonparticipating residence or adjacent occupied community building may relieve the owner of the small wind energy system of the requirement to meet any of the noise limits in this section by written contract as provide in PSC 128.14(5) and (6).
- (c) The owner shall provide the notice as prescribed by PSC 128.14(6)(b) and PSC 128.61(4) as applicable.
- (d) If an owner receives a complaint of a violation of the noise standards contained in PSC 128.14 and the owner has not provided the department with the results of an accurate test conducted within two years of the date of the

complaint showing that the small wind energy system is in compliance with the noise standard at the location relating to the complaint, the owner shall promptly conduct a noise study to evaluate compliance with the noise standards at that location using the most current version of the noise measurement protocol as described in PSC 128.50(2).

- (e) In the event audible noise due to wind energy system operations contains a steady pure tone, such as a whine, whistle, screech, or hum, the owner shall promptly take corrective action to permanently eliminate that noise. This paragraph does not apply to sound the wind energy system produces under normal operating conditions.

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-47. - Setbacks.

- (a) An owner shall measure wind turbine setback distances as a straight line from the vertical centerline of the wind turbine tower to the nearest point on the permanent foundation of a building or residence or to the nearest point on the property line or feature, as applicable.
- (b) An owner shall work with owners of participating and nonparticipating properties to site wind turbines to minimize individual hardships.
- (c) For small wind energy systems:
 - (1) A small wind energy system must be set back at least 1.0 times the maximum blade tip height from any nonparticipating property line, nonparticipating residence, occupied community building, or overhead communication and electrical transmission line, not including utility service lines to individual houses or outbuildings.
 - (2) The owner of an adjacent nonparticipating property, adjacent nonparticipating residence or adjacent occupied community building may waive the required setback distance by providing a written agreement with the owner to the department.
- (d) For large wind energy systems:
 - (1) A large wind energy system shall comply with the setback distances shown in Table 1 in PSC 128.13, which are:

Table 1

Setback Description	Setback Distance
Occupied community buildings	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating residences	1.1 times the maximum blade tip height
Nonparticipating residences	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating property lines	None

Nonparticipating property lines	1.1 times the maximum blade tip height
Public road right-of-way	1.1 times the maximum blade tip height
Overhead communication and electric transmission or distribution lines — Not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height
Overhead utility service lines — Lines to individual houses or outbuildings	None

- (2) The owner of a nonparticipating residence or occupied community building may waive the applicable wind turbine setback distances in Table 1 for those structures to a minimum setback distance of 1.1 times the maximum blade tip height. The owner of a nonparticipating property may waive the applicable wind turbine setback distance in Table 1 from a nonparticipating property line.

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-48. - Monetary compensation for nonparticipating residences.

- (a) An owner shall offer an agreement to the owner of a nonparticipating residence, if the residence is located within one-half mile of a constructed wind turbine, that includes the following initial annual monetary compensation of \$600.00 for 1 turbine located within one-half mile of a nonparticipating residence, \$800.00 for two turbines located within one-half mile of a nonparticipating residence, and \$1,000.00 for three or more turbines located within one-half mile of a nonparticipating residence.
- (b) The initial annual monetary compensation under this subsection shall apply to agreements entered into in 2011. For agreements entered into in 2012 and thereafter, the initial annual amounts shall increase each year by the greater of two percent or the increase in the Consumer Price Index, as described in Wis. Stats. § 196.374(5)(bm)2 from the previous year.
- (c) An agreement offered under this subsection shall specify in writing any waiver of a requirement or right under this chapter or PSC 128 and whether the landowner's acceptance of payment establishes the landowner's property as a participating property under this chapter or PSC 128.

(Res. No. 01-19-05, 1-23-2019)

Secs. 45-49—45-59. - Reserved.

ARTICLE IV. - MODIFICATIONS TO AN APPROVED SYSTEM

Sec. 45-60. - Material change.

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

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-61. - Ownership change.

An owner shall provide the county with notice of any change in ownership of the wind energy system on or before the effective date of the change. A notice of change in ownership of a large wind energy system shall include information showing that the financial responsibility specified under section 45-100(b) of this chapter will be met by the new owner.

(Res. No. 01-19-05, 1-23-2019)

Secs. 45-62—45-79. - Reserved.

ARTICLE V. - CONSTRUCTION, OPERATION, AND MAINTENANCE

Sec. 45-80. - Physical characteristics.

- (a) An owner may not display advertising material or signage other than warnings, equipment information, or indicia of ownership on a wind turbine. An owner may not attach any flag, decorative sign, streamers, pennants, ribbons, spinners, fluttering, or revolving devices to a wind turbine. An owner may attach a safety feature or wind monitoring device to a wind turbine.
- (b) An owner shall ensure that a wind turbine has a conventional or unobtrusive finish.
- (c) An owner shall install lighting at a wind energy system that complies with standards established by the federal aviation administration. A political subdivision may not establish lighting requirements for a wind energy system that conflict with standards established by the federal aviation administration. A political subdivision may require use of shielding or control systems approved by the federal aviation administration to reduce visibility of lighting to individuals on the ground.
- (d) An owner shall take appropriate measures to ensure that a wind turbine is not readily climbable except by authorized personnel.
- (e) An owner shall ensure that all wind turbine access doors and electrical equipment are locked when authorized personnel are not present.
- (f) An owner shall place appropriate warning signage on or at the base of each wind turbine.
- (g) An owner of a large wind energy system shall post and maintain up-to-date signs containing a 24-hour emergency contact telephone number, information identifying the owner, and sufficient information to identify the location of the sign within the wind energy system. An owner shall post these signs at every intersection of a wind energy system access road with a public road and at each wind turbine location.

- (h) An owner shall clearly mark guy wires and supports for a wind energy system, meteorological tower or other device measuring wind speeds so that the wires and supports are visible to low flying aircraft under fair weather condition

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-81. - Electrical standards.

- (a) An owner shall construct, maintain, and operate collector circuit facilities in a manner that complies with the national electrical safety code and ch. PSC 114 and shall construct, maintain, and operate all wind energy system facilities in a manner that complies with the national electrical code.
- (b) An owner of a large wind energy system shall construct collector circuit facilities for a wind energy system underground to the extent practicable.
- (c) An owner of a large wind energy system shall establish an inspection schedule for all overhead collector circuits to ensure that third-party facilities, including cable television and telecommunications cables, are not attached or bonded to overhead collector circuit grounding. If third-party facilities are found attached to the overhead collector facilities, the owner shall ensure that the third-party facilities are promptly removed.

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-82. - Construction, operation and maintenance standards.

- (a) An owner shall construct, operate, repair, maintain and replace wind energy system facilities as needed to keep the wind energy system in good repair and operating condition and in a manner that protects individuals from injury.
- (b) Large wind energy systems.
- (1) An owner of a large wind energy system shall carry general liability insurance relating to claims for property damage or bodily injury arising from the construction, operation or decommissioning of the wind energy system and shall include turbine host property owners as additional insured persons on the policy.
 - (2) An owner shall minimize soil compaction, topsoil mixing and damage to drainage systems on agricultural land during the construction or decommissioning of the wind energy system.
 - (3) An owner shall utilize all applicable best practices in the placement, construction, operation, and maintenance of its wind energy facilities in order to minimize soil compaction, protect the topsoil, prevent topsoil mixing, and avoid and repair any damage to drainage systems on agricultural land.
 - (4) An owner shall describe the applicable best practices that it intends to use in the placement, construction, operation, and maintenance of its wind energy facilities in its application.
 - (5) Except for the area physically occupied by the large wind energy system facilities, an owner shall restore the topography, soils and vegetation of the project area to original condition after construction is complete, unless otherwise provided in a contract signed by an affected landowner, considering any modifications needed to comply with DNR requirements.

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-83. - Emergency procedures for small wind energy systems.

An owner shall notify a political subdivision of the occurrence and nature of a wind energy system emergency within 24 hours of the wind energy system emergency.

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-84. - Emergency procedures for large wind energy systems.

- (a) An owner shall notify a political subdivision of the occurrence and nature of a wind energy system emergency within 24 hours of the wind energy system emergency.
- (b) An owner shall establish and maintain liaison with the county and with fire, police, and other appropriate first responders serving the wind energy system to create effective emergency plans that include all of the following:
 - (1) A list of the types of wind energy system emergencies that require notification under subsection (a).
 - (2) Current emergency contact information for first responders and for the wind energy system owner, including names and phone numbers.
 - (3) Procedures for handling different types of wind energy system emergencies, including written procedures that provide for shutting down the wind energy system or a portion of the system as appropriate.
 - (4) Duties and responsibilities of the owner and of first responders in the event of a wind energy system emergency.
 - (5) An emergency evacuation plan for the area within 0.5 mile of any wind energy system facility, including the location of alternate landing zones for emergency services aircraft.
- (c) The owner shall review the emergency plan at least annually in collaboration with fire, police and other appropriate first responders to update and improve the emergency plan as needed.
- (d) The owner shall distribute current copies of the emergency plan to the Monroe County Emergency Management Department, fire, police and other appropriate first responders as identified by the county.
- (e) The county may require the owner to provide annual training for fire, police and other appropriate first responders regarding responding to a wind energy system emergency until the wind energy system has been decommissioned.
- (f) An owner of a large wind energy system shall do all of the following:
 - (1) Furnish its operator, supervisors and employees who are responsible for emergency action a copy of the current edition of the emergency procedures established under this subsection to ensure compliance with those procedures.
 - (2) Train the appropriate operating personnel to ensure they have knowledge of the emergency procedures and verify that the training is effective.
 - (3) As soon as possible after the end of a wind energy system emergency, review employee activities to determine whether the procedures were effectively followed.

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-85. - Third party construction inspector.

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

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-86. - Postconstruction filing requirement.

- (a) Within 90 days of the date a large wind energy system commences operation, the owner shall file with the department and the public service commission an as-built description of the wind energy system, an accurate map of the wind energy system showing the location of all wind energy system facilities, geographic information system information showing the location of all wind energy system facilities, and current information identifying the owner of the wind energy system.
- (b) An owner shall label each wind turbine location described in its filing and shown on the map of the wind energy system with a unique identifier consistent with the information posted at the wind turbine location under section 45-80(g).

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-87. - Compliance monitoring.

This section applies to large wind energy systems only.

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

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-88. - Information.

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

information about the consultation.

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-89. - Studies.

An owner shall cooperate with any study of the effects of wind energy systems that is coordinated by a state agency.

(Res. No. 01-19-05, 1-23-2019)

Secs. 45-90—45-99. - Reserved.

ARTICLE VI. - ABANDONMENT AND DECOMMISSIONING

Sec. 45-100. - Abandonment and decommissioning.

(a) *For small wind energy systems:*

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

(b) *For large wind energy systems:*

- (1) An owner of a large wind energy system shall decommission and remove the wind energy system when the system is at the end of its useful life.
- (2) A large wind energy system is presumed to be at the end of its useful life if the large wind energy system generates no electricity for a continuous 360-day period. This presumption may be rebutted under subsection (3).
- (3) Upon application by the owner, and except as provided in subsection (4), the department shall grant an extension of the time period for returning the wind energy system to service by one or more additional 180-day periods if the owner demonstrates it is likely the wind energy system will operate again in the future and any of the following occur:
 - a. The owner submits a plan to the department that demonstrates an ongoing good faith effort to return the large wind energy system to service and outlines the steps and schedule for returning the large wind energy system to service in a reasonable period of time, including by repairing, replacing or repowering the large wind energy system facilities as necessary to generate electricity.
 - b. The owner demonstrates that the large wind energy system is part of a prototype or other demonstration project being used for ongoing research or development purposes.

- c. The owner demonstrates that the large wind energy system is being used for educational purposes.
- (4) The department may deny a request for an extension under subsection (3) if the large wind energy system has not generated any electricity for a continuous period of 540 days or more and the department finds that the owner is not capable of returning the wind energy system to service within a reasonable period of time.
- (5) A large wind energy system is irrefutably presumed to be at the end of its useful life if the large wind energy system generates no electricity for a period of 540 days and any of the following occur:
 - a. The owner does not request an extension of the time period for returning the large wind energy system to service under subsection (3).
 - b. The department denies a request for an extension under subsection (4) and any appeal rights have expired.
- (6) When decommissioning is required, the owner shall begin decommissioning within 360 days after the large wind energy system has reached the end of its useful life. The owner shall complete decommissioning and removal of the large wind energy system within 540 days after the large wind energy system has reached the end of its useful life.

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-101. - Decommissioning review.

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

- (1) The department shall conduct a decommissioning review to determine whether the owner has decommissioned and removed the wind energy system as required by PSC 128.19 and whether the owner has complied with its site restoration obligation under PSC 128.19(4).
- (2) The owner shall cooperate with the county by participating in the decommissioning review process.

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-102. - Financial responsibility—Large wind energy system.

- (a) An owner of a large wind energy system with a nameplate capacity of one megawatt or larger shall provide the county with financial assurance of the owner's ability to pay the actual and necessary cost to decommission the wind energy system before commencing major civil construction activities.
- (b) An owner shall provide the county with three estimates of the actual and necessary cost to decommission the wind energy system. The cost estimates shall be prepared by third parties agreeable to the owner and the county. The amount of financial assurance required by the county will be the average of the three estimates.
- (c) An owner shall establish financial assurance that is acceptable to the county and that places the county in a secured position. The financial assurance must provide that the secured funds may only be used for decommissioning the wind energy system until such time as the county determines that the wind energy system has been decommissioned, as provided for in PSC 128.19(5)(b), or the county approves the release of the funds, whichever occurs first. The financial assurance must also provide that the county may access the funds for the purpose of decommissioning the wind energy system if the owner does not decommission the system when decommissioning is required.

- (d) The county may periodically request information from the owner regarding industry costs for decommissioning the energy system. If the county finds that the future anticipated cost to decommission the wind energy system is at least 10 percent more or less than the amount of financial assurance provided under this section, the county may correspondingly increase or decrease the amount of financial assurance required. The county may not adjust the financial assurance required under this paragraph more often than once in a five-year period.
- (e) The county may require an owner to submit a substitute financial assurance of the owner's choosing if an event occurs that raises material concern regarding the viability of the existing financial assurance.

(Res. No. 01-19-05, 1-23-2019)

Secs. 45-103—45-119. - Reserved.

ARTICLE VII. - APPEALS

Sec. 45-120. - Appeals.

A decision by the department that the application is not complete, to approve or disapprove the application, or to impose a restriction on a wind energy system may be appealed to the public service commission as per PSC 128.51.

- (1) Any action by the county to enforce a restriction on a wind energy system may be appealed to the public service commission.
- (2) An appeal must be filed with the public service commission within 30 days after the date of the decision or the start of the enforcement action that is being appealed.

(Res. No. 01-19-05, 1-23-2019)

Secs. 45-121—45-139. - Reserved.

ARTICLE VIII. - COMPLAINTS

Sec. 45-140. - Complaint process for wind energy systems.

- (a) An aggrieved person who has made a complaint to an owner in accordance with PSC 128.40 may petition the county for review of the complaint if it has not been resolved within 45 days of the day the owner received the original complaint.
- (b) The petition for review must be filed with the department within 90 days of the date of the original complaint and shall contain the following:
 - (1) Name, address, and telephone number of the person filing the petition.
 - (2) Copy of the original complaint to the owner.
 - (3) Copy of the owner's original response.
 - (4) Statement describing the unresolved complaint.
 - (5) Statement describing the desired remedy.
 - (6) Any other information the complainant deems relevant to the complaint.

- (7) Notarized signature of the person filing the petition.
- (c) The department shall forward a copy of the petition to the owner by certified mail within ten days of the department receiving the petition.
- (d) The owner shall file an answer to the petition with the department and provide a copy of its answer to the complainant within 30 days of its receipt of the petition.
- (e) The answer must include the following:
 - (1) Name, address, and telephone number of the person filing the answer.
 - (2) Statement describing the actions taken by the owner in response to the complaint.
 - (3) Statement of the reasons why the owner believes that the complaint has been resolved or why the complaint remains unresolved.
 - (4) Statement describing any additional action the owner plans or is willing to take to resolve the complaint.
 - (5) Any other information the owner deems relevant to the complaint.
 - (6) Notarized signature of the person filing the answer.
- (f) The complainant and the owner may, within 30 days following the owner's filing of its answer, file such additional information with the department as each deems appropriate.
- (g) The department may request such additional information from the complainant and the owner as it deems necessary to complete its review.
- (h) The department may retain such consultants or experts as it deems necessary to complete its review.
- (i) The department shall issue a written decision and may take such enforcement action as it deems appropriate with respect to the complaint.
- (j) The decision of the department and enforcement action is subject to review under Wis. Stats. § 66.0401(5).

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-141. - Additional process for large wind energy systems.

- (a) An owner shall comply with the notice requirements contained in PSC 128.42(1).
- (b) An owner shall, before construction of a large wind energy system begins, provide the department with a copy of the notice issued pursuant to PSC 128.42(1), along with a list showing the name and address of each person to whom the notice was sent and a list showing the name and address of each political subdivision to which the notice was sent.
- (c) An owner shall, before construction of a large wind energy system begins, file with the department the name and telephone number of the owner's contact person for receipt of complaints or concerns during construction, operation, maintenance, and decommissioning. The owner shall keep the name and telephone number of the contact person on file with the department current.
- (d) Pursuant to PSC 128.41 a monitoring committee may be established to oversee resolution of complaints regarding a wind energy system.

(Res. No. 01-19-05, 1-23-2019)

Secs. 45-142—45-169. - Reserved.

ARTICLE IX. - VIOLATIONS, ENFORCEMENT, AND PENALTIES

Sec. 45-170. - Violations.

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

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-171. - Enforcement.

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

(Res. No. 01-19-05, 1-23-2019)

Sec. 45-172. - Penalties.

- (a) A person will, upon conviction for any violation of this chapter, forfeit not less than \$100.00 nor more than \$1,000.00 for each offense, together with the costs of prosecution for each violation, and may be ordered to take such action as is necessary to abate the offense within a specified time.

- (b) The minimum and maximum forfeitures specified in this section are doubled each time that a person is convicted for the same violation of this chapter within any 12-month period.
- (c) A person who has the ability to pay a forfeiture entered pursuant to this chapter, but who fails or refuses to do so may be confined in the county jail until the forfeiture and costs are paid, but the period of confinement may not exceed 30 days. In determining whether a person has the ability to pay, all items of income and all assets may be considered regardless of whether the income and assets are subject to garnishment, lien, or attachment by creditors.
- (d) The failure of a county employee, official, or officer to perform an official duty imposed by a section of this code will not subject the employee, official, or officer to a penalty unless the section imposing the duty also specifies the penalty.

(Res. No. 01-19-05, 1-23-2019)

Secs. 45-173—45-179. - Reserved.

ARTICLE X. - EFFECTIVE DATE

Sec. 45-180. - Effective date.

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

(Res. No. 01-19-05, 1-23-2019)

Chapter 47 - ZONING

Footnotes:

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State Law reference— *Planning and zoning, Wis. Stats. § 59.69 et seq.; shoreland zoning, Wis. Stats. § 59.692; flood control, Wis. Stats. § 87.01 et seq.; division of land, Wis. Stats. § 236.01 et seq.*

ARTICLE I. - IN GENERAL

Sec. 47-1. - Authority.

These regulations are adopted under the authority granted by Wis. Stats. §§ 59.69—59.698, 87.30, and 236.45 and Wis. Stats. ch. 68.

(Code 1986, § 17.01)

Sec. 47-2. - Purpose.

The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics and general welfare of the county, and to limit structures to those areas where soil and geological conditions will provide a safe foundation and prevent and control water pollution.

(Code 1986, § 17.02)

Sec. 47-3. - Intent.

It is the general intent of this chapter to regulate and restrict the use of structures, lands, shorelands and waters; regulate and restrict lot coverage, population distribution and density and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; prevent and control water pollution; protect spawning grounds, fish and aquatic life; preserve shoreland cover; and implement the county's general plan or county plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

(Code 1986, § 17.03)

Sec. 47-4. - Abrogation and greater restrictions.

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

(Code 1986, § 17.04)

Sec. 47-5. - Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other power granted by state statutes.

(Code 1986, § 17.05)

Sec. 47-6. - Effective date of chapter provisions in applicable municipalities.

This chapter shall be effective after notice and publication, hearing, and adoption by the county board of supervisors as required by Wis. Stats. § 59.69. This chapter shall not be effective in any municipality until it has been approved by the municipal governing body, pursuant to Wis. Stats. § 59.69(5). Any municipal governing body which approves this chapter shall promptly file with the county clerk a certified copy of the approving resolution attached to one of the copies of this chapter. This chapter shall become effective in said municipality as of the date of such filing.

(Code 1986, § 17.07)

Sec. 47-7. - Definitions.

For the purposes of this chapter, the following definitions shall be used:

Access road means a special local connecting road leading to a federal or state numbered highway or an arterial highway.

Accessory use or structure means a use or detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure. Examples of accessory uses or structures are garages, fences, culverts and gardens.

Adult bookstore means a retail establishment that has:

- (1) As a substantial or significant portion of its business the sale or rental of, or a substantial or significant portion of its stock in trade for sale or rental of:
 - a. Publications which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined in this chapter; and/or
 - b. Sexually oriented devices, as defined in this chapter.
- (2) As used in this definition, publications include, by way of illustration, books, magazines, other periodicals, movies, videotapes, and other products offered in photographic, electronic, magnetic, digital, or other imaging medium.
- (3) Any of the following shall be indicia that an establishment has as one of its principal business purposes the sale or rental of:
 - a. Publications which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this chapter, and/or
 - b. Sexually oriented devices, as defined in this chapter:
 1. The business advertises the sale or rental of adult publications including but not limited to "x-rated" movies and/or;
 2. Access by persons under 18 years of age to the business establishment or portions of the business establishment is restricted;
 3. Signs or notices are posted outside and/or inside the business establishment indicating that the material offered for sale or rental might be offensive;
 4. The building or portion of the building containing the business establishment does not have windows or has windows that are screened or otherwise obstructed or are situated in a manner that restricts visual access from outside the building to materials displayed within for sale or rental;
 5. The above factors shall be considered along with all other factors and available information. Notwithstanding the foregoing, a general circulation video store that does not offer for sale any sexually oriented devices shall not constitute an "adult bookstore" even though it offers for sale and/or rental videotapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified anatomical areas or specified sexual activities, as defined in this chapter, so long as:
 - (i) Such described videotapes are stocked and displayed in a room separate from the area of the business establishment where general circulation videotapes are stocked and displayed;
 - (ii) Access by persons under 18 years of age to the room where such described videotapes are stocked and displayed is restricted;
 - (iii) The square footage of the separate room where such described videotapes are stocked and displayed is no more than ten percent of the square footage of the area where general circulation videotapes are stocked and displayed; and

- (iv) The general circulation videotapes portion of the business establishment offers a quantity and selection of general circulation videotapes that is typical of a general circulation video store and offers a quantity and selection of general circulation video tapes that are organized and displayed in a manner that is typical of a general circulation video store.

Adult cabaret means an establishment that regularly features dancers or other entertainers who provide live adult entertainment, including but not limited to floor shows, exotic dancing, male or female impersonators, or similar entertainment and engage in a private performance, act as private models, display or expose any specified anatomical area(s) to a patron or customer, or wear or display to a customer any covering, tape, pastie, or other device which simulates or gives the appearance of the display or exposure of any specified anatomical area.

Adult entertainment means any exhibition of any motion picture, live performance, display or dance of any type, which is distinguished or characterized by an emphasis on any actual or simulated performance of "specified sexual activities" or exhibition and viewing of "specified anatomical areas," as defined below, appearing unclothed, or the removal of articles of clothing to reveal "specified anatomical areas."

Adult family home means a place where less than five unrelated adults reside, in which care, treatment or services above the level of room and board, but not including nursing care, are provided to persons residing in the facility as a primary function of the facility.

Adult mini-motion picture theater means a commercial establishment with one or more adult mini motion picture booths where:

- (1) A substantial or significant portion of business is the presentation and viewing in viewing booths of still or motion pictures that are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein; or
- (2) A substantial or significant portion of the stock of still or motion pictures available for viewing or that are actually viewed in the viewing booths are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined below.
- (3) Any of the following shall be indicia that a business establishment has as one of its principal business purposes the presentation and viewing in viewing booths still or motion pictures which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined below:
 - a. Restricted access to the business establishment or portions thereof where viewing booths are located by persons less than 18 years of age.
 - b. Posted signs or notices outside and/or inside the business establishment indicating that the material offered for presentation and viewing in the viewing booths might be offensive.
 - c. The above factors shall be considered along with other available information.

Adult motion picture theater means an enclosed building in which a substantial or significant portion of business involves presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.

Adult oriented establishment shall include, but is not limited to, "adult bookstores," "adult motion picture theatres," "adult mini-motion picture establishments" or "adult cabarets," and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes 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 profit, direct or indirect. An adult oriented establishment also includes the physical location from which adult entertainment is broadcast.

Agribusiness in this chapter means a retail or manufacturing business which supports the production operations of a farm, the manufacture and distribution of farm equipment and supplies, and the processing, storage, and distribution of farm commodities.

Alley means a right-of-way affording only secondary access to abutting properties.

Antenna means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services or radio broadcast services.

Backyard chickens means a place where chickens are kept for the use and enjoyment of those living on the premises, but not for commercial purposes. The sale of a chicken as part of a 4-H or similar educational project shall not be considered a commercial purpose.

Basement means that portion of any structure adjacent to the ground which does not have an exit at grade.

Board of adjustment means the county zoning board of adjustment.

Boathouse means an accessory building designed for the protection or storage of boats, which shall not be used for either temporary or permanent dwelling purposes and shall not exceed eight feet in height, but this shall not prohibit the erection of a temporary flexible covering or sunshade over flat roofs or decks not to exceed 15 feet in height.

Building means any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials, and includes dwellings.

Building area means the total living area bounded by the exterior walls of a building at the floor levels, but not including basements, garages, open porches and unfinished attics.

Building height means the vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of the structure, excluding chimneys, vents or antennae. Except in residential districts, also excluded are barns, chimneys, elevator bulkheads, fire towers, monuments, stacks, silos, storage, settling or drying towers, windmills, scenery lofts, tanks, water towers, ornamental towers, spires, masts or aials, conveyors or other equipment and necessary mechanical appurtenances. Structures such as wind energy facilities and telecommunications facilities shall follow the height requirements outlined in the sections of this chapter that pertain specifically to those structures.

Campground means a parcel or tract of land owned by a person, state, or local government that is designed, maintained, intended, or used for the purpose of providing campsites offered with or without charge, for temporary overnight sleeping accommodations of four or more camping units or one to three units if represented as a campground by advertising through media, a sign or a symbol.

Camping cabin means a building or other structure that is 400 square feet or less in area. A camping cabin includes a yurt, but does not include a tent, recreational vehicle, tourist rooming house, mobile home, or manufactured home.

Camping unit means a structure, including a tent, camping cabin, yurt, recreational vehicle, mobile home, or manufactured home, bus, van, or pickup truck.

Campsite means an area of a campground that is designated by the operator as capable of accommodating an independent or dependent camping unit. A campsite may be one or a combination of the following: Individual campsite, group campsite, seasonal campsite and/or rustic campsite.

Centerline means a line equidistant from the edges of the median separating the main traveled ways of an existing or planned divided road or highway or the centerline of the main traveled way of a nondivided road or highway.

Charcoal kiln means a structure in which wood is charred and from which the gases are permitted to escape during the process.

Class 1 collocation means the placement of a new mobile service facility or radio broadcast 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.

Class 2 collocation means the placement of a new mobile service facility or radio broadcast 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.

Clinic means an establishment for the medical examination and treatment of patients, but without provision for keeping such patients overnight on the premises.

Club means an association of persons for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

Collocation means class 1 or class 2 collocation or both.

Committee means the zoning committee of the county board of supervisors.

Common open space means undeveloped land within a planned unit development that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment of residents of the development. Common open space shall not be part of individual residential lots. It shall be substantially free of structures, but may contain historic structures and archaeological sites including Indian mounds and/or such recreational facilities for residents.

Community-based residential facility (CBRF) means a place where five or more unrelated adults reside, in which care, treatment or services above the level of room and board, but not including nursing care, are provided to persons residing in the facility as a primary function of the facility.

Conditional use means a use of a special nature so as to make impractical its predetermination as a principal use within a district.

Condominium means a community association combining individual unit ownership with shared use or ownership of common property or facilities, established in accordance with the requirements of the Condominium Ownership Act, Wis. Stats. ch. 703. A condominium is a legal form of ownership of real estate and not a specific building type or style.

Conservation easement means the grant of a property right or interest from the property owners to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural scenic, open or wooded state, precluding future or additional development.

Customer means any person who:

- (1) Is allowed to enter an adult oriented establishment in return for the payment of an admission fee or any other form of consideration or gratuity; or
- (2) Enters an adult oriented establishment and purchases, rents, or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or
- (3) Is a member of and on the premises of an adult oriented establishment operating as a private club.

Day care center means a facility operated by a child care provider, licensed under Wis. Stats. § 48.65, certified under Wis. Stats. § 48.651, or established or contracted for under Wis. Stats. § 120.13(14), that provides care and supervision for four or more children under seven years of age for less than 24 hours a day.

Day care center, group, means a facility operated by a child care provider, licensed under Wis. Stats. § 48.65, certified under Wis. Stats. § 48.651, or established or contracted for under Wis. Stats. § 120.13(14), that provides care and supervision for nine or more children under seven years of age for less than 24 hours a day.

Development envelope means the area within which grading, lawns, pavement and buildings will be located.

District means a portion of the county for which the regulations governing the use of land and buildings are uniform.

Dwelling means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, but does not include non-rental guest houses.

Dwelling unit means one or more rooms designed as a unit for occupancy by not more than one family for living and sleeping purposes.

Employee, as used in section 47-770, means any person who renders any service whatsoever to the customers of an adult oriented establishment or who works in or about an adult oriented establishment and who receives compensation for such service or work from the operator, or owner of the adult oriented establishment or from the customers therein.

Encroachment lines means limits of obstruction to flood flows. These lines are generally parallel to the stream. The lines are established by assuming that the area landward (outside) of the encroachment lines will be ultimately developed in such a way that it will not be available to convey flood flows. The stream channel and adjoining floodplains between those lines will be maintained as open space and will be adequate to convey the regional flood without adversely increasing flood heights.

End of taper means the point of intersection between the outer edges of the ramp pavement and the mainline pavement.

Equal degree of encroachment. Established by considering the effect of encroachment on the hydraulic efficiency of the floodplain along a significant reach of the stream. Dependent upon factors such as the relative orientation of the channel with respect to the floodway, the natural and manmade characteristics of the floodplain, relative ground level on both sides of the stream, the type of vegetation on both sides of the stream and the resistance of such vegetation to flood flow. In most cases, these factors will not result in equal distances or areas between encroachment lines on both sides of the stream.

Equipment compound means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities or radio broadcast service facilities.

Erect means to construct, build, raise, assemble, place, fix, attach, create, paint, draw or in any other way bring into being or establish.

Essential services means services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage and communication systems and accessories thereto, such as telephone and power distribution poles, nonelectrical poles and towers, mains, drains, vaults, culverts, laterals, sewers, pipes, catchbasins, conduits, cables, fire alarm boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

Existing structure means a support structure that exists at the time a request for permission to place mobile service facilities or radio broadcast service facilities on a support structure is filed with a political subdivision.

Expressway means a divided principal or primary arterial highway with full or partial control of access and with or without grade separated intersections.

FAA means the federal aviation administration.

Fair market value means the amount that a willing purchaser, under no duress or pressure to purchase, will pay for a piece of property versus what a willing seller, under no duress or pressure to sell, will accept for the property.

Fall zone means the area over which a mobile support structure or radio broadcast service facilities structure is designed to collapse.

Farm means an area of land devoted to the production of field or truck crops, livestock or livestock products, which constitute the major use of such property.

Farm building means a building on a farm other than a dwelling or mobile home.

Farm help means a person who, or a family at least one member of which, earns a substantial part of his or her livelihood from farm operations on the parcel, or is a parent or child of the operator of the farm.

FCC means the federal communications commission.

Flood means a temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

Freeway means an expressway with full control of access and with fully grade-separated intersections.

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

Frontage road means a local street or road auxiliary to and located on the side of an arterial highway for service to abutting property and adjacent areas and for control of access.

Fur farm means any property comprising land or buildings or both, used for the purpose of raising or harboring fur-bearing animals, including those defined in Wis. Stats. § 29.02(3)(c), and also including other fur-bearing animals, whether the animals are kept for breeding, slaughtering or pelting purposes.

Game farm means an area where animals or birds are raised, kept or released for purposes of being hunted within that area.

Garage means an accessory building or accessory portion of the main building used or designed or intended to be used for the storage of private motor vehicles.

Group home means any facility operated by a person required to be licensed under Wis. Stats. § 48.625, for the care and maintenance of five to eight children. This applies only to facilities where children reside.

Hazardous waste means any solid waste defined by the state department of natural resources as hazardous under Wis. Stats. § 291.05(2).

Height, mobile service support structure and radio broadcast service facilities structure, means 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.

Highway, arterial, serves longest trips with highest mobility. Arterial highways serve large communities and are a continuous, interconnected system with an uninterrupted maximum level of service.

Highway, collector, means a highway which serves as a linkage between local highways and arterials. High collectors serve moderate-sized communities and significant recreational centers, while low collectors deemphasize mobility and carry generally low traffic volumes.

Highway, local, means roads intended to move vehicles from individual parcels to the higher order road systems and should not carry through traffic. Local roads carry low-volume traffic.

Homeowners' association means a community association, incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or facilities.

Hotel means a building where rooms, with or without meals, are supplied to the transient public, or to anyone who may apply, for compensation.

Household occupation means any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed 25 percent of the area of any floor, does not employ more than one nonresident person and no stock in trade is kept or sold except that made on the premises.

Hub height, when referring to a wind turbine, means the distance measured from ground level to the center of the turbine hub.

Inhabited structure means a building existing prior to the conditional use application that is used for human habitation as a primary or secondary residence, including public buildings such as schools, churches and offices.

Interchange means a grade separated intersection on a state trunk highway with one or more turning roadways for travel between intersection legs.

Junkyard means an area consisting of buildings, structures or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including the purchase or storage of used furniture or household equipment. The term "junkyard" includes automobile wrecking yards.

Kenel means the use of land, with related buildings and structures, for the breeding, rearing, boarding or training, possession, or ownership of more than five dogs over five months of age for a time period exceeding six months.

Laboratory means a place where scientific experiments and research are carried on, or where drugs, chemicals or such substances are made or tested; or an establishment devoted to the development of and fabricating of preliminary or pilot models, but specifically not to include any mass production of the result of the experimental work.

Livestock means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish. Does not include "backyard chickens."

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

Lot means a parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter.

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

Lot depth means the depth of a parcel of land measured from the road right-of-way.

Lot, front, means the side of a lot bordering the principal street, unless otherwise specified on a plat, except that those lots bordering a lake or river shall have the side bordered by the water deemed the front.

Lot, interior, means a lot which is not a corner lot.

Lot lines and area means the peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot width means the width of a parcel of land measured at the rear of the specified street yard or setback lines.

Major recreational equipment means large items normally used for recreational purposes, including, but not limited to, travel trailers, motor homes, all-terrain vehicles, snowmobiles, boats and motors, buses and vans converted for sleeping purposes.

Manufactured home means a mobile home constructed after 1976 and bearing a manufactured home seal.

MET tower means a meteorological tower used for the measurement of wind speed.

Military maneuvers means a planned and controlled movement of troops from Fort McCoy, Wisconsin, across certain county-owned general forestry land in the Township of New Lyme.

Mineral extraction means commercial mining, quarrying, borrow pits, crushing, working or other removal or processing of mineral resources, the erection of buildings and installation of necessary machinery used in such extraction or processing, and the preparation of hot blacktop mix and ready-mixed concrete, but not including extraction for on farm or town road use only.

Mobile home means any building constructed before 1977, originally designed incorporating frame, wheels or axles, to be capable of transportation by a motor vehicle upon a public highway, which does not require substantial on-site fabrication and is intended for occupancy.

Mobile home park means an area or premises on which is located two or more mobile homes, but not including mobile homes located on farms occupied for farm purposes.

Mobile service means a radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes:

- (1) Both one-way and two-way radio communication services,
- (2) A mobile service which provides a regularly interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-

- way or two-way land mobile radio communications by eligible users over designated areas of operation, and
- (3) Any service for which a license is required in a personal communications service established pursuant to the proceeding entitled "Amendment to the Commission's Rules to Establish New Personal Communications Services" (GEN Docket No. 90-314; ET Docket No. 92-100), or any successor proceeding.

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.

Mobile service provider means a person or entity who provides mobile service.

Mobile service support structure means a freestanding structure that is designed to support a mobile service facility.

Motel means a series of attached, semiattached or detached sleeping units for accommodation of transient guests.

NESC means the National Electrical Safety Code.

Non-rental guest house means a structure, or that part of a structure, which is used or intended to be used occasionally as a dwelling unit by guests of the owner or occupant of the principal dwelling located on the same parcel. A non-rental guest house shall not be the primary residence for one person or for two or more persons maintaining a common household. It shall not be occupied more than 180 days in any 365-day period.

Nonconforming lot means any lot which was created after the time of the effective date of the ordinance from which this chapter is derived, or amendments thereto, but prior to January 1, 2002, which does not conform to the regulations of this chapter or amendments thereto.

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

Nonparticipating landowner means one who does not host a turbine and/or allow a variance and/or grant a right-of-way.

Nonprofit conservation organization means any charitable corporation, charitable association or charitable trust (such as land trust), the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protection of natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.

Nudity or a state of nudity means:

- (1) The appearance of a human bare buttock, vulva, anus, anal cleft with less than a full opaque covering, male genitals, female genitals or female breast; or
- (2) A state of dress which fails to completely and opaquely cover a human buttock, vulva, anus, male genitals, female genitals or any part of the female breast or breasts that is situated below a point immediately above the top of the areola of the female breast.

Nursing home and *rest home* mean a building or institution for the care of the aged, the infirm or the sick, provided the same shall comply with the further definitions and regulations contained in Wis. Admin. Code chs. HFS 101 and HFS 132.

Off lot means any lot in which the minimum lot depth and width required for that zoning district does not directly abut a public road right-of-way. Intended for flag lots and lots that require an easement for access.

Off-premises or *off-property sign* means a sign that is not an on-premises sign.

On-premises or *on-property sign* means a sign at a business location advertising a business that is conducted on the property and that is located in the immediate vicinity of the business. "Immediate vicinity" in sections 47-792 through 47-797 means the sign is within the area bounded by the buildings, driveways and parking areas in which the activity is conducted or within 50 feet of that area. "Immediate vicinity" does not include any area across a street or road from the area where the business is conducted or any area developed for the purpose of erecting a sign.

Operates or *causes to be operated* means to cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated an adult oriented establishment whether or not that person is an owner, part owner, licensee, or manager of the establishment.

Operation, other than nominal use, means a facility that is used regularly as an integral part of an active system of telecommunications.

Operator, other than nominal use, means an individual who is in control of the premises and operations of an adult oriented establishment.

Owner means the holder of the conditional use permit.

Park, public, means an area owned by a governmental agency, operated for the convenience and recreation of the public, containing such facilities as the agency shall see fit.

Parking lot means an area where automobiles are temporarily stored, primarily for the convenience of employees, residents or patrons, but not for the purpose of storing vehicles to be junked, salvaged or sold.

Parking space means a graded and surfaced area of not less than 200 square feet in area, either enclosed or open, for the parking of a motor vehicle having adequate ingress and egress to a public street or alley.

Participating landowner means one who hosts a turbine and/or allows a variance and/or grants a right-of-way.

Patron means a customer.

Person means an individual, proprietorship, partnership, corporation, association or other legal entity.

Premises means the grounds and all buildings, vehicles, and appurtenances pertaining to the grounds, including any adjacent premises if they are directly or indirectly under the control of the same person.

Private wind energy facility means an electricity-generating facility consisting of one or more wind turbines whose main purpose is to supply electricity for the owner's consumption.

Professional home office means residence of a doctor of medicine, practitioner, dentist, clergyman, architect, landscape architect, professional engineer, registered land surveyor, attorney, artist, teacher, author or musician used to conduct his profession where the office does not exceed one-half the area of only one floor of the residence and no more than one nonresident person is employed.

Public service use or facility means a use operated or used by a public body or public utility in connection with any of the following services: water, wastewater management, public education, parks and recreation, police, fire and emergency response network, solid waste management, utilities, or highway departments.

Radio broadcast service facilities means commercial or noncommercial facilities, including antennas intended for the provision of radio broadcast services.

Radio broadcast service facilities structure means a freestanding structure that is designed to support a radio broadcast service facility.

Radio broadcast service provider means a person or entity who provides radio broadcast service.

Radio broadcast services means the regular provision of a commercial or noncommercial service involving the transmission, emission, or reception of radio waves for the transmission of sound or images in which the transmissions are intended for direct reception by the general public.

Reach means a hydraulic engineering term used to describe longitudinal segments of a stream or river. A reach will generally include the segment of the floodplain where flood heights are primarily controlled by manmade or natural floodplain obstructions or restrictions. In an urban area, the segment of a stream or river between the consecutive bridge crossings would most likely be a reach.

Roadside stand means a structure having a ground area of not over 300 square feet, not permanently fixed to the ground, readily removable in its entirety and to be used solely for the sale of farm products produced on the premises or on adjoining premises.

Salvage yard means the site used for the storage or sale of salvageable materials or for the purpose of salvage, wrecking, dismantling or demolition of salvageable materials, including the collection and/or dismantling of automobiles or other objects for transportation, reuse or resale.

Salvageable material and recyclables means discarded material no longer of value as intended, but which is stored or retained for salvage, sale or further reuse.

Sanitary landfill means a method of disposing of solid waste on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at such intervals as may be necessary.

Satellite dish means 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. The term "satellite dish" includes, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

Search ring means a shape drawn on a map to indicate the general area within which a mobile service support structure or radio broadcast service facilities structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

Service station means any building, structure, or premises used for the dispensing and sale of any motor fuel or oils, having pumps and storage tanks, or where the repair of motor vehicles or sale of tires, batteries and other parts takes place.

Setback means the minimum horizontal distance from the front lot line of the lot or from the centerline of the highway to the nearest part of the building, exclusive of permitted projections, measured at right angles to the highway or front lot line.

Setback lines means lines established adjacent to highways for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained, except as shown herein. The term "within a setback line" means the area between the setback line and the highway right-of-way.

Sexually oriented device means any three-dimensional object designed and marketed for stimulation of the male or female human genitals, anus, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices such as dildos, vibrators, penis pumps, and physical representations of human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

Sign means any words, letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.

Small business means any occupation for gain or support conducted on property by resident occupants which is customarily incidental to the principal use of the premises.

Solar collector, private means a device, structure or a part of a device or structure a primary purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy for use primarily by the solar collector owner.

Solid waste means garbage, refuse and all other discarded or salvageable material, including waste material resulting from industrial, commercial and agricultural operations, and from domestic use and public service activities, but does not include solid or dissolved material in wastewater effluents or other common water pollutants.

Specified anatomical areas means:

- (1) Less than completely and opaquely covered:
 - a. Human genitals, pubic region; or
 - b. Showing the areola or nipple of a female breast.
- (2) Human male genitals in a discernible turgid state, even if opaquely covered.

Specified sexual activities means simulated or actual:

- (1) Showing of human genitals in a state of sexual stimulation or arousal;
- (2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, or cunnilingus;
- (3) Fondling or erotic touching of human genitals, pubic region, or areola or nipple of a female breast;
- (4) Excretory functions, as part of or in connection with any of the activities set forth in subsections (1) through (3) above.

Stable means a building or premises used for the training, housing, rent or lease of riding animals.

Story means the vertical distance between the surface of any floor and the floor next above it, or if there is no floor above it, the space between such floor and the ceiling next above it.

Street means a public highway not otherwise defined lying within a subdivision, with a right-of-way not less than 66 feet, providing primary access to abutting properties.

Structural alterations means any change in the supporting members of a structure such as foundations, bearing walls, columns, beams or girders.

Structure means any erection or construction which requires location on the ground or is attached to something having location on the ground, such as buildings, towers, masts, poles, beams, soils, signs and carports.

Substantial modification means the modification of a mobile service support structure or radio broadcast service facilities 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. Unless a greater height is necessary to avoid interference with an existing antenna.
- (2) For structures with an overall height of more than 200 feet, increases the overall height of the structure by ten percent or more unless a greater height is necessary to avoid interference with an existing antenna.
- (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 or if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.
- (4) Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

Support structure means an existing or new structure that supports or can support a mobile service facility or radio broadcast service facility, including a mobile service support structure, radio broadcast service facilities structure, utility pole, water tower, building, or other structure.

Total height, when referring to a wind turbine, means the distance measured from ground level to the blade extended at its highest point.

Trailer/RV means a portable vehicle designed to be towed by a motor vehicle and used for temporary sleeping purposes while its occupants are engaged in recreational activities.

Transmission lines means the wires and lines running from the last turbine in a string to any substation.

Tourist rooming house means all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under ch. A TCP 73.

Turning lane means an existing or proposed connecting roadway between two arterial highways or between an arterial highway and any other highway. Turning lanes include grade separated interchange ramps.

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

Utility pole means a structure owned or operated by an alternative telecommunications utility, as defined in Wis. Stats. § 196.01(1d); public utility, as defined in Wis. Stats. § 196.01(5); telecommunications utility, as defined in Wis. Stats. § 196.01(10); political subdivision; or cooperative association organized under ch. 185; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in Wis. Stats. § 182.017(1g (cq)); [for] video service, as defined in Wis. Stats. § 66.0420(2)(y); for electricity; or to provide light.

Utility pole-mounted antenna means an antenna attached to or upon an existing or replacement electric transmission or distribution pole, streetlight, traffic signal, athletic field light, or other approved similar structure.

Variance means a departure from the terms of this chapter as applied to a specific building, structure or parcel of land, which the board of adjustment may permit, contrary to the regulations of this chapter, the district in which such building, structure or parcel is located when the board finds, after a public hearing, that a literal application of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district, and for which there is no compensating gain to the public health, safety or welfare. A variance shall not permit a use which is not permitted in the district in which it is proposed.

Vehicular sales means any operation that requires a license under Wis. Stats. ch. 218.

Vehicular service means any operation that engages in motor vehicle repair as defined under ATCP 132 Wis. Admin. Code.

Visible means the sign, or any part of the sign structure, can be seen from the main-traveled way of a highway by a person of normal visual acuity, regardless of whether the sign is designed, erected or intended to be read from the main-traveled way.

Vision clearance triangle means an unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of the highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street, road or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection as specified by this chapter.

Waterline means the normal high-water mark of any lake or stream, where the predominant vegetation changes from aquatic to terrestrial, or where established by the state department of natural resources (DNR).

Wind access permit means a wind access permit within the meaning of Wis. Stats. § 66.0403 or any successor statute.

Wind energy facility means an electricity-generating facility consisting of one or more wind turbines under common ownership or operating control of a public or private utility, and includes all substations, MET towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.

Wind energy facility siting permit means a construction and operating permit granted in accordance with the provisions of this chapter.

Wind turbine means a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator.

Yard means an open space on a lot on which a structure is situated, unoccupied except as otherwise provided in this chapter.

Yard, front, means a yard extending across the full width of the lot and measured between the front line of the lot and the front line of the building.

Yard, rear, means a yard extending from the rear line of the main building to the rear lot line for the entire width of the lot, excluding such projections as are permitted hereinafter.

Yard, side means a yard on each side of the main building extending from the side wall of the building to the side lot line and from the front yard to the rear yard. When an accessory building is constructed as part of the main building, or constructed on one side of the main building, the side yard requirements shall be the same for the accessory building as

required for the main building.

(Code 1986, § 17.08; Ord. No. 89-75; Ord. No. 95-2-6G; Ord. No. 6-98-11; Ord. No. 11-01-1; Ord. No. 11-02-4; Res. No. 3-06-1, § 17.08, 3-22-2006; Res. No. 3-06-2, § 17.08, 3-22-2006; Res. No. 10-09-05, 10-28-2009; Res. No. 10-09-06, 10-28-2009; Res. No. 11-10-09, 11-23-2010; Res. No. 10-12-02, 10-24-12; Res. No. 09-14-05, 9-24-14; Res. No. 11-15-02, 4-19-2016; Res. No. 08-16-13, 8-24-2016; Res. No. 06-18-13, 6-27-2018; Res. No. 07-20-04, 7-22-2020; Res. No. 03-22-02, 3-23-2022)

Sec. 47-8. - Violations.

No person shall construct any structure or building or use any structure, building, land or water in violation of any of the provisions of this chapter. In case of any violation, the county board of supervisors, planning and zoning administrator, deputy planning and zoning administrator, county zoning committee, or any property owner who would specifically be damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter.

(Code 1986, § 17.90; Res. No. 11-15-02, 4-19-2016)

Sec. 47-9. - Penalties.

Any person violating any rule or regulation of this chapter shall be subject to a forfeiture as provided in section 1-15.

(Code 1986, § 17.91)

Sec. 47-10. - Jurisdiction.

The jurisdiction of this chapter shall include all lands and water within the county which are not within the corporate boundaries of incorporated areas.

(Code 1986, § 17.10)

Sec. 47-11. - Compliance; powers and duties of planning and zoning administrator; appointment of deputy planning and zoning administrator; appointment of a planning and zoning committee.

- (a) No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit and without full compliance with the provisions of this chapter and all other applicable local, county and state regulations.
- (b) The planning and zoning administrator shall be a fulltime county employee with the following powers and duties:
 - (1) Administer, supervise and enforce the provisions of this chapter and all sections of the Wisconsin Statutes pertaining to county zoning.
 - (2) Receive applications for and issue zoning and sign permits, land use permits and conditional use permits subject to approval by the committee as provided herein.
 - (3) Advise interested persons as to the provisions of these zoning regulations and other matters pertaining to county zoning.
 - (4) Inspect from time to time the premises for which a permit has been issued under this chapter, report suspected violations of this chapter to the district attorney or corporate counsel for prosecution, and sign complaints under the direction and supervision of the district attorney and corporate counsel, or issue

citations.

- (c) Town boards may nominate a deputy planning and zoning administrator to administer, supervise and enforce the provisions of this chapter in the town. His compensation shall be determined by the town. Such deputies shall be subject to confirmation by the county zoning committee. Each such deputy may receive applications for zoning permits and shall transmit the same to the planning and zoning administrator for his consideration for issuance. They may assist the applicants in preparing their applications.
- (d) There shall be a planning and zoning committee of five voting members appointed by the chairman of the county board of supervisors. The voting members of the committee shall be county board supervisors. Under Wis. Stats. § 59.69(1)(cm), the planning and zoning committee shall also include, as a nonvoting member, a representative from Ft. McCoy, if the base's commanding officer appoints such a representative.

(Code 1986, § 17.11; Res. No. 08-16-13, 8-24-2016)

Sec. 47-12. - Zoning permit.

- (a) Applications for a zoning permit shall be made to the planning and zoning administrator on forms furnished by his office and shall include the following, where applicable:
 - (1) Names and addresses of the applicant, owner of the site, architect, engineer or contractor.
 - (2) A description of the site by legal description, the address of the site, the type of structure, the existing and proposed operation or use of site, the number of employees and the zoning district within which the site lies.
 - (3) A certified survey map or plat of record showing the parcel of land for which the permit is requested, or a sketch of the site showing lot dimensions, existing and proposed structures and their dimensions, distances between structures and property lines, parking and loading areas and watercourses.
 - (4) A written permit for highway access from the highway maintaining authority, complete with identification number.
 - (5) A certified soil test if municipal sewage service is not available.
 - (6) The proposed water supply if municipal water service is not available.
 - (7) Any additional information as may be required by the planning and zoning administrator.
- (b) A zoning permit shall be either granted or denied in writing by the planning and zoning administrator within 30 days. The permit shall expire 12 months from the date of issue unless work has commenced. Any permit issued in conflict with the provisions of this chapter shall be null and void.
- (c) Highway access in accordance with the provisions of the access permit shall be established prior to commencement of construction.
- (d) Such permits shall be posted in a prominent place on the premises prior to and during the period of construction, alteration or moving.
- (e) A zoning permit shall be required for all new stand-alone buildings exceeding 200 square feet and for all exterior enlargement or additions which would extend the building or portion thereof horizontally or vertically including but not limited to decks and porches. Normal repairs and interior remodeling do not require a zoning permit.
- (f) The county board of supervisors has final authority to approve or disapprove the written agreement between Fort McCoy, the Township of New Lyme and the county zoning committee, which would authorize military maneuvers on certain county-owned forestry land in the Township of New Lyme. The county board of supervisors' approval is considered the permit which authorizes the type of use as described in the agreement.

(g) *Pending violations or arrears.* The zoning administrator may not issue a zoning permit for any property upon which are:

- (1) Pending violations of chapters 35, 41, 47, 50 or 53 of the Monroe County Code; or
- (2) Delinquent real estate taxes for the property as determined by the Monroe County Treasurer.

(Code 1986, § 17.12; Ord. No. 89-75; Ord. No. 11-01-1; Res. No. 11-10-4, 11-25-2008; Res. No. 08-16-13, 8-24-2016; Res. No. 01-19-04, 1-23-2019; Res. No. 07-20-04, 7-22-2020)

Sec. 47-13. - Site restrictions.

- (a) No land shall be used or any structure erected where the land is held unsuitable for such use or structure by the county zoning committee by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of the county. The committee may consult with the soil and water conservation district supervisors in determining suitability. The committee, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the committee may affirm, modify or withdraw its determination of unsuitability.
- (b) All lots shall have a minimum 66-foot access to a public road except under subsection (d).
- (c) Parcels that narrow to less than 66 feet of width before reaching the building site must be enhanced with an easement that maintains an access at a minimum width of 66 feet leading from a public road to the building site.
- (d) Physical access has been granted across the Elroy-Sparta State Trail or La Crosse River State Trail by the state department of natural resources. A zoning permit granted under this section has the following requirements:
 - (1) Written permission from the state department of natural resources to cross the trail.
 - (2) Written verification from local emergency services that the property is accessible and services will be provided.
 - (3) A zoning permit shall be issued for only one dwelling or business and associated accessory structures per access. Agricultural or personal storage buildings may be permitted without a dwelling or business on the parcel.

(Code 1986, § 17.13; Ord. No. 11-01-1; Res. No. 06-18-13, 6-27-2018; Res. No. 07-20-04, 7-22-2020)

Sec. 47-14. - Reapplication.

Application for a conditional use permit, variance or amendment which is denied shall not again be submitted within a period of nine months from the date of the denial.

(Code 1986, § 17.14)

Sec. 47-15. - Use restrictions.

The following use restrictions and regulations shall apply:

- (1) *Principal uses.* Only those principal uses specified for a district, their essential services and the uses described in this section shall be permitted in that district.

- (2) *Accessory uses.* Accessory uses and structures are permitted in any district only when the principal structure is under construction, except essential services which may precede construction.
- (3) *Conditional uses.*
 - a. Conditional uses and their accessory uses are considered as special uses requiring review, public hearing and approval by the committee.
- (4) *Unclassified uses.* Unclassified or unspecified uses may be permitted by the zoning board of adjustment after the county zoning committee has made a review and recommendations provided that such uses are similar in character to the principal uses permitted in the district.
- (5) *Temporary uses.* Temporary uses such as real estate sales, field office or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the committee for a specified period of time.
- (6) *Military maneuvers use.* Military maneuvers uses are permitted upon approval of a contracted agreement between Fort McCoy, the Township of New Lyme and the county zoning committee with final ratification by the county board of supervisors. An advisory committee consisting of the New Lyme town board would work with the zoning committee and certain representatives from Fort McCoy to develop a contractual agreement which details the terms and conditions of military maneuvers on certain county-owned general forestry land in the Township of New Lyme. The county board of supervisors has the final authority to ratify or execute or not to ratify or execute such agreement.
- (7) *Prohibited uses.* Uses not specifically permitted shall be prohibited.

(Code 1986, § 17.15; Ord. No. 89-75; Res. No. 3-06-3, 3-22-2006; Res. No. 11-15-02, 4-19-2016; Res. No. 08-16-13, 8-24-2016)

Sec. 47-16. - Reduction or joint use.

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

(Code 1986, § 17.16)

Sec. 47-17. - Airport approach protection.

An airport approach protection overlay zone may be used to control height of construction surrounding any FAA-approved airport. Where applied, no structure shall hereafter be constructed, altered or located to a height exceeding a limit established by the ratio of 20 feet horizontal to one foot vertical in the area surrounding the airport defined as a circle, its center point at the midpoint of the major runway and measured outward to a distance of five miles except that no structure may be limited to less than 35 feet.

(Code 1986, § 17.17)

Sec. 47-18. - Public utility pipelines, poles, etc.

Public utility gas and oil pipelines, transmission and distribution lines, poles and other accessories shall be permitted in all districts, provided that when a utility proposes a major intercity transmission line or pipeline, it shall give notice to the committee of such intention and of the time and place of hearing before the public service commission. At the request of

the committee, the utility shall meet with it to discuss the routing of the transmission line or pipeline, and before actual construction, shall file a mapped description of the route of such transmission line with the committee.

(Code 1986, § 17.26)

Sec. 47-19. - Relaxation of standards for persons with disabilities.

The zoning administrator may issue a special permit to relax the standards of this ordinance in order to provide reasonable accommodations as required by provisions of federal and state law. Such relaxation shall be the minimum necessary to be consistent with federal guidelines for accommodation of persons with disabilities and shall, where practicable, be terminated when the facility is no longer used by the disabled person. A person applying for a permit for construction under this section shall establish the nature and extent of the disability and that the relaxation requested is the minimum necessary to provide reasonable use of the facility. A deed restriction or affidavit for the reasonable accommodation shall be filed with the register of deeds.

(Res. No. 06-18-13, 6-27-2018)

Secs. 47-20—47-35. - Reserved.

ARTICLE II. - PLANNED UNIT DEVELOPMENTS

Sec. 47-36. - Regulations.

Planned unit developments are allowed in any district that allows residential housing as a principal use. Planned unit developments shall be subject to the following regulations. Any regulations not specifically mentioned in this section shall be the same as nonplanned unit developments.

- (1) *Generally.* Under such a plan, dwelling units may be grouped on lots below the minimum size specified in chapters 47, 50 and 53 or by municipal governing body resolution and the remaining land in the plat shall be reserved for common open space or recreational uses.
- (2) *Density.* The maximum number of lots or dwellings permitted in the development shall be determined by dividing the total area of the subdivision by the minimum lot sizes required by chapters 47, 50 and 53 or by a municipal governing body resolution, whichever is greater.
- (3) *Residential lot requirements.*
 - a. Minimum lot size.
 1. Septic, on-site: one acre.
 2. Septic, off-lot: one-half acre.
 - b. Principal building setbacks.
 1. Front lot line: 30 feet.
 2. Side lot line: ten feet.
 3. Rear lot line: 20 feet.
 - c. Accessory building setbacks.
 1. Side lot line: 15 feet.

2. Rear lot line: ten feet.
 - d. The maximum building height shall be three stories or 35 feet.
 - e. Development envelopes should not be located on ridges, hilltops, along peripheral public roads or in other visually prominent areas.
 - f. A 30-foot native vegetation buffer shall be maintained around open water areas or along streams, unless a specific common beach or grassed area is identified.
- (4) *Residential cluster siting standards.*
- a. Prevent downstream impacts due to runoff through adequate on-site stormwater management practices.
 - b. Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.
- (5) *Open space design.*
- a. Open space shall be designated as part of the development. The minimum required open space is 60 percent of the gross acreage.
 - b. No more than 50 percent of the required open space may consist of navigable water bodies, floodplains, or wetlands.
 - c. No more than 50 percent of the required open space may consist of steep slopes or ridges unsuitable for building.
 - d. That portion of open space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas.
- (6) *Ownership and maintenance of open space and common facilities.*
- a. *Alternatives.* The designated common open space and common facilities may be owned and managed by one or a combination of the following:
 1. A homeowners' association.
 2. A condominium association established in accordance with the Condominium Ownership Act, Wis. Stats. ch. 703.
 3. A nonprofit conservation organization.
 4. A governmental body empowered to hold an interest in real property.
 5. An individual who will use the land for open space purposes as provided by a conservation easement.
 - b. *Homeowners' association.* A homeowners' association shall be established if the common open space is proposed to be owned by a homeowners' association. Membership in the association is mandatory for all purchasers of homes or parcels in the development and their successors.
 - c. *Condominium association.* If the common open space and facilities is to be held under the Condominium Ownership Act, Wis. Stats. ch. 703, the condominium instruments shall identify the restrictions placed upon the use and enjoyment of the common open space. All common open space shall be held as a common element as defined in Wis. Stats. § 703.01(2).
 - d. *A nonprofit conservation organization.* The conveyance to the nonprofit conservation organization must contain appropriate provision for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.
 - e. *Public dedication of open space and streets.* The county or town may accept the common open space

provided that:

- 1. The common open space is accessible to the residents of the county or municipality;
 - 2. The county or municipality agrees to and has access to maintain the common open space.
- f. *Individual ownership.* An individual may hold fee title to the land while a nonprofit conservation organization or other qualified organization holds a conservation easement prescribing the acceptable uses for the common open space.

(Code 1986, § 17.18; Ord. No. 11-01-1)

Secs. 47-37—47-60. - Reserved.

ARTICLE III. - ZONING DISTRICTS

DIVISION 1. - GENERALLY

Sec. 47-61. - Establishment of districts.

(a) The zoning districts are provided as follows:

R-1	Urban residential
R-2	Suburban residential
R-3	Rural residential
B	Business
IB	Interstate business
I	Industrial
GA	General agriculture
EA	Exclusive agriculture
AO	Agriculture only
C	Community
GF	General forestry
EF	Exclusive forestry

W	Wilderness
GD	Group development
W-1	Wetland

(b) Boundaries of these districts are hereby established as shown on a map entitled Zoning Map, Monroe County, Wisconsin, which is made a part of this chapter in section 47-62. Such boundaries shall be construed to follow corporate limits, U.S. public land survey lines, lot or property lines, centerlines of streets, highways, alleys, easements and railroad rights-of-way or such lines extended, unless otherwise noted on the zoning map.

(c) Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

(Code 1986, § 17.20; Ord. No. 6-98-11; Ord. No. 11-01-1)

Sec. 47-62. - Zoning map.

A certified copy of the zoning map shall be adopted and approved with the text as part of this chapter and shall be on file in the zoning department office.

(Code 1986, § 17.21; Ord. No. 6-98-11)

Sec. 47-63. - Rules for interpretation of zone boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following municipal boundaries shall be construed as following municipal boundaries.
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (5) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- (6) Boundaries indicated as parallel to or extension of features indicated in subsections (1) through (5) of this section shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

(Code 1986, § 17.22)

Sec. 47-64. - Limited number of buildings.

There shall be not more than one principal dwelling structure and two accessory structures, including a private garage, on any lot in either the R-1 or R-2 residential district. There shall be not more than one principal dwelling structure on any parcel in the R-3 rural residential, business, general agriculture, community, or general forestry districts unless otherwise indicated in this chapter.

(Code 1986, § 17.23; Res No. 07-20-04, 7-22-2020)

Sec. 47-65. - Zoning regulations.

No person shall use any land, building or structure, or erect, construct, reconstruct, move or structurally alter a building, structure or part thereof, except in conformance with the regulations set forth in this article.

(Code 1986, § 17.24)

Secs. 47-66—47-90. - Reserved.

DIVISION 2. - R-1 URBAN RESIDENTIAL

Sec. 47-91. - Purpose.

The purpose of this division is to identify those areas where predominantly residential development has occurred or will be likely to occur, in accordance with the general plan; to protect residential neighborhoods by prohibiting uses which will not mix well with the homes; and to identify only those areas with central, public sewers. The harboring or raising of livestock is prohibited.

(Code 1986, § 17.25(1)(a); Res. No. 03-22-02, 3-23-2022)

Sec. 47-92. - Principal uses.

Principal uses in the R-1 urban residential district shall be one-family dwellings, including manufactured homes with public sewers in a sanitary district.

(Code 1986, § 17.25(1)(b); Ord. No. 6-98-11)

Sec. 47-93. - Accessory uses.

Accessory uses in the R-1 urban residential district shall be essential services and household occupations.

(Code 1986, § 17.25(1)(c))

Sec. 47-94. - Conditional uses.

(a) Conditional uses in the R-1 urban residential district shall be as follows:

- (1) Two-family and multifamily dwelling, if minimum lot size is 4,000 square feet per family, up to and including four families and 2,500 square feet per family thereafter.

- (2) Public and semipublic uses.
- (3) Rest and nursing homes.
- (4) Club, fraternity.
- (5) Small business.

(b) All uses shall have a public sewer and be in a sanitary district.

(Code 1986, § 17.25(1)(d); Ord. No. 6-98-11; Res. No. 11-10-09, 11-23-2010)

Sec. 47-95. - Minimum lot area.

The minimum lot area in the R-1 urban residential district shall be 10,000 square feet for single-family dwellings and 12,000 square feet for two- and three-family dwellings.

(Code 1986, § 17.25(1)(e))

Sec. 47-96. - Minimum width.

The minimum lot width in the R-1 urban residential district shall be 80 feet.

(Code 1986, § 17.25(1)(f))

Sec. 47-97. - Minimum depth.

The minimum lot depth in the R-1 urban residential district shall be 100 feet.

(Code 1986, § 17.25(1)(g))

Sec. 47-98. - Minimum yards.

The minimum yard sizes in the R-1 urban residential district shall be as follows:

- (1) Front: See subsection 47-769(b).
- (2) Rear: 25 feet.
- (3) Side: Ten feet each.

(Code 1986, § 17.25(1)(h))

Sec. 47-99. - Maximum building height.

The maximum building height in the R-1 urban residential district shall be three stories or 35 feet.

(Code 1986, § 17.25(1)(i))

Sec. 47-100. - Minimum yards for off lots.

(a) The minimum yard size for an off lot shall be ten feet to all property lines.

(b) See subsection 47-769(b) for road right-of-way setbacks.

(Res. No. 10-09-05, 10-28-2009)

Secs. 47-101—47-126. - Reserved.

DIVISION 3. - R-2 SUBURBAN RESIDENTIAL

Sec. 47-127. - Purpose.

The purpose of this division is to identify nonfarm residential areas not served by public sewer and to protect residential neighborhoods by prohibiting uses which will not mix well with the homes. The harboring or raising of livestock is prohibited. This division shall be applied only to two or more lots when considering rezoning.

(Code 1986, § 17.25(2)(a); Res. No. 03-22-02, 3-23-2022)

Sec. 47-128. - Principal uses.

Principal uses in the R-2 suburban residential district shall be one-family dwellings, including manufactured homes less than 20 years old.

(Code 1986, § 17.25(2)(b); Ord. No. 95-2-6F; Res. No. 01-19-04, 1-23-2019)

Sec. 47-129. - Accessory uses.

Accessory uses in the R-2 suburban residential district shall be essential services and household occupations.

(Code 1986, § 17.25(2)(c))

Sec. 47-130. - Conditional uses.

Conditional uses in the R-2 suburban residential district shall be as follows:

- (1) Two-family dwellings.
- (2) Public and semipublic uses.
- (3) Community-based residential facilities.
- (4) Group foster homes.
- (5) Private wind energy facilities.
- (6) Small business.
- (7) Single manufactured home greater than 20 years old.

(Code 1986, § 17.25(2)(d); Ord. No. 3-97-4; Res. No. 3-06-1, § 17.25(2), 3-22-2006; Res. No. 11-10-09, 11-23-2010; Res. No. 01-19-04, 1-23-2019)

Sec. 47-131. - Minimum lot area.

The minimum lot area in the R-2 suburban residential district shall be 1½ acres per family or more if required by the county sanitary code. Exempted from the 1½-acre requirement will be any platted subdivision that has been submitted to the state for approval by January 1, 1995.

(Code 1986, § 17.25(2)(e); Ord. No. 95-2-6B)

Sec. 47-132. - Minimum width.

The minimum lot width in the R-2 suburban residential district shall be 150 feet.

(Code 1986, § 17.25(2)(f); Ord. No. 6-98-11)

Sec. 47-133. - Minimum depth.

The minimum lot depth in the R-2 suburban residential district shall be 200 feet.

(Code 1986, § 17.25(2)(g); Ord. No. 6-98-11)

Sec. 47-134. - Minimum yards.

The minimum yard sizes in the R-2 suburban residential district shall be as follows:

- (1) Front: See subsection 47-769(b).
- (2) Rear: 40 feet.
- (3) Side: 15 feet each.

(Code 1986, § 17.25(2)(h))

Sec. 47-135. - Maximum building height.

The maximum building height in the R-2 suburban residential district shall be three stories or 35 feet.

(Code 1986, § 17.25(2)(i))

Sec. 47-136. - Minimum yards for off lots.

- (a) The minimum yard size for an off lot shall be 15 feet to all property lines.
- (b) See subsection 47-769(b) for road right-of-way setbacks.

(Res. No. 10-09-05, 10-28-2009)

Secs. 47-137—47-153. - Reserved.

DIVISION 4. - R-3 RURAL RESIDENTIAL

Sec. 47-154. - Purpose.

The purpose of this division is to identify nonfarm residential areas not served by a public sewer which are located in predominantly rural areas and to permit mixing of houses and mobile homes. The harboring or raising of livestock is prohibited.

(Code 1986, § 17.25(3)(a); Res. No. 03-22-02, 3-23-2022)

Sec. 47-155. - Principal uses.

Principal uses in the R-3 rural residential district shall be one-family dwellings, including manufactured homes less than 20 years old.

(Code 1986, § 17.25(3)(b); Ord. No. 6-98-11; Res. No. 01-19-04, 1-23-2019)

Sec. 47-156. - Accessory uses.

Accessory uses in the R-3 rural residential district shall be essential services and household occupations.

(Code 1986, § 17.25(3)(c))

Sec. 47-157. - Conditional uses.

Conditional uses in the R-3 rural residential district shall be as follows:

- (1) Mobile home parks;
- (2) Public and semipublic uses;
- (3) Single mobile homes;
- (4) Two-family dwellings;
- (5) Private wind energy facilities.
- (6) Small business.
- (7) Single manufactured home greater than 20 years old.

(Code 1986, § 17.25(3)(d); Ord. No. 6-98-11; Res. No. 3-06-1, § 17.25(3), 3-22-2006; Res. No. 11-10-09, 11-23-2010; Res. No. 01-19-04, 1-23-2019)

Sec. 47-158. - Minimum lot area.

The minimum lot area in the R-3 rural residential district shall be 1½ acres per family or more if required by the county sanitary code. Exempted from the 1½-acre requirement will be any platted subdivision that has been submitted to the state for approval by January 1, 1995.

(Code 1986, § 17.25(3)(e); Ord. No. 95-2-6B)

Sec. 47-159. - Minimum width.

The minimum lot width in the R-3 rural residential district shall be 150 feet.

(Code 1986, § 17.25(3)(f); Ord. No. 6-98-11)

Sec. 47-160. - Minimum depth.

The minimum lot depth in the R-3 rural residential district shall be 200 feet.

(Code 1986, § 17.25(3)(g); Ord. No. 6-98-11)

Sec. 47-161. - Minimum yards.

The minimum yard sizes in the R-3 rural residential district shall be as follows:

(1) Front: See subsection 47-769(b).

(2) Rear: 40 feet.

(3) Side: 15 feet each.

(Code 1986, § 17.25(3)(h))

Sec. 47-162. - Maximum building height.

The maximum building height in the R-3 rural residential district shall be three stories or 35 feet.

(Code 1986, § 17.25(3)(i))

Sec. 47-163. - Minimum yards for off lots.

(a) The minimum yard size for an off lot shall be 15 feet to all property lines.

(b) See subsection 47-769(b) for road right-of-way setbacks.

(Res. No. 10-09-05, 10-28-2009)

Secs. 47-164—47-192. - Reserved.

DIVISION 5. - B BUSINESS

Sec. 47-193. - Purpose.

The purpose of this division is to identify areas appropriate for commercial uses which are either oriented to the highway user or intended to serve vehicles and to identify retail shopping areas outside the downtown and community business areas.

(Code 1986, § 17.25(4)(a))

Sec. 47-194. - Principal uses.

Principal uses in the B business district shall be as follows:

- (1) Bakeries;
- (2) Barbershops;
- (3) Beauty shops;
- (4) Business offices;
- (5) Clinics;
- (6) Clothing stores;
- (7) Clubs;
- (8) Drugstores;
- (9) Eating establishments;
- (10) Florists;

- (11) Food lockers;
- (12) Fruit and vegetable stores;
- (13) Furniture stores;
- (14) Gift shops;
- (15) Government offices;
- (16) Grocery stores;
- (17) Hardware stores;
- (18) Hobby shops;
- (19) Laundries;
- (20) Lodges;
- (21) Marinas;
- (22) Meat markets;
- (23) Music stores;
- (24) Office supply stores;
- (25) Optical services;
- (26) Personal services;
- (27) Pet stores;
- (28) Professional offices; and
- (29) Retail stores.

(Code 1986, § 17.25(4)(b))

Sec. 47-195. - Accessory uses.

Accessory uses in the B business district shall be as follows:

- (1) Essential services;
- (2) Dwellings, including manufactured homes less than 20 years old;
- (3) Household occupations or professional home offices (see [section 47-7](#));
- (4) Parking garages or parking areas.

(Code 1986, § 17.25(4)(c); Ord. No. 6-98-11; Res. No. 08-16-13, 8-24-2016; Res. No. 01-19-04, 1-23-2019)

Sec. 47-196. - Conditional uses.

(a) Conditional uses in the B business district shall be as follows:

- (1) Bait sales;
- (2) Bowling alleys;
- (3) Building supply and lumberyards;
- (4) Bus depots;
- (5) Drive-in theaters;
- (6) Feed, seed, fertilizer businesses;

- (7) Funeral homes;
- (8) Gasoline service stations, tire and battery service;
- (9) Hotels and motels;
- (10) Kennel;
- (11) Liquor stores;
- (12) Microwave relay structures;
- (13) Mini-warehouse storage units;
- (14) Multifamily dwellings;
- (15) Plumbing shops;
- (16) Private wind energy facilities;
- (17) Radio and television broadcasting studios;
- (18) Single manufactured homes greater than 20 years old when associated with a permitted use;
- (19) Taverns;
- (20) Towers, masts or aerials;
- (21) Vehicular sales or service;
- (22) Veterinary clinics;
- (23) Adult-oriented establishments.
- (24) Agribusiness.

(b) Any use not specifically listed shall be prohibited.

(Code 1986, § 17.25(4)(d); Ord. No. 6-98-11; Ord. No. 11-01-1; Res. No. 3-06-1, § 17.25(4), 3-22-2006; Res. No. 3-06-4, 3-22-2006; Res. No. 11-08-6, 11-25-2008; Res. No. 08-16-13, 8-24-2016; Res. No. 06-18-13, 6-27-2018; Res. No. 01-19-04, 1-23-2019; Res. No. 03-22-02, 3-23-2022)

Sec. 47-197. - Minimum lot area.

The minimum lot area in the B business district shall be unsewered one and one-half acres, plus any additional requirements of Wis. Admin. Code ch. Comm 83, or the county sanitary code. Exempted from the one and one-half-acre requirement will be any platted subdivision that has been submitted to the state for approval by January 1, 1995.

(Code 1986, § 17.25(4)(e); Ord. No. 95-2-6C; Ord. No. 6-98-11)

Sec. 47-198. - Minimum width.

The minimum lot width in the B business district shall be 150 feet.

(Code 1986, § 17.25(4)(f); Ord. No. 6-98-11)

Sec. 47-199. - Minimum depth.

The minimum lot depth in the B business district shall be 80 feet sewerred or 200 feet unsewerred.

(Code 1986, § 17.25(4)(g); Ord. No. 6-98-11)

Sec. 47-200. - Minimum yards.

The minimum yard sizes in the B business district shall be as follows:

- (1) Front: See subsection 47-769(b).
- (2) Rear: 40 feet.
- (3) Side: 15 feet.

(Code 1986, § 17.25(4)(h))

Sec. 47-201. - Maximum building height.

The maximum building height in the B business district shall be three stories or 35 feet.

(Code 1986, § 17.25(4)(i))

Sec. 47-202. - Minimum yards for off lots.

- (a) The minimum yard size for an off lot shall be 15 feet to all property lines.
- (b) See subsection 47-769(b) for road right-of-way setbacks.

(Res. No. 10-09-05, 10-28-2009)

Secs. 47-203—47-225. - Reserved.

DIVISION 6. - IB INTERSTATE BUSINESS

Sec. 47-226. - Purpose.

The purpose of this division is to control access and regulate heavy traffic generating land uses at interstate highway interchanges. This division is to be utilized only in the immediate area of the interchange.

(Code 1986, § 17.25(5)(a))

Sec. 47-227. - Principal uses.

Principal uses in the IB interstate business district shall be agriculture and forestry.

(Code 1986, § 17.25(5)(b); Ord. No. 6-98-11)

Sec. 47-228. - Conditional uses.

Conditional uses in the IB interstate business district shall be as follows:

- (1) Campgrounds;
- (2) Drive-in food and drink services;
- (3) Filling stations and automotive repair garages;
- (4) Food stores, gift shops and Laundromats;

- (5) Hotels and motels;
- (6) Private wind energy facilities;
- (7) Restaurants, taverns and dinner clubs;
- (8) Retail stores;
- (9) Warehouses, laundromats and professional offices, provided there is no outdoor storage;
- (10) Wholesale businesses.

(Code 1986, § 17.25(5)(c); Ord. No. 6-98-11; Res. No. 3-06-1, § 17.25(5), 3-22-2006)

Sec. 47-229. - Access control.

- (a) Internal access or frontage roads not less than 50 feet wide shall be provided across the entire width or length of any lot that abuts on an intersecting highway, and there shall be not more than one access in each 1,000 feet from any such frontage road to an intersecting highway. The location of such points of access shall be further restricted as follows:
 - (1) No such access shall be located on either side of the intersecting highway within 1,000 feet of the most remote end of taper of any entrance to or exit from a controlled access highway.
 - (2) Such access shall be located directly opposite crossovers in median strips where the highway serving the interstate business district is divided for directional control of traffic flow.
- (b) Each building or group of continuous buildings shall have not more than two entrances to the abutting frontage road and no such entrance shall exceed 30 feet in width. Wherever practicable, buildings or groups of buildings shall use entrances in common in order to reduce the number of such entrances and promote the safety of travel upon the abutting internal access or frontage road. Road frontage other than entrances shall be closed against vehicular traffic by a curb, planting strip or other equally effective barrier.

(Code 1986, § 17.25(5)(d))

Sec. 47-230. - Minimum lot area.

The minimum lot area in the IB interstate business district shall be unsewered one and one-half acres, plus any additional requirements of Wis. Admin. Code ch. Comm 83, or the county sanitary code. Exempted from the one and one-half-acre requirement will be any platted subdivision that has been submitted to the state for approval by January 1, 1995.

(Code 1986, § 17.25(5)(e); Ord. No. 95-2-6C; Ord. No. 6-98-11)

Sec. 47-231. - Minimum width.

The minimum lot width in the IB interstate business district shall be 150 feet.

(Code 1986, § 17.25(5)(f); Ord. No. 6-98-11)

Sec. 47-232. - Minimum depth.

The minimum lot depth in the IB interstate business district shall be 80 feet sewerred or 200 feet unsewerred.

(Code 1986, § 17.25(5)(g); Ord. No. 6-98-11)

Sec. 47-233. - Minimum yards.

The minimum yard sizes in the IB interstate business district shall be as follows:

- (1) Front: See subsection 47-769(b).
- (2) Rear: 40 feet.
- (3) Side: 15 feet.

(Code 1986, § 17.25(5)(h))

Sec. 47-234. - Maximum building height.

The maximum building height in the IB interstate business district shall be 60 feet.

(Code 1986, § 17.25(5)(i))

Sec. 47-235. - Minimum yards for off lots.

- (a) The minimum yard size for an off lot shall be 15 feet to all property lines.
- (b) See subsection 47-769(b) for road right-of-way setbacks.

(Res. No. 10-09-05, 10-28-2009)

Secs. 47-236—47-261. - Reserved.

DIVISION 7. - I INDUSTRIAL

Sec. 47-262. - Purpose.

The purpose of this division is to identify areas best suited for industrial development because of location, topography, existing streets and utilities and relationship to other land uses. Uses not compatible with industry are to be discouraged.

(Code 1986, § 17.25(6)(a))

Sec. 47-263. - Principal uses.

Principal uses in the I industrial district shall be warehouses or wholesale product establishments.

(Code 1986, § 17.25(6)(b))

Sec. 47-264. - Accessory uses.

Accessory uses in the I industrial district shall be essential services.

(Code 1986, § 17.25(6)(c))

Sec. 47-265. - Conditional uses.

Conditional uses in the I industrial district shall be as follows:

- (1) Any manufacturing, processing, refining, storage or repairing facilities;
- (2) Butchering of animals or fowl;
- (3) Food processing facilities;
- (4) Mineral extraction and processing;
- (5) Public and semipublic uses;
- (6) Private wind energy facilities.

(Code 1986, § 17.25(6)(d); Ord. No. 6-98-11; Res. No. 3-06-1, § 17.25(6), 3-22-2006)

Sec. 47-266. - Minimum lot area.

The minimum lot area in the I industrial district shall be unsewered one and one-half acres, plus any additional requirements of Wis. Admin. Code ch. Comm 83, or the county sanitary code. Exempted from the one and one-half-acre requirement will be any platted subdivision that has been submitted to the state for approval by January 1, 1995.

(Code 1986, § 17.25(6)(e); Ord. No. 95-2-6C; Ord. No. 6-98-11)

Sec. 47-267. - Minimum width.

The minimum lot width in the I industrial district shall be 150 feet.

(Code 1986, § 17.25(6)(f); Ord. No. 6-98-11)

Sec. 47-268. - Minimum depth.

The minimum lot depth in the I industrial district shall be 200 feet.

(Code 1986, § 17.25(6)(g); Ord. No. 6-98-11)

Sec. 47-269. - Minimum yards.

The minimum yard sizes in the I industrial district shall be as follows:

- (1) Front: See subsection 47-769(b).
- (2) Rear: 20 feet.
- (3) Side: 20 feet.

(Code 1986, § 17.25(6)(h))

Sec. 47-270. - Maximum building height.

The maximum building height in the I industrial district shall be three stories or 35 feet.

(Code 1986, § 17.25(6)(i))

Sec. 47-271. - Minimum yards for off lots.

- (a) The minimum yard size for an off lot shall be 20 feet to all property lines.
- (b) See subsection 47-769(b) for road right-of-way setbacks.

(Res. No. 10-09-05, 10-28-2009)

Secs. 47-272—47-288. - Reserved.

DIVISION 8. - GA GENERAL AGRICULTURE

Sec. 47-289. - Purpose.

The purpose of this division is to identify general agricultural areas and to carry out the municipal policies on residential development on agricultural land.

(Code 1986, § 17.25(7)(a))

Sec. 47-290. - Principal uses.

Principal uses in the GA general agriculture district shall be as follows:

- (1) Agriculture;
- (2) Beekeeping;
- (3) Dairying;
- (4) Greenhouses;
- (5) Horticulture;
- (6) Livestock raising;
- (7) Nurseries;
- (8) Poultry farms;
- (9) Roadside stands for the sale of products grown or produced on the premises;
- (10) Single-family residences, including manufactured homes less than 20 years old, with additional dwellings if used by farm help;
- (11) Stables;
- (12) Truck farms.

(Code 1986, § 17.25(7)(b); Ord. No. 95-2-6E; Res. No. 08-16-13, 8-24-2016; Res. No. 01-19-04, 1-23-2019)

Sec. 47-291. - Accessory uses.

Accessory uses in the GA general agriculture district shall be essential services and household occupations.

(Code 1986, § 17.25(7)(c))

Sec. 47-292. - Conditional uses.

Conditional uses in the GA general agriculture district shall be as follows:

- (1) Bed and breakfast establishments;
- (2) Campgrounds, golf courses, trap and skeet shoot, rifle ranges, motocross courses, racetracks and festival

grounds;

- (3) Commercial raising of fish;
- (4) Community-based residential facilities;
- (5) Construction yards, bait production, farm machinery sales and recreational vehicle sales;
- (6) Fur farms;
- (7) Gun repair and sales;
- (8) Kennels;
- (9) Mineral extraction and processing;
- (10) Reserved;
- (11) Private wind energy facilities;
- (12) Public and semipublic uses;
- (13) Sawmills of a commercial nature permanently fixed to the ground;
- (14) Single mobile homes;
- (15) Small business;
- (16) Small engine or recreational vehicle sales or service;
- (17) Solid waste disposal operations, incinerators and salvage yards;
- (18) Stockyards;
- (19) Two-family dwellings;
- (20) Veterinarian facilities, animal hospitals;
- (21) Wind energy facilities;
- (22) Vehicular service.
- (23) Single manufactured home greater than 20 years old.
- (24) Tourist rooming houses.
- (25) Agribusiness.

(Code 1986, § 17.25(7)(d); Ord. No. 95-2-6A; Ord. No. 6-98-11; Ord. No. 8-99-4; Res. No. 3-06-1, § 17.25(7), 3-22-2006; Res. No. 11-08-5, 11-25-2008; Res. No. 11-10-09, 11-23-2010; Res. No. 08-16-13, 8-24-2016; Res. No. 01-19-04, 1-23-2019; Res. No. 07-20-04, 7-22-2020; Res. No. 03-22-02, 3-23-2022)

Sec. 47-293. - Minimum lot area.

The minimum lot area in the GA general agriculture district shall be 1½ acres per family. Exempted from the 1½-acre requirement will be any platted subdivision that has been submitted to the state for approval by January 1, 1995.

(Code 1986, § 17.25(7)(e); Ord. No. 95-2-6D; Ord. No. 6-98-11)

Sec. 47-294. - Minimum width.

The minimum lot width in the GA general agriculture district shall be 200 feet.

(Code 1986, § 17.25(7)(f))

Sec. 47-295. - Minimum depth.

The minimum lot depth in the GA general agriculture district shall be 200 feet.

(Code 1986, § 17.25(7)(g))

Sec. 47-296. - Minimum yards.

The minimum yard sizes in the GA general agriculture district shall be as follows:

- (1) Front: See subsection 47-769(b), except for farm buildings which may be built at the existing setback, but not less than 20 feet from the right-of-way, and except for irrigation facilities which may be built at the right-of-way.
- (2) Rear: 50 feet.
- (3) Side: 25 feet.

(Code 1986, § 17.25(7)(h); Ord. No. 6-98-11)

Sec. 47-297. - Maximum building height for dwellings and signs.

The maximum building height in the GA general agriculture district shall be three stories or 35 feet.

(Code 1986, § 17.25(7)(i))

Sec. 47-298. - Minimum yards for off lots.

- (a) The minimum yard size for an off lot shall be 25 feet to all property lines.
- (b) See subsection 47-769(b) for road right-of-way setbacks.

(Res. No. 10-09-05, 10-28-2009)

Secs. 47-299—47-327. - Reserved.

DIVISION 9. - EA EXCLUSIVE AGRICULTURE

Sec. 47-328. - Purpose.

The purpose of this division is to identify and protect areas that have a primary agriculture economy, preserving land for food and fiber production and preventing conflicts between incompatible uses; to carry out county and town policies on residential development on agricultural land; and to implement goals, objectives and guidelines contained in the county farmland preservation plan.

(Code 1986, § 17.25(8)(a))

Sec. 47-329. - Principal uses.

Principal uses in the EA exclusive agriculture district shall be as follows:

- (1) Agricultural uses as defined in Wis. Stats. § 91.01, including:

- a. Beekeeping;
 - b. Commercial feedlots, dairying, egg production;
 - c. Fish or fur farming;
 - d. Floriculture;
 - e. Forest and game management;
 - f. Grazing;
 - g. Livestock raising;
 - h. Orchards;
 - i. Plant greenhouses and nurseries;
 - j. Poultry raising;
 - k. Raising of fruits, nuts and berries;
 - l. Raising of grain, grass, mint and seed crops;
 - m. Sod farming; and
 - n. Vegetable raising.
- (2) The only residences allowed as permitted uses are those to be occupied by a person who, or of a family at least one member which, earns a substantial part of his livelihood from farm operations on the parcel, or is a parent or child of the operator of the farm. Preexisting residences located in areas subject to zoning under this district which do not conform to this subsection may be continued in residential use and are exempted from any limitations imposed or authorized under Wis. Stats. § 59.57(10). Such preexisting residences may be altered, repaired or rebuilt if destroyed, but are subject to setback, height and other dimensional requirements. Farm dwellings and related structures which remain after farm consolidation may be separated from the farm lot.
- (3) Gas and electric utility uses not requiring authorization under Wis. Stats. § 196.491.
- (4) Roadside stand used solely for the sale of products grown or produced on the premises.
- (5) No structure or improvement may be built on the land unless consistent with agricultural uses.

(Code 1986, § 17.25(8)(b); Res. No. 06-18-13, 6-27-2018)

Sec. 47-330. - Conditional uses.

Conditional uses in the EA exclusive agriculture district shall be as follows:

- (1) Agricultural related, religious, other utility uses which are not permitted uses, institutional or governmental uses which do not conflict with agricultural use and are found necessary in light of alternative locations available for such uses;
- (2) Single-family dwellings of mobile homes exceeding one per farm operation for occupancy by a person or family earning a substantial part of livelihood from the farm operation;
- (3) Wind energy facilities;
- (4) Private wind energy facilities;
- (5) Household occupations and professional home offices conducted within and accessory to permitted agricultural residences.

(Code 1986, § 17.25(8)(c); Res. No. 3-06-1, § 17.25(8), 3-22-2006)

Sec. 47-331. - Minimum lot area.

The minimum lot area in the EA exclusive agriculture district shall be 35 acres, except as provided. The minimum lot size to establish a separate parcel for an additional residence for persons earning a substantial part of their livelihood from the farm operation or parents or children of the farm operator shall be 1½ acres. The minimum lot size for farm residences or structures existing before the adoption date of the ordinance from which this chapter is derived and which are separated from a larger parcel through farm consolidation shall be 1½ acres.

(Code 1986, § 17.25(8)(d); Ord. No. 6-98-11)

Sec. 47-332. - Minimum width.

The minimum lot width in the EA exclusive agriculture district shall be 200 feet.

(Code 1986, § 17.25(8)(e))

Sec. 47-333. - Minimum depth.

The minimum lot depth in the EA exclusive agriculture district shall be 200 feet.

(Code 1986, § 17.25(8)(f))

Sec. 47-334. - Minimum yards.

The minimum yard sizes in the EA exclusive agriculture district shall be as follows:

- (1) Front: See subsection 47-769(b), except for farm buildings which may be built at the existing setback but not less than 20 feet from the right-of-way and except for irrigation facilities which may be built at the right-of-way.
- (2) Rear: 75 feet.
- (3) Side: 50 feet combined.

(Code 1986, § 17.25(8)(g))

Sec. 47-335. - Maximum building height for dwellings and signs.

The maximum building height in the EA exclusive agriculture district shall be three stories or 35 feet.

(Code 1986, § 17.25(8)(h))

Sec. 47-336. - Minimum yards for off lots.

- (a) The minimum yard size for an off lot shall be 25 feet to all property lines.
- (b) See subsection 47-769(b) for road right-of-way setbacks.

(Res. No. 10-09-05, 10-28-2009)

Secs. 47-337—47-358. - Reserved.

DIVISION 10. - AO AGRICULTURE ONLY

Sec. 47-359. - Purpose.

The purpose of this division is to identify areas dominated by agricultural practices and to carry out the municipal policies on residential development on agricultural land.

(Code 1986, § 17.25(9)(a))

Sec. 47-360. - Principal uses.

Principal uses in the AO agriculture only district shall be as follows:

- (1) Agriculture, horticulture, dairying, beekeeping, livestock raising, nurseries, greenhouses;
- (2) Bait production;
- (3) Fur farms;
- (4) Mobile homes as a principal structure on a permanent foundation;
- (5) Poultry farms housing more than 10,000 birds;
- (6) Roadside stands for the sale of products grown or produced on the premises;
- (7) Single farm residences for farm purposes with additional dwelling at a ratio of one to every 40 acres including mobile homes if used by farm help;
- (8) Stables;
- (9) Truck farms.

(Code 1986, § 17.25(9)(b))

Sec. 47-361. - Conditional uses.

Conditional uses in the AO agriculture only district shall be as follows:

- (1) Construction yards;
- (2) Incinerators and salvage yards;
- (3) Mineral extraction and processing;
- (4) Private wind energy facilities;
- (5) Public and semipublic uses;
- (6) Sawmills of a commercial nature permanently fixed to the ground;
- (7) Solid waste disposal operations;
- (8) Stockyards;
- (9) Wind energy facilities.

(Code 1986, § 17.25(9)(c); Res. No. 3-06-1, § 17.25(9), 3-22-2006)

Sec. 47-362. - Minimum lot area.

The minimum lot area in the AO agriculture only district shall be 40 acres or a quarter of a quarter section, whichever is least.

(Code 1986, § 17.25(9)(d))

Sec. 47-363. - Minimum width.

The minimum lot width in the AO agriculture only district shall be 200 feet.

(Code 1986, § 17.25(9)(e))

Sec. 47-364. - Minimum depth.

The minimum lot depth in the AO agriculture only district shall be 200 feet.

(Code 1986, § 17.25(9)(f))

Sec. 47-365. - Minimum yards.

The minimum yard sizes in the AO agriculture only district shall be as follows:

- (1) Front: See subsection 47-769(b), except for farm buildings which may be built at the existing setback, but not less than 20 feet from the right-of-way and except for irrigation facilities which may be built at the right-of-way.
- (2) Rear: 75 feet.
- (3) Side: 50 feet.

(Code 1986, § 17.25(9)(g))

Sec. 47-366. - Maximum building height for dwellings and signs.

The maximum building height in the AO agriculture only district shall be three stories or 35 feet.

(Code 1986, § 17.25(9)(h); Ord. No. 11-01-1)

Sec. 47-367. - Minimum yards for off lots.

- (a) The minimum yard size for an off lot shall be 50 feet to all property lines.
- (b) See subsection 47-769(b) for road right-of-way setbacks.

(Res. No. 10-09-05, 10-28-2009)

Secs. 47-368—47-390. - Reserved.

DIVISION 11. - C COMMUNITY

Sec. 47-391. - Purpose.

The purpose of this division is to identify those areas which have traditionally serviced the nearby farms, forests and residences, but were not legally incorporated into villages or cities and to recognize that these older communities have mixed their residential, commercial, farming and forestry uses.

(Code 1986, § 17.25(10)(a))

Sec. 47-392. - Principal uses.

Principal uses in the C community district shall be one- and two-family dwellings, including manufactured homes less than 20 years old.

(Code 1986, § 17.25(10)(b); Ord. No. 6-98-11; Res. No. 01-19-04, 1-23-2019)

Sec. 47-393. - Accessory uses.

Accessory uses in the C community district shall be essential services and household occupations and dwellings over or attached to other permitted uses.

(Code 1986, § 17.25(10)(c))

Sec. 47-394. - Conditional uses.

Conditional uses in the C community district shall be as follows:

- (1) Conditional uses permitted in the R-2 suburban residential district;
- (2) Creameries;
- (3) Eating, drinking or entertainment establishments;
- (4) Feed mills;
- (5) Financial, professional or office buildings;
- (6) Hotels;
- (7) Motels;
- (8) Plumbing stores, farm equipment sales and service;
- (9) Principal uses permitted in the GA general agriculture district;
- (10) Public and semipublic uses;
- (11) Recreational equipment sales and service;
- (12) Repair shops;
- (13) Retail outlets;
- (14) Sawmills;
- (15) Service stations;
- (16) Single mobile homes;
- (17) Small business.
- (18) Single manufactured home greater than 20 years old.

(Code 1986, § 17.25(10)(d); Ord. No. 6-98-11; Res. No. 11-10-09, 11-23-2010; Res. No. 01-19-04, 1-23-2019)

Sec. 47-395. - Minimum lot area.

The minimum lot area in the C community district shall be 10,000 square feet sewerred or 20,000 square feet unsewerred.

(Code 1986, § 17.25(10)(e))

Sec. 47-396. - Minimum width.

The minimum lot width in the C community district shall be 100 feet.

(Code 1986, § 17.25(10)(f))

Sec. 47-397. - Minimum depth.

The minimum lot depth in the C community district shall be 150 feet.

(Code 1986, § 17.25(10)(g))

Sec. 47-398. - Minimum yards.

The minimum yard sizes in the C community district shall be as follows:

- (1) Front yards shall be 20 feet.
- (2) Rear yards shall be 25 feet.
- (3) Side yards shall be ten feet each.

(Code 1986, § 17.25(10)(h))

Sec. 47-399. - Maximum building height.

The maximum building height in the C community district shall be three stories or 35 feet.

(Code 1986, § 17.25(10)(i))

Sec. 47-400. - Minimum yards for off lots.

- (a) The minimum yard size for an off lot shall be ten feet to all property lines.
- (b) See subsection 47-769(b) for road right-of-way setbacks.

(Res. No. 10-09-05, 10-28-2009)

Secs. 47-401—47-426. - Reserved.

DIVISION 12. - GF GENERAL FORESTRY

Sec. 47-427. - Purpose.

The purpose of this division is to identify those areas which are primarily forest areas and to provide for outdoor recreation and rural, nonfarm residences.

(Code 1986, § 17.25(11)(a))

Sec. 47-428. - Principal uses.

Principal uses in the GF general forestry district shall be as follows:

- (1) Agriculture;
- (2) Beekeeping;
- (3) Dairying;
- (4) Forestry;
- (5) Horticulture;
- (6) Livestock raising;
- (7) Military maneuvers on certain county-owned general forestry land in the Township of New Lyme;
- (8) Roadside stands for the sale of products grown or produced on the premises;
- (9) Sawmills;
- (10) Single-family residences, including manufactured homes less than 20 years old.

(Code 1986, § 17.25(11)(b); Ord. No. 89-75; Ord. No. 6-98-11; Ord. No. 11-01-1; Res. No. 01-19-04, 1-23-2019)

Sec. 47-429. - Accessory uses.

Accessory uses in the GF general forestry district shall be essential services and home occupations.

(Code 1986, § 17.25(11)(c); Res. No. 3-06-1, 3-22-2006)

Sec. 47-430. - Conditional uses.

Conditional uses in the GF general forestry district shall be as follows:

- (1) Campground;
- (2) Charcoal kiln;
- (3) Commercial fishing pond;
- (4) Commercial ski hill;
- (5) Game farm;
- (6) Golf course;
- (7) Kennel;
- (8) Mineral extraction;
- (9) Mobile home park;
- (10) Motocross course;
- (11) Private wind energy facilities;
- (12) Public and semipublic uses;
- (13) Race track;
- (14) Raising and harvesting of sphagnum moss;

- (15) Rifle range;
- (16) Single mobile home;
- (17) Small business;
- (18) Solid waste disposal operation;
- (19) Trap and skeet shoot.
- (20) Single manufactured home greater than 20 years old.
- (21) Tourist rooming houses.
- (22) Agribusiness.

(Code 1986, § 17.25(11)(d) ; Ord. No. 6-98-11; Ord. No. 11-01-1; Res. No. 3-06-1, § 17-25(11), 3-22-2006; Res. No. 11-10-09, 11-23-2010; Res. No. 01-19-04, 1-23-2019; Res. No. 07-20-04, 7-22-2020; Res. No. 03-22-02, 3-23-2022)

Sec. 47-431. - Minimum lot area.

The minimum lot area in the GF general forestry district shall be five acres.

(Code 1986, § 17.25(11)(e))

Sec. 47-432. - Minimum width.

The minimum lot width in the GF general forestry district shall be 200 feet.

(Code 1986, § 17.25(11)(f); Ord. No. 6-98-11)

Sec. 47-433. - Minimum depth.

The minimum lot depth in the GF general forestry district shall be 200 feet.

(Code 1986, § 17.25(11)(g); Ord. No. 6-98-11)

Sec. 47-434. - Minimum yards.

The minimum yard sizes in the GF general forestry district shall be as follows:

- (1) Front: See subsection 47-769(b).
- (2) Rear yards shall be 50 feet.
- (3) Side yards shall be 25 feet.

(Code 1986, § 17.25(11)(h); Ord. No. 6-98-11)

Sec. 47-435. - Maximum building height.

The maximum building height in the GF general forestry district shall be three stories or 35 feet.

(Code 1986, § 17.25(11)(i))

Sec. 47-436. - Minimum yards for off lots.

- (a) The minimum yard size for an off lot shall be 25 feet to all property lines.

(b) See subsection 47-769(b) for road right-of-way setbacks.

(Res. No. 10-09-05, 10-28-2009)

Secs. 47-437—47-453. - Reserved.

DIVISION 13. - EF EXCLUSIVE FORESTRY

Sec. 47-454. - Purpose.

The purpose of this division is to identify those areas which are primarily forest areas and to provide for the raising, harvesting and primary processing of trees.

(Code 1986, § 17.25(12)(a))

Sec. 47-455. - Principal uses.

Principal uses in the EF exclusive forestry district shall be as follows:

- (1) Agriculture except for feedlots;
- (2) Forestry;
- (3) Raising and harvesting of sphagnum moss;
- (4) Roadside stands for the sale of products grown or produced on the premises;
- (5) Stables;
- (6) Single-family residences, including manufactured homes.

(Code 1986, § 17.25(12)(b); Ord. No. 6-98-11; Ord. No. 11-01-1)

Sec. 47-456. - Accessory uses.

Accessory uses in the EF exclusive forestry district shall be essential services and home occupations.

(Code 1986, § 17.25(12)(c))

Sec. 47-457. - Conditional uses.

Conditional uses in the EF exclusive forestry district shall be as follows:

- (1) Charcoal kilns;
- (2) Debarking operations;
- (3) Game farms;
- (4) Kennels;
- (5) Mineral extraction;
- (6) Public and semipublic uses;
- (7) Private wind energy facilities;
- (8) Sawmills;

(9) Solid waste disposal operations;

(10) Single mobile homes.

(Code 1986, § 17.25(12)(d); Ord. No. 6-98-11; Ord. No. 11-01-1; Res. No. 3-06-1, § 17.25(12), 3-22-2006)

Sec. 47-458. - Minimum lot area.

The minimum lot area in the EF exclusive forestry district shall be 40 acres.

(Code 1986, § 17.25(12)(e))

Sec. 47-459. - Minimum width.

The minimum lot width in the EF exclusive forestry district shall be 100 feet.

(Code 1986, § 17.25(12)(f))

Sec. 47-460. - Minimum depth.

The minimum lot depth in the EF exclusive forestry district shall be 150 feet.

(Code 1986, § 17.25(12)(g))

Sec. 47-461. - Minimum yards.

The minimum yard sizes in the EF exclusive forestry district shall be as follows:

(1) Front: See subsection 47-769(b).

(2) Rear yards shall be 50 feet.

(3) Side yards shall be 20 feet.

(Code 1986, § 17.25(12)(h); Ord. No. 6-98-11)

Sec. 47-462. - Maximum building height.

The maximum building height in the EF exclusive forestry district shall be three stories or 35 feet.

(Code 1986, § 17.25(12)(i))

Sec. 47-463. - Minimum yards for off lots.

(a) The minimum yard size for an off lot shall be 20 feet to all property lines.

(b) See subsection 47-769(b) for road right-of-way setbacks.

(Res. No. 10-09-05, 10-28-2009)

Secs. 47-464—47-492. - Reserved.

DIVISION 14. - W WILDERNESS

Sec. 47-493. - Purpose.

The purpose of this division is to identify those areas where development is prohibited due to groundwater, the presence of significant wildlife habitat and natural vegetation or the need to protect water quality; to control development in natural areas; and to restrict isolated development which might require a new town road or lengthy driveway.

(Code 1986, § 17.25(13)(a))

Sec. 47-494. - Principal uses.

Principal uses in the W wilderness district shall be as follows:

- (1) Parkland; and
- (2) Recreational uses such as:
 - a. Hunting, fishing, hiking and bridle paths;
 - b. Forestry practices;
 - c. Raising of waterfowl, fish or other wildlife, including necessary nonresidential buildings;
 - d. Wild crop harvesting.

(Code 1986, § 17.25(13)(b); Ord. No. 6-98-11)

Sec. 47-495. - Accessory uses.

Accessory uses in the W wilderness district shall be essential services.

(Code 1986, § 17.25(13)(c))

Sec. 47-496. - Conditional uses.

Conditional uses in the W wilderness district shall be as follows:

- (1) Agricultural practices;
- (2) Boathouses;
- (3) Dams;
- (4) Docks;
- (5) Hydroelectric plants;
- (6) Piers;
- (7) Watercourse relocation, filling, draining, dredging.

(Code 1986, § 17.25(13)(d))

Sec. 47-497. - Minimum lot area.

The minimum lot area in the W wilderness district shall be two acres.

(Code 1986, § 17.25(13)(e))

Sec. 47-498. - Minimum width.

The minimum lot width in the W wilderness district shall be 100 feet.

(Code 1986, § 17.25(13)(f); Res. No. 3-06-1, 3-22-2006)

Sec. 47-499. - Minimum depth.

The minimum lot depth in the W wilderness district shall be 100 feet.

(Code 1986, § 17.25(13)(g))

Sec. 47-500. - Minimum yards.

The minimum yard sizes in the W wilderness district shall be as follows:

- (1) Front: See subsection 47-769(b).
- (2) Rear yards shall be 75 feet.
- (3) Side yards shall be 75 feet each.

(Code 1986, § 17.25(13)(h))

Sec. 47-501. - Maximum building height.

The maximum building height in the W wilderness district shall be three stories or 35 feet.

(Code 1986, § 17.25(13)(i))

Sec. 47-502. - Minimum yards for off lots.

- (a) The minimum yard size for an off lot shall be 75 feet to all property lines.
- (b) See subsection 47-769(b) for road right-of-way setbacks.

(Res. No. 10-09-05, 10-28-2009)

Secs. 47-503—47-525. - Reserved.

DIVISION 15. - GD GROUP DEVELOPMENT

Sec. 47-526. - Purpose.

The purpose of this division is to permit the continuation of existing developments or creation of new developments which contain more than eight single-family dwellings not on individual lots or parcels, but on 40 or more contiguous acres under one ownership, corporation or control.

(Code 1986, § 17.25(14)(a))

Sec. 47-527. - Principal uses.

Principal uses in the GD group development district shall be single-family residences, including manufactured homes.

(Code 1986, § 17.25(14)(b); Ord. No. 6-98-11)

Sec. 47-528. - Accessory uses.

Accessory uses in the GD group development district shall be essential services.

(Code 1986, § 17.25(14)(c))

Sec. 47-529. - Conditional uses.

Conditional uses in the GD group development district shall be as follows:

- (1) Clubs;
- (2) Eating establishments; and
- (3) Marinas.

(Code 1986, § 17.25(14)(d))

Sec. 47-530. - Minimum dwelling separation.

The minimum dwelling separation in the GD group development district shall be 20 feet.

(Code 1986, § 17.25(14)(e))

Sec. 47-531. - Maximum building height.

The maximum building height in the GD group development district shall be three stories or 35 feet.

(Code 1986, § 17.25(14)(f))

Sec. 47-532. - Maximum dwelling density.

There shall not be more than one dwelling per every five acres in the GD group development district.

(Code 1986, § 17.25(14)(g))

Sec. 47-533. - Minimum yards for off lots.

- (a) The minimum yard size for an off lot shall be 20 feet to all property lines.
- (b) See subsection 47-769(b) for road right-of-way setbacks.

(Res. No. 10-09-05, 10-28-2009)

Secs. 47-534—47-557. - Reserved.

DIVISION 16. - W-1 WETLAND

Sec. 47-558. - Purpose.

The purpose of this division is to identify critical wetland areas based upon hydric soil, wetland vegetation and shallow groundwater, to protect groundwater recharge areas and prevent water pollution; to prevent filling, grading or dredging and control soil erosion; to protect spawning grounds, preserve sensitive fish, waterfowl, amphibian and aquatic habitat; and to prohibit development in critical groundwater/surface water and natural habitat areas.

(Code 1986, § 17.25(15)(a))

Sec. 47-559. - Principal uses.

Principal uses in the W-1 wetland district shall be parks and recreational uses such as hiking, cross-country skiing, wildlife viewing, hunting, trapping, fishing, silvicultural practices and pasturing of livestock.

(Code 1986, § 17.25(15)(b))

Sec. 47-560. - Conditional uses.

Conditional uses in the W-1 wetland district shall be as follows:

- (1) Fish hatcheries;
- (2) Public utility transmission lines.

(Code 1986, § 17.25(15)(c); Ord. No. 11-01-1)

Secs. 47-561—47-583. - Reserved.

ARTICLE IV. - CONDITIONAL USES

Sec. 47-584. - Procedure.

(a) *Application and hearing.*

- (1) Any conditional uses listed in this chapter shall be permitted only when authorized by the zoning committee. Applications for a conditional use permit shall be made to the planning and zoning administrator who shall refer it to the committee.
- (2) A public hearing on applications shall be held 30 days or more after the clerk of the municipality within which the proposed conditional use is located has been notified by registered mail of the date, time and place of the hearing. The zoning committee shall conduct the public hearing within 60 days of the application. The municipal governing body or its representative shall be allowed to make a statement at the hearing. There shall be a published class 2 notice as provided in Wis. Stats. ch. 985.

(b) *Review and approval.* The committee shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation.

(c) *Vote.* The zoning committee shall, after the public hearing, vote on the passage of such conditional use. If the conditional use is approved, the planning and zoning administrator shall, within seven days after approval, send a copy of the approved conditional use by registered mail to the town clerk in which lands affected by such use

are located. The town board may veto or approve such conditional use within 21 days from the date of original approval by the zoning committee. If no action is taken within 21 days, the conditional use is approved.

- (d) *Necessary conditions.* Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the committee upon its finding that these are necessary to fulfill the purpose and intent of this chapter.
- (e) *Compliance.* Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.
- (f) Conditional use permits are transferrable to subsequent owners when property is sold unless otherwise prohibited by specific condition added to the permit. The conditional use permit shall be transferred upon the new owners signing a transfer form which acknowledges the original permit remains in effect.
- (g) A conditional use permit holder may apply for a replacement conditional use permit. The replacement process shall follow section 47-584. If the replacement conditional use permit is granted the original conditional use permit shall be surrendered. If the replacement conditional use permit is denied by the zoning committee or vetoed by the town board the original conditional use permit or permits shall remain in effect.
- (h) A conditional use permit shall expire three years from the issue date if the use has not begun.
- (i) *Pending violations or arrears.* A conditional use permit may not be issued for any property upon which there are:
 - (1) Pending violations of chapters 35, 41, 47, 50 or 53 of the Monroe County Code; or
 - (2) Delinquent real estate taxes for the property as determined by the Monroe County Treasurer.

(Code 1986, § 17.30; Ord. No. 86-11; Ord. No. 6-98-11; Res. No. 11-15-02, 4-19-2016; Res. No. 08-16-13, 8-24-2016; Res. No. 03-22-02, 3-23-2022)

Sec. 47-585. - Violation.

Any permitted conditional use which does not continue in conformity with the conditions of the permit shall be considered in violation of this chapter and may be revoked. If revoked a new conditional use permit shall be obtained prior to the use resuming.

(Res. No. 08-16-13, 8-24-2016)

Sec. 47-586. - Abatement order.

The abatement process for a conditional use permit is in addition to other penalties allowed in this chapter.

- (1) *Issuance of order.* If the zoning department administrator, after investigation, has reasonable grounds to believe that a violation of a condition on a conditional use permit is occurring or has occurred, the zoning administrator may issue and serve an order of abatement directed to the conditional use permit holder. Service shall be by U.S. Post Office mail sent to the address listed for the real estate property taxes for the subject property of the permit.
- (2) *Content of order.* An abatement order issued as set out above shall contain all of the following: The name and address of the conditional use permit holder; identification of the real property subject to the conditional use permit; the condition alleged to be violated; a brief description of the violation; a prohibition on further

violations; a description of measures necessary to correct the alleged violation.

- (3) *Process.* Along with the above content, the order for abatement shall inform the conditional use permit holder that the order of abatement may be appealed to the zoning committee. The request for appeal must be within the ten-day period following service of the order, by filing the request with corporation counsel office. The hearing shall be informal in nature. The zoning committee shall either confirm the order of abatement or cancel the order of abatement.

(Res. No. 08-16-13, 8-24-2016)

Sec. 47-587. - Revocation of conditional use permit.

If the zoning department administrator, after investigation, has reasonable grounds to believe that a second violation of a condition on a conditional use permit is occurring or has occurred within one year of a first violation, the zoning administrator may issue and serve an order of revocation directed to the conditional use permit holder. Service shall be by US. Post Office mail sent to the address listed for the real estate property taxes for the subject property of the permit.

- (1) *Content of order.* An order of revocation issued as set out above shall contain all of the following: The name and address of the conditional use permit holder; identification of the real property subject to the conditional use permit; the date and basis for the finding of the first violation; the condition alleged to be violated; a brief description of the violation.
- (2) *Process.* Along with the above content, the order for revocation shall inform the conditional use permit holder that the order of revocation may be appealed to the zoning committee. The request for appeal must be within the ten-day period following service of the order, by filing the request with corporation counsel office. The hearing shall be informal in nature. The zoning committee shall either confirm the order of revocation or cancel the order of revocation.

(Res. No. 08-16-13, 8-24-2016)

Secs. 47-588—47-601. - Reserved.

ARTICLE V. - SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 47-602. - Public and semipublic uses.

The following public and semipublic uses shall be conditional uses and may be permitted as specified:

- (1) Airports, airstrips, landing fields and helicopter landing areas, providing that these facilities meet the regulations contained in Wis. Stats. ch. 114.
- (2) Governmental and cultural uses, such as administrative offices, fire and public stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums.
- (3) Utilities and communication towers with associated buildings, but not including studios.
- (4) Public passenger transportation terminals such as heliports, bus and rail depots; provided that all principal structures and uses are not less than 100 feet from any residential lot line.

- (5) Public, private and parochial preschool, elementary and secondary schools and churches; provided that the lot is less than 1½ acres, and all principal structures and uses are not less than 50 feet from any lot line.
- (6) Colleges; universities; hospitals; sanitarium; religious; charitable; penal and correctional institutions; cemeteries and crematoria; provided that all principal structures and uses are not less than 50 feet from any lot line.

(Code 1986, § 17.31; Ord. No. 6-98-11)

Sec. 47-603. - Feedlots and poultry operations.

Applications for feedlots and poultry operations which are conditional uses shall be evaluated by the committee for compliance with the following objectives:

- (1) *Location.* The proposed operation should not conflict with existing land uses or planned future uses of the area. Noise or odor should not be a nuisance to other residences. The site should not be ecologically sensitive.
- (2) *Water contamination.* The necessary structures or facilities should be provided to prevent waste from entering surface and subsurface waters.
- (3) *Waste disposal.* The necessary means should be available to adequately dispose of or to recycle a volume of wastes greater than that which is anticipated from the operation.

(Code 1986, § 17.32)

Sec. 47-604. - Mobile/manufactured home parks.

All mobile/manufactured home parks shall be conditional uses and shall conform to the following standards:

- (1) The minimum parcel size for a mobile/manufactured home park shall be ten acres.
- (2) The minimum dimensions of a mobile/manufactured home site shall be 50 feet wide by 120 feet long.
- (3) A minimum setback of 40 feet from all other exterior lot lines.
- (4) The parks shall conform to the requirements of Wis. Admin. Code ch. HSS 177.
- (5) No mobile/manufactured home site shall be rented for a period of less than 30 days.
- (6) Each mobile/manufactured home site shall be set back by a yard not less than ten feet.
- (7) There shall be two off-street auto parking spaces for each mobile/manufactured home.
- (8) All roads shall be surfaced with blacktop, seal coat or concrete.
- (9) No mobile/manufactured home sales office or other business or commercial use shall be located on the mobile/manufactured home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage and one office are permitted.
- (10) Each mobile/manufactured home shall be placed upon a washed rock or hard-surfaced pad or foundation with six tiedown anchors.
- (11) All mobile/manufactured homes shall have tiedowns with provisions for distributing the load of these tiedowns and provisions for the attachment to ground anchors so as to resist wind overturning and sliding. Each tiedown shall be designed to resist an allowable working load equal to or exceeding 3,150 pounds and shall be capable of withstanding a 50 percent overload without failure. Unless the tiedown system is designed

by a registered professional engineer or architect, tiedowns shall be placed not more than 24 feet on centers beginning from the front wall (first stud and/or first cross member). Not more than six feet open end spacing shall be permitted at the rear wall of the mobile/manufactured home.

- (12) At least one acre plus one additional acre for each 50 sites, or fraction thereof, exceeding the first 50 shall be designated as the recreation area, with play equipment furnished and maintained by the park owner.

(Code 1986, § 17.33; Ord. No. 6-98-11)

Sec. 47-605. - Campgrounds.

All campgrounds are conditional uses and shall conform to the following standards:

- (1) The minimum size of any campground shall be ten acres in gross area.
- (2) Before beginning operation of any camp, 50 percent of the sites and 100 percent of the facilities shall be completed.
- (3) In addition to the setback from the right-of-way of any state, county or town road, all campgrounds shall have a boundary zone of 40 feet between any campsite and any side or rear lot line.
- (4) Designated spots on each site will be marked or constructed for outside cooking or the building of campfires, and no fires will be allowed outside of these designated areas.
- (5) The committee may require the perimeter of the camping area or perimeter of the parcel to be fenced.
- (6) Campgrounds must conform to all applicable state laws and Wisconsin Administration Code Chapter. A TCP 79.

(Code 1986, § 17.34; Res. No. 07-20-04, 7-22-2020)

Sec. 47-606. - Solid waste disposal operations; junkyards or salvage yards.

A solid waste disposal operation is the site, facility, operating practices and maintenance thereof for the utilization, processing, storage or final disposal of solid waste, including, but not limited to, land disposal, incineration, reduction, shredding, compression, junking or salvage of any materials or the sale of any such materials. Outdoor storage of three or more currently unlicensed automobiles on the same premises shall be prima facie evidence of operation of a salvage yard.

- (1) A conditional use permit application shall be made in writing to the planning and zoning administrator and shall include:
 - a. The location and a description of the premises.
 - b. The nature of the operation to be conducted.
 - c. The type of solid waste material to be disposed of and the detailed method of disposal of the material.
 - d. Construction details of any building to be used in connection with the operation.
 - e. A description of all land uses within 1,000 feet of the premises.
 - f. The name and address of the owner and of all persons who will directly participate in the management of the site.
 - g. Any additional information deemed necessary by the planning and zoning administrator for full evaluation of the proposed operation.
- (2) All solid waste disposal operations shall, in all respects, comply with the solid waste disposal standards of the

county solid waste management committee.

(3) The screening requirements of section 47-768 shall apply.

(Code 1986, § 17.35)

Sec. 47-607. - Backyard chickens.

Backyard chickens is a place where chickens are kept for the use and enjoyment of those living on the premises, but not for commercial purposes. The sale of a chicken as part of a 4-H or similar educational project shall not be considered a commercial purpose.

- (1) No more than six chickens may be kept.
- (2) The keeping of roosters is prohibited.
- (3) The slaughter of chickens on the premises is prohibited except for personal use.
- (4) Enclosure requirements. Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
- (5) Setback requirements. The enclosure housing chickens shall be located at least 25 feet from any residential structure on an adjacent lot and shall conform to the yard setbacks of the zoning district in which it is located when applicable.
- (6) Registration required. The owner, operator, or tenant shall register the premise where chickens are kept with the Wisconsin Department of Agriculture, Trade and Consumer Protection as required by state law and maintain such registration for so long as may be required.
- (7) Backyard chickens are allowed in the following districts: GA, EA, AO, C, GF, EF, R-2 and R-3.

(Res. No. 03-22-02, 3-23-2022)

Sec. 47-608. - Private solar collector.

A private solar collector shall conform to the following standards:

- (1) Installation of a roof mounted solar collector does not require a permit if the collector panels do not extend beyond the edge of the roof and the structure to which it is mounted was issued a zoning permit or is a legal non-conforming structure.
- (2) Installation of standalone solar collector shall require a zoning permit and be setback at least ten feet from all property lines.

(Res. No. 03-22-02, 3-23-2022)

Secs. 47-609—47-630. - Reserved.

DIVISION 2. - MOBILE AND RADIO BROADCAST SERVICE FACILITIES

Footnotes:

--- (2) ---

Editor's note— Res. No. 09-14-05, adopted September 24, 2014, repealed the former division 2, §§ 47-631—47-648, and enacted a new division 2 as set out herein. The former division 2 pertained to telecommunications facilities and derived from the Code of 1986, § 17.36(1)—(18) and Ord. No. 11-02-4.

Sec. 47-631. - Applicability.

This division shall apply to all mobile service facilities, mobile service support structures, radio broadcast service facilities and radio broadcast service facilities structures, within the jurisdiction of this chapter except as described under Wis. Stats. § 66.0404(5).

(Res. No. 09-14-05, 9-24-2014)

Sec. 47-632. - Transferability.

Permits granted under this article run with the land and are transferable. All article and permit requirements shall apply to subsequent owners. The department shall be notified of any change in ownership including, but not limited to, facility leases, mortgages, liens or other instruments which may affect title to the property.

(Res. No. 09-14-05, 9-24-2014)

Sec. 47-633. - General requirements.

- (a) Only one mobile service support structure or radio broadcast service facility structure is allowed on a parcel of land. Positioning of multiple providers upon a mobile service support structure or radio broadcast service facility structure is the preferred method of siting multiple antennas.
- (b) No permits shall be granted unless the applicant complies with all provisions of this chapter, including all design and performance standards.

(Res. No. 09-14-05, 9-24-2014)

Sec. 47-634. - Areas where mobile service support structures and radio broadcast service facilities structures may be allowed or prohibited.

- (a) Mobile service support structures and radio broadcast service facilities structures may be allowed in the following zoning districts:
 - (1) GF general forestry.
 - (2) GA general agriculture.
 - (3) B business.
 - (4) IB interstate business.
 - (5) I industrial.
- (b) Mobile service support structures and radio broadcast service facilities shall not be allowed in the following areas due to potential harm to the environment:
 - (1) Wetlands.
 - (2) Shorelands.
 - (3) Floodplains.
 - (4) W wilderness district.
- (c) Mobile service support structures and radio broadcast service facilities shall not be allowed in the following areas

due to potential conflict with other uses of the land:

- (1) Historic sites and districts listed on the National Register of Historic Places.
- (2) Habitat areas of threatened or endangered species.
- (3) Zoning districts:
 - a. R-1 urban residential.
 - b. R-2 suburban residential.
 - c. R-3 rural residential.

(Res. No. 09-14-05, 9-24-2014)

Sec. 47-635. - Permit required.

A conditional use permit is required for all new mobile service support structures and radio broadcast service facilities structures and class 1 collocations. A zoning permit is required for class 2 collocations.

- (1) New mobile service support structures and radio broadcast service facilities and class 1 collocations shall be permitted through the conditional use permit process under section 47-584.
- (2) Class 2 collocations shall be permitted through the zoning department.
- (3) The application shall include the following:
 - a. The name and business address of and the contact individual for, the applicant.
 - b. An original signature of the applicant, landowner, lessees and holders of easements.
 - c. The location of the proposed or affected support structure.
 - d. The location of the proposed mobile service facility or radio broadcast service facility.
 - e. In the case of a leased site, a lease agreement or binding lease memorandum which shows on its face that it does not preclude the facility owner from entering into leases on the tower with other providers and the legal description and amount of property leased.
 - f. 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.
 - g. If the application is to construct a new mobile service support structure or radio broadcast service facility structure, a construction plan which describes the proposed mobile service support structure or radio broadcast service facility 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 or radio broadcast service facility.
 - h. If an application is to construct a new mobile service support structure or radio broadcast service facility 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 new mobile service support structure or radio broadcast service facility structure, attesting that collocation within the applicant's search ring would not result in the same mobile service or radio broadcasting service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider or radio broadcast service provider.

- (4) If an applicant submits an application for a permit which contains all of the information required under paragraph application shall be considered complete. If the application is not complete and is for a new mobile service support structure, radio broadcast service facility structure or class I collocation, the applicant shall be notified in writing days of receiving the application, that the application is not complete. If the application is not complete and is for class I collocation, the applicant shall be notified in writing, within five days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant shall resubmit an application as often as necessary until it is complete.
- (5) Within 90 days of a receipt of a complete application for a new mobile service support structure, radio broadcast service facility structure or class 1 collocation and within 45 days of a receipt of a complete application for a class 2 collocation the sanitation, planning and zoning administrator or committee shall complete all of the following or the applicant may consider the application approved, except that the applicant and the sanitation, planning and zoning administrator or committee may agree in writing to an extension of the 90 or 45 day period as applicable:
 - a. Review the application to determine whether it complies with the provisions of this chapter and all other applicable zoning ordinances.
 - b. Make a final decision whether to approve or disapprove the application.
 - c. Notify the applicant, in writing, of the final decision.
 - d. If the application is approved, issue the applicant the relevant permit.
 - e. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (6) The application for a new mobile service support structure may be disapproved if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph (3)h.
- (7) The application for a radio broadcast service facility structure may only be disapproved if there is a public health or safety concern.
- (8) The planning and zoning administrator, with the approval of the sanitation/planning and zoning committee, may retain on behalf of the county a third-party consultant to review technical materials submitted by the applicant. The applicant is responsible for paying all fees and expenses charged by a third-party consultant retained by the county, except that the county is responsible for the third-party consultant's travel expenses. An applicant's failure to pay a third-party consultant's fees and expenses, other than travel expenses, is grounds to deny an application or revoke a permit.

(Res. No. 09-14-05, 9-24-2014)

Sec. 47-636. - Design requirements.

- (a) The height of mobile service support structures shall be limited to no more than 200 feet above original grade, unless the applicant can demonstrate to the satisfaction of the zoning committee that a greater height is necessary to provide coverage and that no feasible alternative exists to provide coverage, such as collocating on existing or alternative support structures or constructing a new mobile service support structure in a different location.
- (b) New mobile service support structures shall be designed structurally and electrically to accommodate the

applicant's antennas and comparable antennas for at least three additional users (minimum of four total users required for each mobile service support structure). Mobile service support structures must also be designed to allow for future rearrangement of antennas on the mobile service structure and to accept antennas mounted at different heights. The requirement for construction to allow a minimum of three additional users may be waived by the zoning committee if evidence is provided that a special circumstance exists that would prevent the proposed mobile service support structure from feasibly supporting additional users and antennas.

(Res. No. 09-14-05, 9-24-2014; Res. No. 11-15-02, 4-19-2016)

Sec. 47-637. - Performance standards.

- (a) *Security for removal.* The applicant or owner of the mobile service support structure or radio broadcast service facility structure shall provide a bond, irrevocable letter of credit or other suitable financial guarantee to ensure the removal of the structure and restoration of the site to its preconstruction state when use of the structure has been discontinued as defined by section 47-640. The amount of financial guarantee shall be no less than \$20,000.00. The county shall be a certificate holder in the financial guarantee.
- (b) *Security.* All mobile service support structures and radio broadcast service facility structures shall be reasonably protected against unauthorized access. The bottom of all mobile service support structures and radio broadcast service facility structures from the ground level to 12 feet above ground shall be designed to preclude unauthorized climbing and shall be enclosed with a minimum of a six-foot-high chain-link fence with a locked gate. Guy anchors of guyed support structures shall be similarly protected.
- (c) *Signs.* Signs shall be mounted on the fenced enclosure on or adjacent to the gate prohibiting entry without authorization, warning of the danger from electrical equipment and unauthorized climbing of the mobile service support structure or radio broadcast service facility structure, and identifying the owner of the support structure and telephone number for contact in case of emergency. The sign shall be no larger than six square feet. No commercial advertising signs may be located on a mobile service facility or radio broadcast service facility site.
- (d) *Screening and landscaping.* All mobile service support structures and radio broadcast service facility structures, shall be designed to blend into the surrounding environment and to hide views of the support structure from adjoining properties and public roads to the greatest extent feasible. Existing mature vegetation and natural landforms shall be preserved to the greatest extent possible.
- (e) *Lighting.* No lighting of the principal mobile service support structure or radio broadcast service facility structure shall be allowed unless required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC). If required, lighting shall be installed only when no other options are available.
 - (1) Red lights shall be preferred to white lights on the primary mobile service support structure or radio broadcast service facility structure.
 - (2) High visibility paint shall be preferred to daytime lighting of any kind on the primary mobile service support structure or radio broadcast service facility structure.
 - (3) Lighting of accessory structures and the facility site shall be of low intensity, directed inward and downward and is limited to within the facility site boundary.
- (f) *Access.* Access shall be provided by all-weather gravel or paved driveway.
- (g) *Setbacks.* The following minimum setback distances shall apply:
 - (1) No mobile service support structure or radio broadcast service facility structure shall be located less than one times the approved height of the support structure from any residence.

- (2) No mobile service support structure or radio broadcast service facility structure shall be located less than one times the approved height of the support structure from any property boundary.
- (3) Setbacks required for mobile service support structures and radio broadcast service facility structures shall be measured from the center of the support structure.
- (4) Any mobile service support structure or radio broadcast service facility structure proposed to be located within five miles of a private airstrip shall be evaluated for interference based on the average glide slope and approach direction of the that airstrip. If the proposed mobile service support structure or radio broadcast service facility structure is shown to interfere to the detriment of the airstrip, then the support structure shall not be allowed.
- (5) If an applicant provides an engineering certification showing that a mobile service support structure, radio broadcast service facility structure, or an existing support structure, is designed to collapse within an area less than one times the height of the tower the setback may be reduced to the perimeter of the fall zone. The setback shall not be reduced if the county provides the applicant with substantial evidence that the engineering certification is flawed.

(h) *Lot size.* When a new lot is created for the purpose of locating a mobile service support structure or radio broadcast service facility structure, the minimum lot size for that zoning district shall apply.

(Res. No. 09-14-05, 9-24-2014)

Sec. 47-638. - Facility construction.

All permitted mobile service support structures or radio broadcast service facility structures shall be completely constructed and in operation within six months of the date of approval. An extension of time, not to exceed six months, may be granted by the planning and zoning administrator due to inclement weather or other extenuating circumstances. There is no additional fee for an extension.

(Res. No. 09-14-05, 9-24-2014)

Sec. 47-639. - Accessory buildings.

Accessory buildings, structures, cabinets and other accessory facilities shall be constructed of nonreflective materials and designed to blend with the existing architecture in the area.

(Res. No. 09-14-05, 9-24-2014)

Sec. 47-640. - Removal of abandoned mobile service support structures and radio broadcast service facility structures.

It is the express policy of the county that mobile service support structures and radio broadcast service facility structures be removed and their sites restored to their preconstruction state once they are no longer in use and not a functional part of providing mobile or radio broadcasting service.

- (1) The mobile service support structure or radio broadcast service facility structure shall be removed when use of the support structure has been discontinued or the support structure has not been used for its permitted purpose for 12 consecutive months. Mere intent to continue use of the mobile service support structure or radio broadcast service facility structure shall not constitute use. The applicant/owner shall demonstrate through facility lease or other similar instruments that the use will be continued without a lapse of more than

12 consecutive months to constitute actual use. If the applicant cannot demonstrate actual use, the mobile service support structure or radio broadcast service facility structure shall be considered abandoned and shall be removed. After a mobile service support structure or radio broadcast service facility structure is no longer in operation, the mobile service or radio broadcast service provider shall have 90 days to effect removal of the mobile service support structure or radio broadcast service facility structure and accessory structures and restoration unless weather prohibits such efforts.

- (2) The applicant/owner a mobile service support structure or radio broadcast service facility structure under this division shall notify the sanitation/planning and zoning department when the support structure is no longer in use by providing a copy of the notice to the FCC of intent to cease operations at which point said 90-day removal period shall begin.
- (3) Removal and restoration of such mobile service support structure or radio broadcast service facility structure is the responsibility of the owner of the mobile service support structure or radio broadcast service facility structure.
- (4) Removal and restoration of the site must occur within 90 days of expiration of the 12-month period specified herein; failure to do so authorizes the county to complete said work, first using funds from the security provided, and the excess cost shall be assessed against the owner as a special assessment.
- (5) The applicant or owner of the mobile service support structure or radio broadcast service facility structure shall provide a bond, letter of credit or other suitable financial guarantee in the amount of \$20,000.00 to ensure the removal of the facility including all subsurface structures a minimum of three feet below grade, and restoration of the site to its preconstruction state.

(Res. No. 09-14-05, 9-24-2014)

Sec. 47-641. - Fees.

- (a) Permit fees for mobile service support structures, radio broadcast service facility structures and collocations shall be determined by the committee having jurisdiction over this chapter.
- (b) Fees in an amount as set forth in appendix A to this Code shall be established for the following:
 - (1) Permit for placement of all new mobile service support structures or radio broadcast service facility structures.
 - (2) Permit for class 1 co-locations.
 - (3) Permit for class 2 co-locations.

(Res. No. 09-14-05, 9-24-2014)

Secs. 47-642—47-669. - Reserved.

DIVISIONS 3, 4. - RESERVED

Footnotes:

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Editor's note— Res. No. 06-18-13, adopted June 27, 2018, repealed Div. 3, §§ 47-670—47-683, which pertained to wind energy facilities and derived from Res. No. 3-06-2, §§ 17.37(1)—17.37(14), adopted March 22, 2006; and Res. No. 11-15-02, adopted April 19, 2016. Res. No. 06-18-13 also repealed Div. 4, §§ 47-710—47-712, which pertained to private wind energy facilities and derived from Res. No. 3-06-1, § 17.38(1)—17.38(3), adopted March 22, 2006.

Secs. 47-670—47-737. - Reserved.

DIVISION 5. - TRAFFIC, LOADING, PARKING AND ACCESS

Sec. 47-738. - Traffic visibility.

- (a) In each quadrant of every public street, intersection and street-railroad intersection, there shall be a visual clearance triangle bounded by the street centerlines and a line connecting points on them 300 feet from a class A highway intersection, 200 feet from a class B highway intersection, 150 feet from a class C highway intersection and 100 feet from a class D highway intersection.
- (b) Within this triangle, no object over 2½ feet in height above the roadbeds shall be allowed if it obstructs the view across the triangle.
- (c) The following objects and activities are permitted within visual clearance triangles: open fences; telephone, telegraph and power transmission poles; lines and portable equipment; the planting and harvesting of field crops; and the growing of shrubbery and trees providing that vision is not obstructed.

(Code 1986, § 17.40)

Sec. 47-739. - Loading requirements.

In all districts, loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

(Code 1986, § 17.41)

Sec. 47-740. - Parking requirements.

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

- (1) Adequate access to a public street shall be provided for each parking space and driveways shall be at least ten feet wide for one- and two-family dwellings and a minimum of 24 feet for all other uses.
- (2) The size of each parking space shall be not less than 216 square feet exclusive of the space required for ingress and egress. A single-stall garage, or one stall in a multiple-stall garage, may replace a single required parking space.
- (3) The location shall be on the same lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway, except in residential or community districts, shall be closer than 25 feet from a residential or community district lot line or a street line opposite such a district.
- (4) All off-street parking areas shall be graded and surfaced so as to be dust free and properly drained. Any parking area for more than five vehicles shall have the aisles and spaces clearly marked.
- (5) Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.
- (6) The number of parking stalls required are shown in the following table:

Use	Minimum Parking Required
Bowling alleys	5 stalls for each alley
Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall for each 5 seats
Colleges, secondary and elementary schools	1 stall for each 2 employees plus one stall for each 10 students of 16 years of age or more
Financial institutions; business, government and professional offices	1 stall for each 300 sq. ft. of floor area
Funeral homes	1 stall for each 4 seats
Hospitals, clubs, lodges, dormitories, lodging and boardinghouses	1 stall for each 2 beds plus 1 stall for each 3 employees
Hotels, motels	1 stall for each guest room plus one stall for each 3 employees
Manufacturing and processing plants, laboratories and warehouses	1 stall for each 2 employees
Medical and dental clinics	3 stalls for each doctor
Multifamily dwellings	2 stalls for each dwelling unit
Repair shops, retail and service stores	1 stall for each 150 sq. ft. of floor area
Restaurants, bars and places of entertainment	1 stall for each 50 sq. ft. of floor area used by patrons
Sanitariums, institutions, rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Single-family dwellings and mobile homes	2 stalls for each dwelling unit

- (7) In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.
- (8) Combinations of any of the uses listed in subsection (6) of this section shall provide the total of the number of stalls required for each individual use.

(Code 1986, § 17.42)

Sec. 47-741. - Driveways.

All driveways installed, altered, changed, replaced or extended after the effective date of the ordinance from which this chapter is derived shall meet the following requirements:

- (1) The highway maintaining authority shall determine the location of the driveway for the safest highway access and the size and placement of culverts for adequate drainage on the site and along the highway.
- (2) Islands between driveway openings shall be provided with a minimum of ten feet between all driveways and five feet at all lot lines, measured along a line ten feet from and parallel to edge of pavement. Openings for vehicular ingress and egress shall not exceed 35 feet for commercial and industrial establishments and shall not exceed 24 feet nor be less than 16 feet for other uses, measured at right angles to the centerline of the driveway except as increased by permissible radii. No radii between the highway pavement and the driveway shall be greater than 40 feet for commercial and industrial buildings and no greater than 30 feet for other uses.

(Code 1986, § 17.43)

Secs. 47-742—47-765. - Reserved.

DIVISION 6. - MODIFICATION

Sec. 47-766. - Height.

The height requirements stipulated elsewhere in this chapter may be modified as follows:

- (1) Agricultural structures, such as barns, silos and windmills, shall not exceed in height twice their distance from the nearest lot line.
- (2) Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitarium, libraries, governmental offices and stations, may be erected to a height of 60 feet, provided that all required yards are increased not less than one foot for each one foot the structure exceeds the district's maximum height requirement.
- (3) Essential services are exempt from the height requirements of this chapter.

(Code 1986, § 17.45; Ord. No. 11-02-4)

Sec. 47-767. - Yards.

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

- (1) In any R, B or C district, accessory uses and detached accessory structures shall not exceed 15 feet in height, shall not occupy more than 15 percent of the yard area and shall not be closer than ten feet to any lot line.

- (2) Essential services are exempt from the yard and distance requirements of this chapter.
- (3) Landscaping and vegetation are exempt from the yard requirements of this chapter.
- (4) Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

(Code 1986, § 17.46; Ord. No. 6-98-11)

Sec. 47-768. - Screening regulations.

Any use required by this chapter to be screened in accordance with this section shall be contained within an opaque fence or wall eight feet high, or a visual screen consisting of evergreen or evergreen-type hedges or shrubs, spaced at intervals of not more than six feet, located and maintained in good condition within 15 feet of the property line, or in any way out of view of the public.

(Code 1986, § 17.47)

Sec. 47-769. - Highway setback requirements.

- (a) *Classification.* For the purposes of this chapter, the highway classifications are divided into functional classifications as follows:

Classification	Highway Classification
Class A	All state and federally numbered highways
Class B	All county lettered highways
Class C	All town roads not in a subdivision
Class D	All town roads located within subdivisions and all frontage roads

- (b) *Setbacks.*

- (1) Except as otherwise provided, all structures shall conform to the following minimum setbacks. The more restrictive distance shall apply.

Classification	Setback from Right-of-way	Setback from Centerline
Class A	42	110
Class B	42	75
Class C	30	63

Class D	30	63
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- (2) Where more restrictive setbacks are established by state law or by administrative rules, such laws or rules shall apply.
- (3) Except in the two agricultural districts, a setback of less than the required setback is permitted where there are at least five existing main buildings which are within the required setback within 500 feet of the proposed building site. In such cases, the setback shall be the average of the nearest main building on each side of the proposed site, or if there is no building on one side, the average of the setback for the main building on one side and the required setback.

(Code 1986, § 17.48)

DIVISION 7. - ADULT-ORIENTED ESTABLISHMENTS

Sec. 47-770. - Adult-oriented establishments.

- (a) *Purpose.* It is the purpose of this Code to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of citizens of the county, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the county. The provisions of this Code have neither the purpose, nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent, nor effect of this Code to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent, nor effect of this Code to condone or legitimize the distribution of obscene material.
- (b) *Findings.*
 - (1) The board finds that adult-oriented establishments, as defined in this Code, require special zoning in order to protect and preserve the health, safety, and welfare of the county.
 - (2) Based on its review of studies conducted in Phoenix, AZ; Garden Grove, CA; Los Angeles, CA; Whittier, CA; Indianapolis, IN; Minneapolis, MN; St. Paul MN; Cleveland, OH; Oklahoma City, OK; Amarillo, TX; Austin, TX; Beaumont, TX; Dallas, TX; Houston, TX; Newport News, VA; Bellevue, WA; New York, NY; Seattle, WA; and St. Croix County, WI; and the Report of the Attorney General's Working Group of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and statistics obtained from the U.S. Department of Health and Human Services, Centers for Disease Control and Preventions, and the findings incorporated in *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986), *Colman A. Young v. American Mini-Theaters, Inc.*, 427 U.S. 50 (1976), *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990), *Barnes v. Glen Theatre, Inc.* 501 U.S. 560 (1991), *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000), *East of the River Enterprises II v. City of Hudson*, 2000 Wisc. App. Lexis 734 (Ct. App. Aug. 1, 2000); *Ben's Bar, Inc. v. Village of Somerset*, F.3d, 2003 WL 132541 (7th Cir. 2003), the board finds that there is convincing evidence that the secondary effects of adult-oriented establishments include an increased risk of prostitution, high-risk sexual behavior, crime, and other deleterious effects upon existing businesses and surrounding residential area, and decreased property values.

- (3) The board intends to control the impact of these secondary effects in order to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and areas.
 - (4) It is not the intent of the board to suppress any speech activities protected by the First Amendment, but to enact a content-neutral code which addresses the secondary effects of adult-oriented establishments while providing an outlet for First Amendment protected activities.
 - (5) In order to minimize and control the secondary effects of adult-oriented establishments upon the county, it is the intent of the board to prevent the concentration of adult-oriented establishments within a certain distance of each other and within certain distance of other specified locations which are incompatible with and would suffer from the secondary effects of adult-oriented establishments.
 - (6) Based upon its review of materials linking alcohol consumption and high-risk sexual behavior, and materials linking alcohol consumption and crimes such as sexual assault, the board finds that a geographic separation of adult-oriented establishments from alcohol beverage licensed premises is warranted.
 - (7) Based upon its review of the secondary effects of adult-oriented establishments, the board finds that a geographic location in near proximity to a state or federal trunk highway is warranted.
- (c) *Location of adult-oriented establishments.*
- (1) The First Amendment and other provisions of the United States Constitution, as interpreted by the United States Supreme Court and other courts, require that adult-oriented establishments, as defined by this Code, are entitled to certain protections. Therefore, an adult-oriented establishment shall be a permitted use in the B business zoning district and shall be a prohibited use in any other zoning district. The adult-oriented establishment may locate in the specified district only if an adult-oriented establishment license has been granted by a town or municipality requiring such license within the county which is subject to this Code, and all the requirements of this section and the applicable zoning district regulations are met.
 - (2) Adult-oriented establishments shall be located at least 1,000 feet from:
 - a. Any residential zoning district line, playground lot line, public park lot line, or public or private recreation area;
 - b. Any structure used as a single-family dwelling, duplex, or multiple-family dwelling, church or other place of religious worship, public or private school, camp or campground, daycare or kindergarten, library, museum or other public or semi-public building as defined in this Code;
 - c. Any other structure housing an adult-oriented establishment;
 - d. Any structure housing an establishment which holds an alcohol beverage license.
 - (3) Adult-oriented establishments shall be located within 300 feet of a state or federal trunk highway right-of-way.
 - (4) No residential quarters or living facilities shall be allowed on a premises with an adult-oriented establishment.
 - (5) Distance requirements are to be measured in a straight line in any direction regardless of intervening structures, from the structure housing the adult-oriented establishment to the residential district boundary lines, to the lot line of any lot used for park, playground, or any structure listed in subsections (c)(2)a—d. above.
 - (6) The measurements from a structure shall be taken from the farthest point a structure extends in the

direction of the measurement, including overhanging roofs or similar projections.

- (7) For adult-oriented establishments located in conjunction with other buildings such as in a shopping center, and clearly separate from other establishments, measurements shall be taken from the boundaries of the space occupied by the adult-oriented establishment.
- (8) For any adult-oriented establishment located above ground level in a multi-story structure and clearly separate from other establishments within the structure, the distance measurements shall be taken from the ground floor public entrance/exit nearest the adult-oriented establishment (excluding emergency exits).
- (9) Subsequent location of any establishments listed in subsections (c)(2)a—d. above, within 1,000 feet of an existing adult-oriented establishment does not constitute a violation of this Code by the adult-oriented establishment.
- (10) Established adult-oriented establishments operating prior to the adoption of this Code section shall be regulated as a nonconforming use under sections 47-826 through 47-831.

(Res. No. 06-18-13, 6-27-2018)

Secs. 47-771—47-791. - Reserved.

ARTICLE VI. - SIGNS

Footnotes:

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Editor's note— Res. No. 06-18-13, adopted June 27, 2018, in effect repealed the former Art. VI, §§ 74-792—47-801, and enacted a new Art. VI as set out herein. The former Art. VI pertained to similar subject matter and derived from the Code of 1986, §§ 17.50—17.55; and Ord. No. 6-98-11.

Sec. 47-792. - Purpose.

The purpose of this article is to provide the minimum regulations, provisions and requirements to ensure the safety and general welfare of the public and to preserve the scenic beauty of the county by regulating and controlling the installation of signs and other advertising structures within the county.

(Res. No. 06-18-13, 6-27-2018)

Sec. 47-793. - Signs along federally numbered highways.

(a) *Size.*

- (1) The total sign area of signs along federally numbered highways shall not exceed 300 square feet unless subsection (2) applies.
- (2) A conditional use permit shall be required for an off-premises sign exceeding 300 square feet. Maximum areas for any one sign shall be 1,600 square feet inclusive of any border and trim but excluding the base or apron, supports and other structural members.

(b) *Location of signs.*

- (1) Signs shall be placed outside the highway setback as required in section 47-769(b) and signs shall not be permitted between the points of tangency on a curve to the right of any highway.

- (2) Signs shall not be permitted within 500 feet of any intersection. The beginning of a curve on a highway interchange or the beginning of a curved access to an intersection shall be considered as the intersection for the purpose of location.
- (c) *Distance between signs.*
- (1) Two sign faces shall be permitted at any location and the distance between sign locations on the same side of the highway shall be one mile.
- (2) Back-to-back signs shall be permitted and shall be considered as one sign.
- (d) *Height of sign.* Signs shall not exceed the height limitation of that district in which they are located as measured in feet above the mean centerline grade of the adjacent highway. Height of a sign permitted by conditional use may be increased to a maximum of 50 feet if the applicant can demonstrate to the satisfaction of the zoning committee that a greater height is necessary to provide visibility.
- (e) *Permitted uses.* Signs shall be a permitted use in the following districts: B business, I industrial, IB interstate business, GA general agriculture, and EA exclusive agriculture.
- (f) *Conditional uses.* Signs of any size shall be a conditional use in the following districts: AO agriculture only, GF general forestry, EF exclusive forestry, and C community.

(Res. No. 06-18-13, 6-27-2018)

Sec. 47-794. - Signs located on state, county and town roads more than 660 feet from a federally numbered highway.

- (a) *Size.* The sign area shall not exceed 300 square feet.
- (b) *Location.*
- (1) Signs shall be placed at least five feet from the right-of-way line of any highway except that signs shall not be permitted between the points of tangency on a curve to the right of any highway.
- (2) Signs shall not be permitted within 300 feet of any intersection. The beginning of a curved access to any intersection shall be considered as the intersection for the purpose of sign location.
- (c) *Distance between signs.*
- (1) One sign shall be permitted at any location and the distance between any sign on the same side of the highway shall be one mile.
- (2) Back-to-back signs shall be permitted and shall be considered as one sign.
- (d) *Permitted districts.* Signs are permitted in the following districts: B business, I interstate business, I industrial, C community, GA general agriculture, EA exclusive agriculture, GF general forestry, EF exclusive forestry, AO agriculture only.

(Res. No. 06-18-13, 6-27-2018)

Sec. 47-795. - Reserved.

Editor's note— Res. No. 07-20-04, adopted July 22, 2020, repealed § 47-795, which pertained to on-premises signs and derived from Res. No. 06-18-13, June 24, 2018.

Sec. 47-796. - One time event sign.

- (a) *Size.* One-time event signs shall not exceed eight square feet in area.

- (b) *Location.* One-time event signs shall not be located within the right-of-way lines of any road or highway and shall not be attached to any official highway marker, emblem or traffic control sign or device. One-time event signs shall not be within the visual clearance triangle of any public intersection.
- (c) *Removal.* One-time event signs shall be removed not later than 15 days after the last day on which an event occurred.
- (d) *Permitted uses.* One-time event signs are permitted in all zoning districts and must follow all applicable regulations but do not require the issuance of a zoning permit.

(Res. No. 06-18-13, 6-27-2018)

Sec. 47-797. - Conditions and restrictions; permits required for signs.

(a) *Conditions and restrictions.*

- (1) Signs shall not be designed and installed to imitate or simulate any highway marker, signal or traffic control sign.
- (2) Signs shall not have any flashing or rotating lights.
- (3) Lighted signs shall not have any light emitted directly onto the roadway, nor be of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle. No sign light bulb or lens cover shall be directly visible from the roadway. No sign shall be illuminated as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.
- (4) Signs shall not be placed to obscure the vision of any official highway marker, signal or traffic control sign.
- (5) A railroad crossing shall be considered the same as a highway intersection.
- (6) Signs shall not be attached to trees, fence posts or fences, or utility structures and shall not be painted on a rock or other natural object.
- (7) Signs shall be kept in a good state of repair.
- (8) The provisions of this chapter which define permitted locations of signs along the public roads and highways, are held to be the minimum standards to ensure safety on the public roads and highways.
- (9) Digital signs shall adjust brightness in response to changing light levels and shall not be illuminated to a degree of brightness that is greater than necessary for adequate visibility.
- (10) In areas where state or federal regulations apply the more restrictive regulations shall apply.
- (11) Any sign now or hereafter which no longer advertises a bona fide business or a product available shall be removed within 30 days after notification by certified mail by the zoning administrator to the owner of the sign or owner of the land on which the sign is located.

(b) *Permits.*

- (1) Permits are required for the installation or erection of all signs except one-time event signs.
- (2) The application for a permit to install or erect a sign shall contain the location, direction or orientation, and such other information as required by the planning and zoning administrator.

(Res. No. 06-18-13, 6-27-2018)

Secs. 47-798—47-825. - Reserved.

ARTICLE VII. - NONCONFORMING USES, STRUCTURES AND LOTS

Sec. 47-826. - Existing nonconforming uses.

The lawful nonconforming uses of a structure, land or water, existing at the time of the adoption or amendment of the ordinance from which this chapter is derived may be continued, some for specific periods of time, although the use does not conform with the provisions of this chapter; however:

- (1) Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, moved except when required to do so by law or order, or so as to comply with the provisions of this chapter.
- (2) Total lifetime structural repairs or alterations shall not exceed 50 percent of the county's current assessed value of the structure unless it is permanently changed to conform to the use provisions of this chapter.
- (3) Substitution of new equipment may be permitted by the board of adjustment if such equipment will reduce the incompatibility of the nonconforming use with neighboring uses.

(Code 1986, § 17.65; Ord. No. 11-01-1; Res. No. 06-18-13, 6-27-2018)

Sec. 47-827. - Abolishment or replacement.

- (a) If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land or water shall conform to the provisions of this chapter.
- (b) A current file of all nonconforming uses shall be maintained by the planning and zoning administrator listing the following information: the owner's name and address; the use of the structure, land or water; and the assessed value at the time of its becoming a nonconforming use.

(Code 1986, § 17.66; Res. No. 06-18-13, 6-27-2018)

Sec. 47-828. - Existing nonconforming structures.

Existing nonconforming structures. The lawful nonconforming structure existing at the time of the adoption or amendment of the ordinance from which this chapter is derived may be continued, although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter; however, it shall not be extended, enlarged, moved except when required to do so by law or order or so as to comply with the provisions of this chapter or if subsection (1) applies:

- (1) Dwellings that are nonconforming due to yard size may be extended, enlarged, or structurally altered so long as the change does not affect the nonconforming yard size.
- (2) A lawful nonconforming structure existing at the time of the adoption or amendment of the ordinance from which this chapter is derived may be replaced, reconstructed or structurally altered within the same foot print by permit.

(Code 1986, § 17.67; Res. No. 10-12-02, 10-24-12; Res. No. 06-18-13, 6-27-2018)

Sec. 47-829. - Changes and substitutions.

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

(Code 1986, § 17.68)

Sec. 47-830. - Substandard lots.

- (a) In any district, except AO agriculture only, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the county register of deeds office before the effective date or amendment of the ordinance from which this chapter is derived.
- (b) In any business, residential, forestry or community district, a lot of record shall not be less than the following:
 - (1) *Lot width*. The lot width shall be a minimum of 50 feet.
 - (2) *Lot area*. The lot area shall be a minimum of 4,000 square feet.
 - (3) *Yards*.
 - a. *Front*. The front yard shall be a minimum of 12 feet; the second street yard on corner lots shall not be less than ten feet.
 - b. *Rear*. The rear yard shall be a minimum of seven feet.
 - c. *Side*. The side yard shall be five feet.
- (c) Construction on any lot not meeting the standards set forth in this section shall be permitted only after the granting of a variance by the zoning board of adjustment.

(Code 1986, § 17.69)

Sec. 47-831. - Nonconforming lots.

Any nonconforming lot which contained a structure or structures that existed at the time of the effective date of the ordinance from which this chapter is derived, or amendments thereto, may be continued; however the structure(s) shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order.

(Res. No. 10-09-06, 10-28-2009)

Secs. 47-832—47-853. - Reserved.

ARTICLE VIII. - ADMINISTRATION

DIVISION 1. - GENERALLY

Sec. 47-854. - Fees.

An applicant, upon filing his application, shall pay the appropriate fee. Permit fees shall be established and reviewed when necessary by the county board of supervisors committee having jurisdiction over this chapter, approved by a majority of the zoned towns and approved by the full county board of supervisors. A revision of fees shall be published in the official

newspaper of the county. Fees shall be established for the following:

- (1) Dwelling or commercial.
- (2) Additions, accessory and agricultural structures.
- (3) Deck or porch.
- (4) Sign.
- (5) Floodplain land use and shoreland.
- (6) Conditional use.
- (7) Variance or board of appeal action.
- (8) Zoning change or amendment.
- (9) Wind energy facility siting permit.
- (10) After-the-fact zoning permit fee.
- (11) After-the-fact variance fee.
- (12) After-the-fact zoning change or amendment.
- (13) After-the-fact conditional use permit fee.

(Code 1986, § 17.86; Ord. No. 3-97-4; Ord. No. 6-98-11; Ord. No. 11-03-3; Ord. No. 9-04-3; Ord. No. 2-05-2; Res. No. 3-06-5, 3-22-2006; Res. No. 11-08-4, 11-25-2008; Res. No. 07-20-04, 7-22-2020; Res. No. 10-21-04, 10-27-2021; Res. No. 03-22-02, 3-23-2022)

Secs. 47-855—47-884. - Reserved.

DIVISION 2. - ZONING BOARD OF ADJUSTMENT

Sec. 47-885. - Creation; appointment of members; term.

- (a) There shall be a zoning board of adjustment consisting of three members appointed by the chairman of the county board of supervisors with the approval of the county board of supervisors. The terms of the first three members so appointed shall be for one, two and three years, respectively. Successors shall be appointed in like manner at the expiration of each term, and their terms of office shall be three years in all cases beginning July 1 in the year in which they are appointed, and until their successors are appointed. The members of the board shall all reside within the county and outside the limits of incorporated cities and villages. No two members shall reside in the same town. The board shall choose its own chairman. Vacancies shall be filled for the unexpired term of any members whose terms become vacant in the same manner as the original appointment.
- (b) The county board of supervisors does hereby give the authority to the county board of supervisors chairman to appoint one additional alternate to the zoning board of adjustment which shall result in a three regular member zoning board of adjustment as well as two alternates to serve as needed.

(Code 1986, § 17.75; Ord. No. 95-3-5)

Sec. 47-886. - Powers and duties.

- (a) The zoning board of adjustment shall hear and decide appeals where it is alleged there is error in any order,

requirement, decision or determination made by an administrative official in the enforcement of this chapter.

- (b) The board may authorize, upon appeal, in specific cases, such variance from the terms of the chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of the chapter shall be observed and substantial justice done. No variance shall have the effect of allowing, in any district, uses prohibited in that district or permit standards lower than those required by state law.
- (c) For the purposes of this section, the term "unnecessary hardship" means an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most of all property in the same zoning district.

(Code 1986, § 17.76)

Sec. 47-887. - Meetings; proceedings.

- (a) The zoning board of adjustment shall meet at the call of the chairman and at such other times as the board may determine at a fixed time and place.
- (b) All meetings of the board shall be open to the public, except that the board may meet in executive session to reach decisions but not to hear testimony.
- (c) The board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such facts, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
- (d) The board shall have the power to call on any other county departments for assistance in the performance of its duties and it shall be the duty of such other departments to render all such assistance as may be reasonably required.
- (e) The board may adopt such rules as are necessary for the conduct of its business.

(Code 1986, § 17.77)

Sec. 47-888. - Appeals.

- (a) Appeals to the zoning board of adjustment may be taken by any person aggrieved by any officer, department, board or bureau of the county affected by any decisions of the administrative officer. Such appeal shall be taken within 30 days, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken within 60 days unless the time is extended for cause by the zoning board of adjustment.
- (b) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the board, after notice of appeal has been filed with him, that there are facts stated in the certificate to show such stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed other than by a restraining order, which may be granted by the zoning board of adjustment or by a court of record on application and notice to the officer from whom the appeal is taken and on due cause shown.

(Code 1986, § 17.78; Res. No. 06-18-13, 6-27-2018)

Sec. 47-889. - Public hearing required for appeals or variance applications; notice; final decisions.

- (a) All appeals or applications for variances shall be decided by the zoning board of adjustment only after it holds a public hearing. The board shall fix a reasonable time for the hearing and publish a class 2 notice according to Wis. Stats. ch. 985, specifying the date, time and place of hearing and the matters to come before the board and shall notify the clerk of the town in which the land involved is located.
- (b) A decision regarding the appeal shall be made as soon as practicable.
- (c) The final disposition of an appeal or application to the zoning board of adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of the board. Such resolution shall state the specific facts which are the basis for the board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.
- (d) Upon hearing, any party may appear in person or by agent or attorney.

(Code 1986, § 17.79)

Secs. 47-890—47-911. - Reserved.

DIVISION 3. - CHANGES AND AMENDMENTS

Sec. 47-912. - Authority.

- (a) Whenever the public necessity, convenience, health, safety or general welfare require, the county board of supervisors may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this chapter or amendments thereto.
- (b) Such change or amendment shall be subject to the review and recommendations of the zoning committee.

(Code 1986, § 17.85(1))

Sec. 47-913. - Initiation.

A change or amendment may be initiated by the county board of supervisors, town clerk, zoning committee or by a petition of one or more property owners or lessees of property within the area proposed to be affected.

(Code 1986, § 17.85(2); Res. No. 11-15-02, 4-19-2016)

Sec. 47-914. - Petitions for amendment.

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the planning and zoning administrator or his deputy who shall file them with the county clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition and specify the proposed use.

(Code 1986, § 17.85(3))

Sec. 47-915. - Recommendations of committee to county board of supervisors.

The zoning committee shall review all proposed changes and amendments and shall, after the public hearing, recommend in writing to the county board of supervisors that the petition be granted as requested, modified or denied.

(Code 1986, § 17.85(4); Ord. No. 6-98-11; Res. No. 11-15-02, 4-19-2016)

Sec. 47-916. - Public hearing required; notice.

(a) The zoning committee shall hold a public hearing upon each recommendation, after giving a class 2 notice as provided in Wis. Stats. ch. 985, and within 60 days of the application for amendment. The town board or its representative shall be allowed to make a statement at the hearing.

(b) The zoning committee shall give at least 30 days' prior written notice by registered mail to the clerk and town chairman of any zoned municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

(Code 1986, § 17.85(5); Ord. No. 6-98-11; Res. No. 11-15-02, 4-19-2016)

Sec. 47-917. - Action by county board of supervisors.

Following such hearing and after careful consideration of the zoning committee's recommendations, the county board of supervisors shall vote on the passage of the proposed change or amendment.

(Code 1986, § 17.85(6))

Sec. 47-918. - Protest.

In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of 50 percent or more of the area proposed to be altered, or by abutting owners of over 50 percent of the total perimeter of the area proposed to be altered included within 300 feet of the parcel or parcels proposed to be rezoned, action on such ordinance may be deferred until the zoning agency has a reasonable opportunity to ascertain and report to the county board of supervisors as to the authenticity of such ownership statements. Each signer shall state the amount of area of frontage owned by him. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of the members of the county board of supervisors present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest may be disregarded.

(Code 1986, § 17.85(7); Ord. No. 6-98-11)

Sec. 47-919. - Effective date of amendments.

In no case shall an amendment to this chapter involving a matter portrayed on the zoning map become effective prior to the recording of the change made by that amendment on the official zoning map of the county. Such changes to be verified by the county clerk with a certified copy of said resolution as approved by the county board of supervisors.

(Code 1986, § 17.85(7); Ord. No. 6-98-11)

Sec. 47-920. - Approval by affected town boards.

Within seven days after adoption, two copies of the amendatory ordinance shall be sent by the county clerk by registered mail to the town clerk in which lands affected by such ordinance are located. If, after 40 days from the date of original adoption, a majority of such towns have not filed certified copies of resolutions disapproving such amendment, the amendment shall be in full force and effect in all of the towns affected by the ordinance. Any such ordinance relating to the location of boundaries of districts shall, within seven days after adoption by the county board of supervisors, be transmitted by the county clerk by registered mail only to the town clerk of the town in which the lands affected by such change are located and shall become effective 40 days after the adoption of the ordinance by the county board of supervisors unless such town board shall, prior to such date, file a certified copy of a resolution disapproving of such ordinance with the county clerk, provided that if such town board shall approve such ordinance, such ordinance shall become effective upon filing of the resolution of the town board approving same with the county clerk.

(Code 1986, § 17.85(8))