

Chapter 54 - ZONING

Footnotes:

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State Law reference— *Planning and zoning, Wis. Stats. § 59.69; board of adjustment, Wis. Stats. § 59.694; fees for zoning petitions, Wis. Stats. § 59.696; fees for zoning appeals, Wis. Stats. § 59.697.*

ARTICLE I. - IN GENERAL

Sec. 54-1. - Statutory authorization.

This chapter is established pursuant to the provisions of Wis. Stats. §§ 59.69 and 59.694, and shall be known as the Outagamie County Zoning Ordinance.

(Code 1992, § 17.01; Ord. of 6-24-1997, § 17.01)

Sec. 54-2. - Purpose.

It is the purpose of this chapter to promote the public health, safety, convenience and general welfare; protect property values and the property tax base; permit the careful planning and efficient maintenance of highway systems; ensure adequate highway, utility, health, educational and recreational facilities; recognize the needs of agriculture, forestry, industry and business in future growth; encourage uses of land and other natural resources which are in accordance with their character and adaptability; provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; encourage the protection of groundwater resources; preserve wetlands; conserve soil, water and forest resources; protect the beauty and amenities of landscape and manmade developments; provide healthy surroundings for family life; and promote the efficient and economical use of public funds.

(Code 1992, § 17.02)

Sec. 54-3. - Applicability and extent of power.

This chapter is designed to determine, establish, regulate and restrict:

- (1) The areas within which agriculture, forestry, industry, mining, trades, business and recreation may be conducted.
- (2) The areas in which residential uses may be regulated or prohibited.
- (3) The areas in and along or in or along natural watercourses, channels, streams and creeks in which trades or industries, filling or dumping, erection of structures and the location of buildings may be prohibited or restricted.

- (4) Trailer camps, tourist camps and motels or both and mobile home parks.
- (5) Certain designated areas, uses or purposes which may be subjected to special regulation.
- (6) The location of buildings and structures designed for specific uses and designation of uses for which buildings and structures may not be used or altered.
- (7) The location, height, bulk, number of stories and size of buildings and other structures.
- (8) The location of roads and schools.
- (9) Building setback lines.
- (10) The density and distribution of population.
- (11) The percentage of lot which may be occupied, size of yards, courts and other open spaces.
- (12) Places, structures or objects with a special character, historic interest, aesthetic interest or other significant value, historic landmarks and historic districts.
- (13) Burial sites as defined in Wis. Stats. § 157.70(1)(b).

(Code 1992, § 17.03)

Sec. 54-4. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use or structure means a use or structure on the same lot with the principal use or structure and of a nature customarily incidental and subordinate to the principal structure.

Agriculture, extension education, zoning and land conservation committee means the agency or committee designated by the County Board, pursuant to Wis. Stats. § 59.69.

Airport, public, means any airport which complies with the definition contained in Wis. Stats. ch. 114, or any airport which serves or offers to serve common carriers engaged in air transport.

Alley means a public or approved private way which affords only a secondary means of access to abutting property.

Alteration means a change or rearrangement in the structural parts of a structure, an enlargement of a structure, whether by extending on the side or by increasing the height or the movement of a structure from one location to another.

Automobile filling station means buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories and convenience retail goods may be supplied, dispensed and sold and where minor repair or maintenance work may be performed, such as ignition service, tire repair, repair and replacement of minor parts, such as pumps and filters and the like. A filling station is not a repair or body shop.

Automobile salvage yard means premises used for the storing, dismantling, crushing, shredding or disassembly of more than one used motor vehicles or their parts.

Billboard means an advertising sign used to advertise goods, services, establishments or organizations off the premises.

Boardinghouse means an establishment where meals and lodging are provided for compensation by prearrangement other than in dwelling units, without limitation on time periods involved, and for a total of at least four or more boarders.

Building means a structure having one or more stories and a roof which is used or intended to be used for shelter or enclosure for persons, property or animals.

Building frontage means the front of a building shall be construed to be the portion facing a street. For purposes of computation of the number and area of signs, the frontage of a building shall be computed as nearly at ground level as computation of horizontal distance permits. In cases where this test is indeterminate or cannot be applied, as for instance where there is a diagonal corner entrance, the administrator or inspector shall select building frontage on the basis of interior layout of the building, traffic on adjacent streets or other indicators.

Building height means a building's vertical measurement from the mean level of the finished grade in front of the building to the highest point on the roof line of a flat roof or a roof having a pitch ratio of less than 1:4 from the horizontal and to a point midway between the peak and the eaves of a roof having a pitch ratio of more than 1:4.

Building line means the rear edge of any required front yard or the rear edge of any required setback line.

Building site means the lot or lots or portion of a lot or lots used for a building, the total area of which lot is ascribed to the building for compliance with these zoning regulations.

Clinic means an office or group of offices relating to the health care professions, including physicians, dentists and the like engaged in the treatment of persons.

Common open space means a parcel of land or an area of water or combination of land and water designated and intended for either the recreational use and enjoyment of residents of the development for which it was established and for the general public or for the development from which it was established. No yard required in connection with any principal use or structure shall be designated or intended for use as common open space.

Community living arrangement means facilities defined in Wis. Stats. § 46.03(22).

Convalescent home and nursing home means a place where regular care is provided to three or more infirmed persons, children or aged persons, who are not members of the family which resides on the premises.

Day care.

- (1) *Family* means a place where regular day care is provided to not more than eight children and is licensed pursuant to Wis. Stats. ch. 48.
- (2) *Group* means a place where regular day care is provided to nine or more children and is licensed pursuant to Wis. Stats. ch. 48.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, construction, additions or substantial improvements to buildings, other structures or accessory uses, mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations and deposition of materials.

Dog kennel means a place where more than two adult dogs are boarded for a fee on a recurrent basis or a place that keeps, harbors or has custody of more than three dogs for any purpose.

Drive-in restaurant means any establishment dispensing or serving food in automobiles, including those establishments where customers serve themselves and may eat or drink in the building or in their automobiles on the premises.

Dwelling, mobile home, means a building transportable in one or more sections, built on a permanent chassis, with body width exceeding eight feet or body length exceeding 32 feet, designed to be used as a single dwelling with or without a permanent foundation when connected to the required utilities.

Dwelling, modular home, means a building made up of two or more modular sections transported to the home site, put on a permanent foundation and joined to make a single dwelling. For the purposes of this chapter, modular homes shall be allowed as a single-family detached dwelling.

Dwelling, multiple-family, means a building containing three or more dwelling units. The term "multifamily dwelling" includes cooperative apartments, condominiums, apartments and the like. Regardless of how rental units are equipped, any multifamily dwelling in which units are available for rental periods of less than one week shall be considered a motel.

Dwelling, single-family attached, means a building containing not more than one dwelling unit attached at the side or sides in a series or group of three or more buildings each containing not more than one dwelling unit. Each building shall be separated from the adjoining building or buildings by a party wall or walls extending from footings through roofs. The term "attached dwelling" is intended to imply townhouses, patio or atrium houses or any form which conforms to this definition.

Dwelling, single-family detached, means a building containing not more than one dwelling unit entirely separated from structures on adjacent lots. The term "detached dwelling" does not include mobile homes, travel trailers or other forms of portable or temporary housing.

Dwelling, two-family, means one building containing not more than two dwelling units or two buildings attached at the side, with not more than one dwelling unit per building. The term "two-family dwelling" is intended to imply single-family semidetached buildings and duplexes or any form which conforms to this definition.

Dwelling unit means rooms connected together, constituting a separate, independent housekeeping establishment for one family only, for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units and containing independent cooking and sleeping facilities.

Fair market value means assessed value adjusted for equalized value.

Family means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage or adoption, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as family.

Farm means all land under common ownership that is primarily devoted to agricultural use.

Floor area means the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, excluding public corridors, common restrooms, attic areas, unenclosed stairways, elevator structures, heating or other building machinery or equipment or basement space.

Floor area ratio means the ratio of the total floor area of a building to the total lot area.

Fur farm means land, buildings or structures used for the purpose of raising or harboring fur bearing animals, including those defined in Wis. Stats. § 29.01, and also including chinchillas, whether the animals are kept for breeding, slaughtering or petting.

Garage, private, means an accessory building designed or used for inside parking of not more than three private motor vehicles, recreational vehicles or boats by the occupant of the principal building. A private garage attached to or a part of the main building is to be considered part of the main building.

Garage, storage, means an accessory building designed or used for the storage of more than three motor vehicles, recreational vehicles or boats.

Home occupation means an occupation in a residential district conducted entirely in a dwelling unit, provided that:

(1)

The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and shall under no circumstances change the residential character thereof.

- (2) No person other than members of the family residing on the premises shall be engaged in such occupation.
- (3) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, nonilluminated, mounted flat against the wall of the principal building.
- (4) No home occupation shall occupy more than 25 percent of the first floor area of the residence. No home occupation shall be conducted in any accessory building or structure.
- (5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in required front yards.
- (6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates audible or visual interference in any radio or television receivers off the premises.

Hotel means an establishment where sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge as distinguished from multifamily dwellings and boardinghouses, where rentals are for periods of a week or longer and occupancy is generally by residents rather than transients. Hotels may serve meals to both occupants and others. The term "hotel" is also intended to imply motel, motor court, motor lodge, tourist court or any form which conforms to this definition.

Junkyard means premises where land, buildings or structures where junk, waste, discarded, salvaged or similar materials, such as old metals, wood, lumber, glass, paper, rags, cloth, cordage, barrels, containers, etc., are brought, bought, sold, exchanged, baled, packed, stored or handled, including used lumber and building materials, equipment, wrecking yards and the like. This definition shall not include automobile salvage or wrecking yards or pawnshops and establishments for the sale, storage or purchase of secondhand vehicles, clothing, furniture, appliances or similar household goods, all of which shall be usable, nor shall it apply to the processing of used, discarded or salvageable materials incident to manufacturing activity on the same site.

Landscaping means grass, ground covers, shrubs, vines, hedges, trees, berms and complementary structural landscape architectural features, such as rock, fountains, sculpture, decorative walls and tree wells.

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

Lot means a parcel of land used or set aside and available for use as the site for one or more buildings and buildings accessory thereto or for any other purpose, in one ownership and not divided by a street, nor including any land within the limits of a public or private street right-of-way. The term "record lot" means land designated as a distinct and separate parcel on a legally recorded deed or plat in the register of deeds' office.

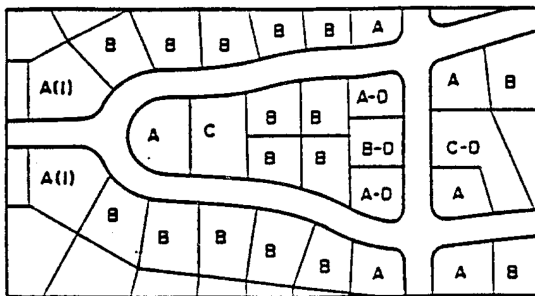
Lot area means the total horizontal area within the lot lines of the lot.

Lot coverage means the percentage of the lot area covered by the principal structure.

Lot depth means depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

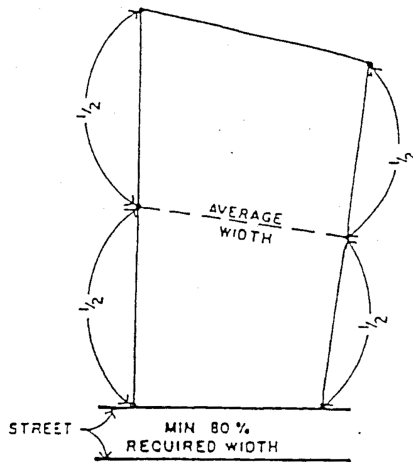
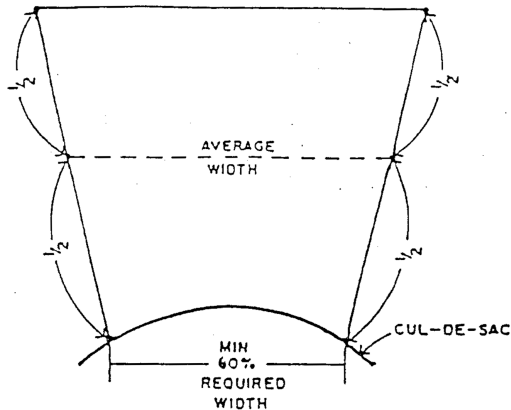
Lot frontage means the front of an interior lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street shall be considered frontage and yards shall be provided as set out in these zoning regulations. For the purpose of computing number and area of signs, frontage of a lot shall be established by orientation of the frontage of buildings thereon or of principal entrance points to the premises if building frontage does not clearly indicate lot frontage. If neither of these methods are determinant, the building inspector shall select on the basis of traffic flow on adjacent streets and the lot shall be considered to front on the street with the greater flow.

Lot types means the types of lots referenced in the following subsections. The diagram which follows illustrates terminology used in these zoning regulations with reference to corner lots, interior lots, reversed frontage lots and through lots:



- (1) A = Corner lot. A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than 135 degrees. See lots A(1) in the diagram.
- (2) B = Interior lot. A lot other than a corner lot with only one frontage on a street.

- (3) C = Through lot. A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- (4) D = Reversed frontage lot. A lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram) and interior lot (B-D) or a through lot (C-D).



Lot width means the average distance between straight lines connecting front and rear lot lines at each side of the lot, measured as straight lines between the foremost points of the side lot lines in front (where they intersect with the street line) and the rearmost points of the side lot lines in the rear provided, however, that the width between the side lot lines at their foremost points in the front shall not be less than 80 percent of the required lot width, except in the case of lots on the turning circle of a cul-de-sac, where the width shall not be less than 60 percent of the required lot width.

Mobile home park means premises designed and maintained for the location of two or more mobile homes under a continuing local general management and including special facilities for common use by the occupants such as open space areas and recreational areas and buildings.

Mobile home site means a parcel or lot within a mobile home park, designated for the accommodation of not more than one mobile home.

Mobile home subdivision means premises where more than two mobile homes are located for nontransient living purposes and where lots are set aside and offered for sale for use by mobile homes for living purposes.

Net acre means the total acreage of a lot, tract or parcel of land, excluding land in existing and proposed streets and street rights-of-way.

Net density means the number of residential dwelling units permitted per net acre of land and is determined by dividing the number of units by the total area of land within the boundaries of a lot or parcel not including street rights-of-way. In the determination of the number of dwellings to be permitted on a specific parcel of land, a fractional unit shall not entitle the applicant to an additional unit.

Office, business, means an office for such activities as real estate agencies; advertising agencies, but not sign shops; insurance agencies; travel agencies and ticket sales; chamber of commerce; credit bureau, but not finance company; abstract and title agencies or insurance companies; stockbrokers; and the like. It is characteristic of a business office that retail or wholesale goods are not shown on the premises to a customer. A barbershop or beauty shop is not a business office.

Office, professional, means an office for the use of a person or persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists, chiropractors, psychiatrists, psychologists and the like. It is characteristics that display advertising is not used and that the use is characterized by offering consultive services.

Planned unit development means a residential or commercial land development comprehensively planned as an entity via a unitary plan which permits flexibility in building siting, mixtures of housing types, usable open spaces and the preservation of significant natural features.

Protected farmland means land that is located in a farmland preservation zoning district, is covered by a farmland preservation agreement, or is otherwise legally protected from nonagricultural development.

Recreational camp means premises and facilities used occasionally or periodically for the accommodation of members of groups or associations for outdoor recreational activities.

Sign means any structure, part thereof or device attached thereto or painted or represented thereon which displays or includes any numeral, letter, word, model, banner, emblem, device, trademark or other representation used as or in the nature of an announcement, advertisement, direction or designation of any person or thing in such a manner as to attract attention from outside of the building. The following signs shall not be included in the application of sign regulations herein:

(1)

Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of the premises or other identification not having commercial connotations.

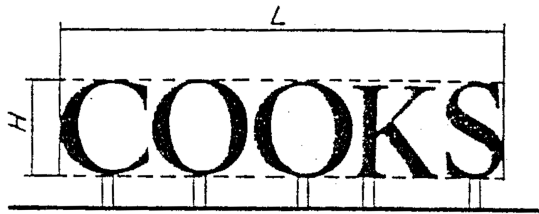
- (2) Flags and insignia of any government, except when displayed in connection with a commercial promotion.
- (3) Legal notices, identification, informational or directional signs erected or required by governmental agencies.
- (4) Integral or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- (5) Signs directing or guiding traffic and parking on private property, but bearing no advertisement matter and not exceeding nine square feet in area.
- (6) Temporary paper signs advertising a cultural or civic matter within 30 days of such an event.

Sign, accessory, means a sign relating in its subject matter to the premises on which it is located.

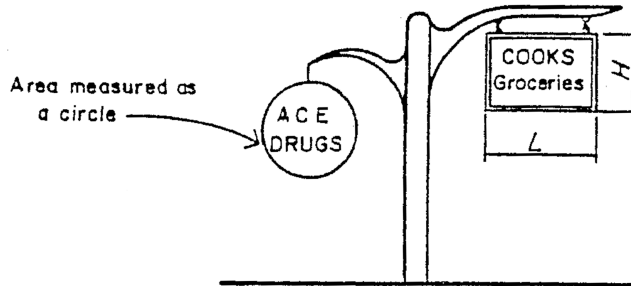
Sign area includes the entire area within the periphery of a regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed, but not including frames or structural elements of the sign bearing no advertising matter. In the case of double face signs where both faces advertise a single facility, product or service, only one face shall count toward area.



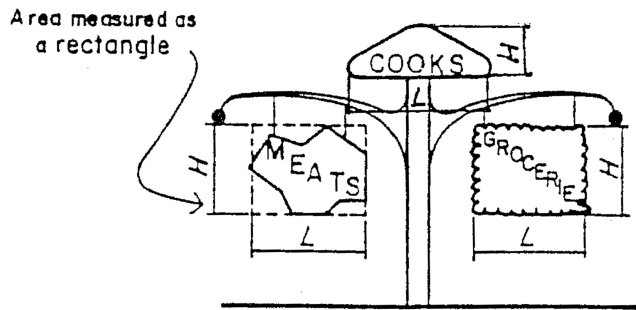
1 Sign:



1 Sign:
Separate letters - area measured as a unit



2 Signs:
Advertising separate facilities and units not related



1 Sign:
Units all related, not random display

Sign types.

Detached sign means a sign not attached to or painted on a building, but which is affixed to the ground, fence or wall not part of a building.

Flat sign means a sign attached to or parallel to the face of a building or erected or painted on the outside wall of a building and where support of such sign is provided by the wall. No part of such sign shall extend more than 18 inches from the building.

Marquee sign means a sign attached to or hung from a marquee projecting from and supported by a building.

Projecting sign means a sign attached to and projecting 18 inches or more from the face of the wall of a building.

Signs, number of, means for the purpose of determining the number of signs, a sign shall be considered to be a single-display surface or device containing elements organized, related and composed to form a unit. Where subject matter is displayed randomly without any organization of the elements, each element shall be considered to be one sign.

Special exception means those uses or structures that may not be appropriate generally or without restriction throughout a district, but which if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, comfort, convenience or the general welfare. Such uses or structures may be permitted in a zoning district if they meet the requirements of the district in which they are located and section 54-858.

Stable means premises where more than one horse (livestock) is boarded, raised, kept or trained, regardless of whether the horses (livestock) are owned by the occupants or owners of the premises.

Stable, riding, means premises on which horses (livestock) are kept for the purposes of renting them to the public on an hourly basis. A riding stable shall consist of not less than five acres.

Storage establishment means premises where goods and materials or more than three motor vehicles, recreational vehicles or boats are stored for a fee.

Story means that portion of a building, other than a basement, that is between the surface of any floor and the surface of the next floor above it or, if there is not a floor above, then the space between such floor and the ceiling next above it.

Street line means the dividing line between the street and lot. The street line shall be the same as the legal right-of-way line.

Structure means anything constructed or erected with a fixed location on the ground or attached to something with a fixed location on the ground. Among other things, structures include signs, fences, mobile homes and billboards.

Used or occupied means intended, designed or arranged to be used or occupied.

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship. Variances may be granted only if they meet the requirements of division 7 of article XII of this chapter.

Yard means an open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward provided, however, that fences, walls, poles, posts and other customary yard accessory ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction visibility. The term "required yard" means that minimum distances specified by these regulations measured from the property line.

Yard, front, means a yard extending across the front of a lot between the side lot lines and extending from the street line to the nearest line of the principal structure or projection of the principal structure.

Yard, rear, means a yard extending across the rear of a lot between the side lot lines and extending from the rear property line to the nearest line of the principal structure or projection of the principal structure.

Yard, side, means a yard extending between the nearest building or projection thereto and the side lot line and extending from the front yard to the rear yard.

(Code 1992, § 17.04; Ord. of 6-24-1997, § 17.04(2); Ord. No. M-2013-14, 2-25-2014)

Sec. 54-5. - Penalties.

Any person who violates any provision of this chapter or any order, rule or regulation made hereunder shall, upon conviction, be subject to the penalties as set forth in section 1-10.

(Code 1992, § 17.70)

Sec. 54-6. - Establishment of districts.

To achieve the purposes of this chapter, the unincorporated area of the county is hereby divided into the following districts as set forth in sections 54-70 through 54-359.

- (1) AED — Exclusive agricultural district.
- (2) AGD — General agricultural district.
- (3) RSF — Single-family residential district.
- (4) RTF — Two-family residential district.
- (5) RMF — Multifamily residential district.
- (6) CL — Local commercial district.
- (7) CR — Regional commercial district.
- (8) CP — Planned commercial district.
- (9) IND — Industrial district.

(Code 1992, § 17.05)

Sec. 54-7. - Official zoning atlas.

- (a) *Establishment*. The location and boundaries of the districts shall be as shown in a map atlas entitled "Official Zoning Atlas of Outagamie County, Wisconsin." The district symbol as set out in sections 54-6 and 54-70 through 54-359 shall be used to designate each district. The official zoning atlas, with all notations, dimensions, designations, references and other data shown, is hereby adopted by reference and made a part of this chapter as if fully set forth herein and shall

be kept in the office of the zoning administrator. Upon adoption by the County Board, each map page shall be signed by the Chair of the County Board and attested by the county clerk bearing the date of adoption.

- (b) *Amendments.* Amendments to the official zoning atlas shall be approved by the County Board in accordance with the provisions of this chapter and Wis. Stats. § 59.97. Amendments shall be effective as provided in Wis. Stats. § 59.97. Amendments shall promptly be portrayed on the appropriate map page and include the ordinance number and effective date of the amendment.
- (c) *Final authority as to zoning status.* Regardless of the existence of purported copies of all or part of the official zoning atlas which may from time to time be made or published, the official zoning atlas, which shall be located in the office of the zoning administrator, shall be the final authority as to the current zoning status of any lands.
- (d) *Replacement of official zoning atlas.* If the official zoning atlas or any page or portion thereof becomes damaged, lost, destroyed or difficult to interpret, the County Board may by resolution adopt a new official zoning atlas or any page thereof, which shall supersede the prior official zoning atlas or page thereof. The new official zoning atlas or page thereof may correct drafting or other errors or omissions, but no such correction shall have the effect of amending the original official zoning atlas or page thereof. If, in the process of correcting drafting or other errors or omissions district boundaries are changed or altered, then action shall be taken only in the form of an amendment.
- (e) *Retention of earlier maps.* All zoning maps which have had the force and effect of official zoning maps for the county prior to the effective date of adoption of the ordinance from which this chapter is derived shall be retained as a public record and as a guide to the zoning status of lands prior to such date.

(Code 1992, § 17.06)

Sec. 54-8. - Interpretation of district boundaries.

- (a) Except as otherwise specifically provided, a district symbol or name shown within district boundaries on the official zoning atlas indicates that the district regulations pertaining to the district extend throughout the whole area surrounded by the boundary line.
- (b) Where uncertainty exists as to the boundaries of districts shown on the official zoning atlas, the following rules shall apply:
 - (1) Boundaries indicated as approximately following the centerlines of streets, highways, alleys or rights-of-way shall be construed as following such centerline as they exist on the ground.
 - (2) Boundaries indicated as approximately following lot lines shall be construed as following such lines provided, however, that where such boundaries are adjacent to a dedicated street, highway or right-of-way and the zoning status of the street, highway or right-of-way is not

indicated, the boundaries shall be construed as running to the middle of the street, highway or right-of-way.

- (3) Boundaries indicated as approximately following the limits of incorporated municipalities shall be construed as following such limits.
- (4) Boundaries indicated as following railroad tracks shall be construed as being midway between the main tracks.
- (5) Where boundaries do not follow property lines and distances are not specified, boundaries shall be determined by the use of the scale in the official zoning atlas.
- (6) Where the property layout existing on the ground is at variance with that shown in the official zoning atlas, the zoning administrator shall interpret the official zoning atlas. The determination by the zoning administrator may be appealed as provided in section 54-887.

(Code 1992, § 17.07)

Sec. 54-9. - Application of regulations.

The regulations set by this chapter shall be minimum regulations and shall apply uniformly to each class or kind of structure or land and, particularly, except as hereinafter provided:

- (1) No land, building or structure shall hereafter be used or occupied and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with all the regulations herein specified for the district in which it is located.
- (2) No sign shall hereafter be erected, hung, placed, painted, altered or moved, except in conformity with the regulations of the district in which it is located.
- (3) No part of a yard, open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space, off-street parking or loading space similarly required for any other building.
- (4) No lot or yard existing at the effective date of adoption of the ordinance from which this chapter is derived shall be reduced in dimension or area below the minimum requirements set forth herein. Lots or yards created after the effective date of adoption of the ordinance from which this chapter is derived shall meet the minimum requirements established by this chapter.
- (5) No accessory building shall be constructed upon a lot until the construction of the main building has actually commenced. No accessory building shall be used, unless the principal building on the lot is also being used. No cellar or basement shall be used as a dwelling prior to substantial completion of the dwelling of which it is part.

(Code 1992, § 17.08)

Sec. 54-10. - Interpretation.

In their interpretation and application, the provisions of this chapter shall be considered minimum requirements. Where the provisions of this chapter impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this chapter shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this section, the provisions of such statute, other regulation, ordinance or covenant shall prevail.

(Code 1992, § 17.09)

Sec. 54-11. - Other regulations applicable to the development and use of land and structures.

In addition to the applicability of these regulations, certain lands and structures in the county are also subject to, without limitation, regulations pertaining to floodplains, shorelands and wetlands, and airports and airport operations.

(Code 1992, § 17.11)

Secs. 54-12—54-38. - Reserved.

ARTICLE II. - NONCONFORMITIES

Sec. 54-39. - Applicability and intent.

Any use of land or structures or any lot or structure which lawfully existed at the effective date of adoption or amendment of the ordinance from which this chapter is derived which would not be permitted or permissible by the provisions of this chapter as adopted or amended shall be deemed nonconforming. It is the intent of this chapter to permit such nonconformities to continue, subject to certain restrictions.

(Code 1992, § 17.15)

Sec. 54-40. - Nonconforming uses of land or land with minor structures only.

Where at the effective date of adoption or amendment of the ordinance from which this chapter is derived a use of land exists which would not be permitted or permissible in the district in which it is located and where such use involves a structure with a fair market value of less than \$10,000.00, such use may be continued subject to the following restrictions:

- (1) Such use shall not be enlarged, increased, nor extended to occupy a greater area of the lot than was occupied at the effective date of adoption or amendment of the ordinance from which this chapter is derived.

- (2) Such use shall not be moved in whole or part to any other portion of the lot other than the portion occupied by such use at the effective date of adoption or amendment of the ordinance from which this chapter is derived.
- (3) When such use is discontinued or abandoned for a period of more than 12 consecutive months for any reason whatever or when such use is replaced by a permitted or permissible use, a nonconforming use shall not thereafter be resumed.
- (4) No additional structure in connection with such use shall be erected.

(Code 1992, § 17.16)

Sec. 54-41. - Nonconforming uses of structures.

Where at the effective date of adoption or amendment of the ordinance from which this chapter is derived the use of a structure exists which would not be permitted or permissible in the district in which it is located and where such use involves a structure with a fair market value exceeding \$10,000.00, such use may be continued subject to the following restrictions:

- (1) No existing structure devoted to a use not permitted or permissible shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted or permissible in the district in which it is located.
- (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of adoption or amendment of the ordinance from which this chapter is derived. Any nonconforming use which occupied a portion of a building not originally designed or intended for such use shall not be extended to any other part of the building. No nonconforming use shall be extended to occupy any land outside the building, nor any other building not used for such nonconforming use.
- (3) There may be a change in tenancy, ownership or management of a nonconforming use, provided there is no change in the nature or character of such nonconforming use.
- (4) When such use of a structure is discontinued or abandoned for a period of more than 12 consecutive months for any reason whatever or when such use is replaced by a permitted or permissible use, a nonconforming use shall not thereafter be resumed.
- (5) If a structure occupied by a nonconforming use is removed, destroyed or damaged to an extent of more than 50 percent of its fair market value at the time of destruction, the nonconforming use shall not be resumed.

(Code 1992, § 17.17)

Sec. 54-42. - Nonconforming structures.

Where at the effective date of adoption or amendment of the ordinance from which this chapter is derived a structure exists which could not be erected in the district in which it is located by reason of restriction on area or coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may continue in existence, subject to the following restrictions:

- (1) Such structure shall not be altered in any manner which would increase the degree of nonconformity. The total structural repairs or alterations in such nonconforming structure shall not during its life exceed 50 percent of the fair market value of the structure.
- (2) If such structure is destroyed or damaged to an extent of less than 50 percent of its replacement cost at the time of destruction, it may be reconstructed, provided reconstruction shall substantially reflect the prior structural arrangement and shall not increase the degree of nonconformity. If such structure is destroyed or damaged to an extent of more than 50 percent of its fair market value at the time of destruction, it shall not be reconstructed, except in conformity with the provisions of the district in which it is located.

(Code 1992, § 17.18)

Sec. 54-43. - Nonconforming characteristics of use.

If characteristics of use, such as lighting, parking, noise or other matters pertaining to the use of land, structures and premises, are made nonconforming by the provisions of this chapter as adopted or amended, no change shall thereafter be made in such characteristics of use which increases the nonconformity provided, however, that changes may be made which do not increase or which decrease such nonconformity.

(Code 1992, § 17.19)

Sec. 54-44. - Nonconforming lots of record.

- (a) In any district any permitted or permissible structure may be erected on a single lot of record at the effective date of adoption or amendment of the ordinance from which this chapter is derived. This provision shall apply even though such lot fails to meet the requirements of lot area, lot width or both for the district in which it is located, provided such lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership and provided all other requirements for the district are met.
- (b) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption or amendment of the ordinance from which this chapter is derived, the lands involved shall be considered to be an individual parcel for the purposes of this chapter and no portion of such parcel shall be used, divided or sold which does not meet the lot area and lot width requirements for the district in which it is located.

(Code 1992, § 17.20)

Sec. 54-45. - Nonconforming signs.

No nonconforming sign shall be altered in any manner which would increase the degree of nonconformity. If such sign is destroyed or damaged to an extent of more than 50 percent of its replacement cost at the time of destruction, such sign shall be replaced as a conforming sign. If a nonconforming sign is destroyed or damaged to an extent of less than 50 percent of its replacement cost at the time of destruction, it may be reconstructed, provided any reconstruction does not increase the degree of nonconformity which previously existed.

(Code 1992, § 17.21)

Sec. 54-46. - Casual, temporary or illegal use.

The casual, temporary or illegal use of land, structures or land structures in combination shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.

(Code 1992, § 17.22)

Sec. 54-47. - Repairs and maintenance.

Nothing in this chapter shall be deemed to prevent normal maintenance or repair of any structure or to prevent restoring to a safe condition any structure declared to be unsafe.

(Code 1992, § 17.23)

Sec. 54-48. - Existing special exceptions.

Any use or structure existing on the effective date of adoption or amendment of the ordinance from which this chapter is derived, which is classified as a special exception in the district in which it is located shall be deemed to have been granted approval, subject to maintaining the character and extent of such use or structure existing on that date. Any extension, enlargement or change in such use or structure shall require approval according to the terms of this chapter.

(Code 1992, § 17.24)

Secs. 54-49—54-69. - Reserved.

ARTICLE III. - DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 54-70. - Interpretation and organization.

- (a) District regulations shall be as set forth in this article and as modified and supplemented by articles IV through X of this chapter.
- (b) Permitted principal and accessory uses and structures listed for any district shall be permitted by right, subject to the conditions as specified.
- (c) Special exception uses and structures listed for any district are permissible only upon approval by the county agriculture, extension education, zoning and land conservation committee after notice and hearing, subject to the conditions as specified and any other conditions as may be imposed by the agriculture, extension education, zoning and land conservation committee to promote the general health, safety and welfare.
- (d) In those instances where district regulations set forth a list of permitted or permissible uses followed by the phrase "and uses of a similar nature," it is understood that the list of permitted or permissible uses is not exhaustive or all inclusive, but that other uses of alike or similar nature are also permitted or permissible. Determination of whether a specific use not enumerated is of a like or similar nature shall be made by the zoning administrator. The determination by the zoning administrator may be appealed as provided in section 54-887.
- (e) All uses and structures, dimensional, sign and off-street parking regulations in this article shall be subject to article IV of this chapter.
- (f) All uses and structures as specified in this division shall be subject to the regulations and requirements for that use as provided in articles V through X of this chapter.

(Code 1992, § 17.30)

Secs. 54-71—54-98. - Reserved.

DIVISION 2. - AED EXCLUSIVE AGRICULTURAL DISTRICT

Sec. 54-99. - Purpose.

The intent of the AED exclusive agricultural district is to maintain highly productive agricultural lands in agricultural production by effectively limiting encroachment of nonagricultural development; by minimizing land use conflicts between agricultural and nonagricultural uses; and by minimizing public service and facility costs associated with nonagricultural development. This district is further intended to comply with standards contained in Wis. Stats. ch. 91, to permit eligible landowners to receive tax credits under Wis. Stats. § 71.09, in connection with their agricultural operations.

(Code 1992, § 17.31(1); Ord. No. M-2013-14, 2-25-2014)

Sec. 54-100. - Permitted principal uses and structures.

Permitted principal uses and structures within the AED exclusive agricultural district are as follows:

- (1) The following agricultural uses, conducted for the purpose of earning an income or livelihood:
 - a. Crop or forage production.
 - b. Keeping livestock.
 - c. Beekeeping.
 - d. Nursery, sod, or Christmas tree production.
 - e. Floriculture.
 - f. Aquaculture.
 - g. Forest management.
 - h. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
 - i. Any other use that department, by rule, identifies as an agricultural use.
- (2) Undeveloped natural resources and open spaces areas.
- (3) Dwellings existing before the effective date of adoption of the ordinance from which this chapter is derived, which are not accessory to or associated with agricultural uses. Until ATCP 49 is in effect, pre-existing nonfarm residences are nonconforming uses.

(Code 1992, § 17.31(2); Ord. No. Z-3-2012-13, 1-8-2013; Ord. No. M-2013-14, 2-25-2014)

Sec. 54-101. - Permitted accessory uses and structures.

Permitted accessory uses and structures with the AED exclusive agricultural district are as follows:

- (1) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures that meet the definition of accessory use under Wis. Stats. § 91.01(1).
- (2) One roadside stand per farm used solely for the sale of products produced on the premises.
- (3) Riding stables that meet the definition of accessory use under Wis. Stats. § 91.01(1).
- (4) Home occupations that are conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than a farm residence, that employs no more than two full-time employees annually, and that do not impair or limit the current or future agricultural use of the farm or of other protected farmland.
- (5) Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under state or federal law that preempts the requirement of a special use permit for that use.

(Code 1992, § 17.31(3); Ord. No. Z-3-2012-13, 1-8-2013; Ord. No. M-2013-14, 2-25-2014)

Sec. 54-102. - Special exception uses and structures.

Special exception uses and structures with the AED exclusive agricultural district are as follows:

- (1) Fur farms, conducted for the purpose of earning an income or livelihood.
- (2) Sawmills.
- (3) Farm equipment and machinery sales and service.
- (4) Establishments for the processing, centralized bulk collection, storage or distribution of agricultural products.
- (5) Governmental uses, including landfills, highway storage facilities and public buildings, if the agriculture, extension education, zoning and land conservation committee determines that all of the following apply:
 - a. The use and its location in the AED exclusive agricultural district are consistent with the purposes of the district.
 - b. The use and its location in the AED exclusive agricultural district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - c. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
 - d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (6) Institutional, religious, or nonprofit community uses, including churches, schools, libraries, and museums if the agriculture, extension education, zoning and land conservation committee determines that all of the following apply:
 - a. The use and its location in the AED exclusive agricultural district are consistent with the purposes of the district.
 - b. The use and its location in the AED exclusive agricultural district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - c. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
 - d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

- e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (7) Veterinary offices, primarily for the purpose of caring for livestock.
- (8) Non-metallic mining, subject to an approved restoration plan that would be suitable for agricultural use, if the agriculture, extension education, zoning and land conservation committee determines that all of the following apply:
- a. The operation complies with subch. I of Wis. Stats. ch. 295 and rules promulgated under that subchapter, with applicable provisions of the local ordinance under Wis. Stats. § 295.13 or § 295.14, and with any applicable requirements of the department of transportation concerning the restoration of nonmetallic mining sites.
 - b. The operation and its location in the AED exclusive agricultural district are consistent with the purposes of the district.
 - c. The operation and its location in the AED exclusive agricultural district are reasonable and appropriate, considering alternative locations outside the district or are specifically approved under state or federal law.
 - d. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
 - e. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - f. The owner restores the land to agricultural use, consistent with any required locally approved reclamation plan, when extraction is completed.

(Code 1992, § 17.31(4); Ord. No. Z-41-97, § 17.31(4), 12-9-1997; Ord. No. Z-3-2012-13, 1-8-2013; Ord. No. M-2013-14, 2-25-2014)

Sec. 54-103. - Dimensional requirements.

Dimensional requirements of the AED exclusive agricultural district are as follows:

- (1) Principal agricultural uses and structures have no minimum lot area, lot width or yard requirements and no height limitations.
- (2) Preexisting dwellings and accessory dwellings on a separate parcel. Minimum lot area, 24,000 square feet; minimum lot width, 100 feet. Yards shall be a minimum of 25 feet in depth if at the front or rear and 15 feet in width if at the side. There are no height limitations.
- (3) Other permissible principal uses and structures. Minimum lot area, one acre; minimum lot width, 150 feet; minimum front and rear yard depth, 40 feet; and minimum lot area and yard requirements may be increased as a condition for a special exception permit.

(Code 1992, § 17.31(5); Ord. No. Z-3-2012-13, 1-8-2013)

Sec. 54-104. - Permitted accessory signs.

Permitted accessory signs with the AED exclusive agricultural district are as follows:

- (1) One sign not exceeding 100 square feet in area, identifying the premises or establishment.
- (2) One sign not exceeding 25 square feet in area, advertising the sale of farm products on the premises.
- (3) Temporary signs for the sale or lease of the property.

(Code 1992, § 17.31(6))

Sec. 54-105. - Rezoning land out of the AED exclusive agricultural district.

- (1) Except as provided in subsection (2), the Zoning Administrator may not rezone land out of the AED exclusive agricultural district unless the Zoning Administrator finds all of the following in writing, after public hearing, as part of the official record of the rezoning:
 - a. The rezoned land is better suited for a use not allowed in the AED exclusive agricultural district.
 - b. The rezoning is consistent with any applicable comprehensive plan.
 - c. The rezoning is substantially consistent with the county farmland preservation plan, which is in effect at the time of the rezoning.
 - d. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- (2) Subsection (1) does not apply to any of the following:
 - a. A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Wis. Stats. ch. 91.
 - b. A rezoning that makes the farmland preservation zoning ordinance map more consistent with the county farmland preservation plan map, certified under Wis. Stats. ch. 91, which is in effect at the time of the rezoning.
- (3) By March 1 of each year the Zoning Administrator shall provide to the Wisconsin Department of Agriculture, Trade and Consumer Protection a report of the number of acres that the county has rezoned out of the AED exclusive agricultural district under subsection (1) during the previous year and a map that clearly shows the location of those acres.

(Ord. No. M-2013-14, 2-25-2014)

Secs. 54-106—54-126. - Reserved.

DIVISION 3. - AGD GENERAL AGRICULTURAL DISTRICT

Sec. 54-127. - Purpose.

The intent of the AGD general agricultural district is to maintain open land areas predominantly devoted to farming and agricultural related uses. It is anticipated that while certain areas within the district will eventually be used for nonagricultural uses, the intensity of development will remain significantly limited due to a lack of urban facilities and services. It is also intended that this district provide for small scale family oriented businesses on a case-by-case basis.

(Code 1992, § 17.32(1))

Sec. 54-128. - Permitted principal uses and structures.

Permitted principal uses and structures within the AGD general agricultural district are as follows:

- (1) Permitted principal uses and structures in the AED exclusive agricultural district.
- (2) Public and semipublic nonprofit institutional uses, including churches, schools, libraries, museums and uses of a similar nature.
- (3) Parks, preserves and golf courses.
- (4) Single-family detached dwellings and mobile homes unrelated to any farm operation as a principal use and structure on individual lots, which are not part of a recorded subdivision plat as defined in chapter 52 of this Code of Ordinances.

(Code 1992, § 17.32(2); Ord. of 6-27-2000, § 17.32(2); Ord. No. M-2013-14, 2-25-2014)

Sec. 54-129. - Permitted accessory uses and structures.

Permitted accessory uses and structures with the AGD general agricultural district are as follows:

- (1) Permitted accessory uses and structures in section 54-101.
- (2) Home-based business. A business operated on the same parcel as the principal residence, provided that:
 - a. The use is clearly incidental to the use as a residence.
 - b. Not more than two non-family members may be employed on the premises.
 - c. There shall be no change in the outside appearance of the building in which the business is operated, other than one sign not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the structure in which the business is operated.
 - d.

No traffic shall be generated by such home based business in greater volumes than would normally be expected in an agricultural area.

- e. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot.
- f. A home-based business may not occupy more than 30 percent of any principal or accessory structure.
- g. The manufacture and/or sale of fireworks shall not be considered a home based business.

(Code 1992, § 17.32(3); Ord. of 6-24-1997, § 17.32(3))

Sec. 54-130. - Special exception uses and structures.

Special exception uses and structures within the AGD general agricultural district are as follows:

- (1) Special exception uses and structures in section 54-102; provided, however, that no such use or structure shall be located within 500 feet of an existing residential dwelling other than the owners or within 500 feet of the exterior boundary of a recorded subdivision plat.
- (2) Two-family dwellings, provided that the dimensional requirements of division 2 of article III of this chapter are met.
- (3) Cemeteries.
- (4) Veterinary offices.
- (5) Warehouse, storage and building supply establishments, subject to the conditions in subsection (10) of this section.
- (6) Resource extraction uses, including quarrying and sand and gravel pits.
- (7) Outdoor commercial recreational uses, including recreational camps, campgrounds, golf, archery and rifle ranges, sledding and skiing facilities and uses of a similar nature.
- (8) Commercial exhibits of historical or natural significance.
- (9) Automobile salvage and metal recycling yards, subject to the conditions in subsection (1) of this section involving storage of less than 150 vehicles, appliances and the like, with vehicles accounting for not more than 50 of the total and where no crushing or processing of parts and materials is conducted on the premises and provided all vehicles, materials and parts are effectively screened from view from any residential lot or public highway.
- (10) Contractors storage yard, including landscape contractors, provided all equipment and materials are effectively screened from view from any residential lot or public highway.
- (11) The following uses, provided the owner or proprietor resides on the premises: automobiles, farm equipment and small engine repair shops; offices and/or shops in connection with skilled tradesman, including plumbers, electricians, carpenters, welders and the like; and

production and/or sales of crafts produced on the premises, provided mechanical or chemical processes are incidental or nonexistent.

- (12) Taverns existing before the effective date of adoption of the ordinance from which this chapter is derived.
- (13) Sales of lawn and garden equipment in connection with a plant nursery.
- (14) Airports, public or private.
- (15) Dog kennels.
- (16) Day care (family).
- (17) Facilities for the production, transmission, delivery or furnishing of heat, light, water or power, for which a certificate of public convenience and necessity had been obtained from the state public service commission under Wis. Stats. § 196.491 and subject to the site plan review procedures outlined in division 5 of article XII of this chapter.
- (18) Telecommunication towers, subject to the provisions of subdivision II of division 3 of article IV of this chapter.

(Code 1992, § 17.32(4); Ord. of 6-24-1997, § 17.32(4)(i), (j), (p), (q); Ord. No. Z-24-01, § 17.32(4), 4-17-2001)

Sec. 54-131. - Dimensional requirements.

Dimensional requirements of the AGD general agricultural district are as follows:

- (1) Principal agricultural uses. Minimum lot area, two acres; lot width, 200 feet; and front yard, 25 feet. There are no side or rear yard requirements and no height limitations on buildings or structures.
- (2) Single-family detached dwellings and mobile homes on individual lots. Minimum lot area, 24,000 square feet; lot width, 100 feet; front yard, 25 feet; rear yard, 30 feet; side yards, 20 feet each. Lots rezoned from the AED District for the purposes of constructing a residence shall meet same minimal dimensional requirements but shall not exceed two acres in size. The siting of those newly created lots shall also be done in a manner that will minimize the loss of productive farmland and will minimize disruption of the adjacent farm operations.
- (3) Other permitted or permissible uses and structures. Minimum lot area, one acre; lot width, 150 feet; front yard, 25 feet; rear yard 50 feet; side yards, 30 feet each provided, however, that for any building or structure over 40 feet in height, the side yards shall be increased by one foot for every two feet in additional height. Minimum lot area and yard requirements may be increased as a condition for a special exception permit.

(Code 1992, § 17.32(5); Ord. No. Z-3-2012-13, 1-8-2013)

Sec. 54-132. - Permitted accessory signs.

Permitted accessory signs within the AGD general agricultural district are as follows:

- (1) Permitted accessory signs in the AED exclusive agricultural district.
- (2) For special exception uses and structures, one detached sign in the building setback area (front yard), limited in aggregate area to three times the lineal feet of frontage; provided, however, that no detached sign shall exceed 250 square feet in area, no part of the supporting structure shall be closer than ten feet to the right-of-way and at least 12 feet of clear space, exclusive of the supporting structure, shall be maintained underneath the sign for visibility purposes.

(Code 1992, § 17.32(6))

Secs. 54-133—54-152. - Reserved.

DIVISION 4. - RSF SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 54-153. - Purpose.

The RSF single-family residential district is intended to provide for single-family detached residential development. The density of development is based on the availability of public facilities and the extent of coordination and planning as indicated by whether the development is part of an approved and recorded subdivision plat.

(Code 1992, § 17.33(1); Ord. of 6-24-1997, § 17.33(5)(a)3.a, 4.a)

Sec. 54-154. - Permitted principal uses and structures.

Permitted principal uses and structures within the RSF single-family residential district are as follows:

- (1) Single-family detached dwellings.
- (2) Public and semipublic nonprofit institutional uses, including churches, schools, libraries and the like, provided principal access shall be directly onto a collector or arterial street.
- (3) Parks, playgrounds, golf courses and community centers.
- (4) Community living arrangements, subject to the provisions and limitations of Wis. Stats. § 59.69(15).
- (5) Day care (family).

(Code 1992, § 17.33(2))

Sec. 54-155. - Permitted accessory uses and structures.

Permitted accessory uses and structures with the RSF single-family residential district are as follows:

- (1) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
- (2) Temporary structures in connection with the construction of principal structures, provided such structures are not used for living purposes. Temporary structures shall not remain over 90 days after construction of the principal structure is substantially complete.
- (3) Home occupations.
- (4) Public utility installations.

(Code 1992, § 17.33(3))

Sec. 54-156. - Special exception uses and structures.

Special exception uses and structures with the RSF single-family residential district are as follows:

- (1) Convalescent homes and nursing homes.
- (2) Cemeteries.
- (3) Gardens, nurseries and orchards, provided no sales are conducted on the premises.
- (4) Cluster subdivisions, subject to the provisions of article VII of this chapter.
- (5) Mobile home subdivisions, subject to the provisions of article X of this chapter.
- (6) Mobile home parks, subject to the provisions of article IX of this chapter.
- (7) Accessory dwelling, subject to the provisions of section 54-466.
- (8) Bed and breakfast establishments, provided the owner resides on the premises.
- (9) Storage garage as an accessory building.
- (10) Day care (group).

(Code 1992, § 17.33(4))

Sec. 54-157. - Dimensional requirements.

Dimensional requirements of the RSF single-family residential district are as follows:

- (1) Single-family detached dwellings.
 - a. Within an approved and recorded subdivision plat served by public sewer, minimum dimensions are as follows:
 1. Lot area: 7,200 square feet per dwelling.
 2. Lot width: 60 feet.
 3. Front yard: 25 feet.

4. Side yards: six feet each.
 5. Rear yards: 25 feet.
 6. Maximum lot coverage: 30 percent.
 7. Maximum height: 35 feet (2½ stories).
- b. Not within an approved and recorded subdivision plat, but served by public sewer, minimum dimensions are as follows:
1. Lot area: 9,000 square feet per dwelling.
 2. Lot width: 75 feet.
 3. Front yard: 25 feet.
 4. Side yards: seven feet each.
 5. Rear yard: 25 feet.
 6. Maximum lot coverage: 20 percent.
 7. Maximum height: 35 feet (2½ stories).
- c. Within an approved and recorded subdivision plat not served by public sewer, minimum dimensions are as follows:
1. Lot area and lot width, as provided in Wis. Admin. Code ch. COMM 85, but in no event shall lot area be less than 15,000 square feet and lot width be less than 90 feet.
 2. Front yard: 25 feet.
 3. Side yards: eight feet each.
 4. Rear yard: 35 feet.
 5. Maximum lot coverage: 15 percent.
 6. Maximum height: 35 feet (2½ stories).
- d. Not within an approved and recorded subdivision plat not served by public sewer, minimum dimensions are as follows:
1. Lot area and lot width, as provided in Wis. Admin. Code ch. COMM 85, but in no event shall lot area be less than 18,000 square feet and lot width be less than 100 feet.
 2. Front yard: 25 feet.
 3. Side yards: ten feet each.
 4. Rear yard: 40 feet.
 5. Maximum lot coverage: 15 percent.
 6. Maximum height: 35 (2½ stories).
- (2) Other permitted or permissible uses and structures.
- a. Served by public sewer, minimum dimensions are as follows:

1. Lot area: 10,000 square feet.
 2. Lot width: 90 feet.
 3. Front yard: 25 feet.
 4. Side yards: 15 feet each.
 5. Rear yard: 30 feet.
 6. Maximum lot coverage: 20 percent.
 7. Maximum height: 35 feet (2½ stories).
- b. Not served by public sewer, minimum dimensions are as follows:
1. Lot area: 18,000 square feet.
 2. Lot width: 100 feet.
 3. Front yard: 25 feet.
 4. Side yards: 25 feet each.
 5. Rear yard: 40 feet.
 6. Maximum lot coverage: 15 percent.
 7. Maximum height: 35 feet (2½ stories).

(Code 1992, § 17.33(5); Ord. of 6-24-1997, § 17.33(5)(a)3.a, 4.a)

Sec. 54-158. - Permitted accessory signs.

Permitted accessory signs with the RSF single-family residential district are as follows:

- (1) One subdivision identification sign limited to 40 square feet in area.
- (2) One temporary sign for each street frontage advertising the sale or lease of real estate and one temporary sign advertising the development of property. No temporary sign shall be erected within ten feet of any adjacent side yard and no temporary sign shall remain after the sale, lease or development of the property.

(Code 1992, § 17.33(6); Ord. No. G-2021-22, 12-14-2021)

Sec. 54-159. - Off-street parking requirements.

Off-street parking requirements within the RSF single-family residential district are as follows:

| | |
|--------------|---------------------------------------|
| Dwellings | 1.5 per unit |
| Churches | 1 per 3 fixed seats |
| High schools | 1 per 3 students, plus 1 per employee |

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|--|-------------------------------------|
| Elementary school, junior high school, day nurseries | 1 per employee |
| Libraries, exhibits, community centers | 1 per 3 persons of maximum capacity |
| Convalescent home, children's home, nursing home | 1 per 4 beds, plus 1 per employee |

(Code 1992, § 17.33(7))

Secs. 54-160—54-174. - Reserved.

DIVISION 5. - RTF RESIDENTIAL TWO-FAMILY DISTRICT

Sec. 54-175. - Purpose.

This RTF residential two-family district is intended to provide for medium density residential development with emphasis on two-family and single-family attached residential uses. This district is also intended to provide for infilling opportunities for parcels which for various reasons have been bypassed by development. This district is primarily intended to apply to areas presently served by a public sewer system.

(Code 1992, § 17.34(1))

Sec. 54-176. - Permitted principal uses and structures.

Permitted principal uses and structures within the RTF residential two-family district are as follows:

- (1) Permitted principal uses and structures in section 54-154.
- (2) Two-family dwellings served by a public sewer system.
- (3) Single-family attached dwellings served by a public sewer system.

(Code 1992, § 17.34(2))

Sec. 54-177. - Permitted accessory uses and structures.

Permitted accessory uses and structures of the RTF residential two-family district shall be the permitted accessory uses and structures in section 54-155.

(Code 1992, § 17.34(3))

Sec. 54-178. - Special exception uses and structures.

Special exception uses and structures of the RTF residential two-family district are as follows:

- (1) Special exception uses and structures in section 54-156.
- (2) Two-family dwellings not served by a public sewer system.
- (3) Planned unit developments, subject to the provisions of article VI of this chapter.

(Code 1992, § 17.34(4))

Sec. 54-179. - Dimensional requirements.

Dimensional requirements of the RTF residential two-family district are as follows:

- (1) Single-family detached dwellings. Dimensional requirements as provided in the RSF district.
- (2) Two-family dwellings.
 - a. Served by public sewer and water, minimum dimensions are as follows:
 1. Lot area: 9,000 square feet (4,500 square feet per family).
 2. Lot width: 75 feet.
 3. Front yard: 25 feet.
 4. Side yards: eight feet each.
 5. Rear yard: 25 feet.
 6. Maximum lot coverage: 30 percent.
 7. Maximum height: 35 feet (2½ stories).
 - b. Not served by public sewer, minimum dimensions are as follows:
 1. Lot area and lot width. As provided in Wis. Admin. Code ch. COMM 85, but in no event shall lot area be less than 18,000 sq. ft. and lot width be less than 100 feet.
 2. Front yard: 25 feet.
 3. Side yards: ten feet each.
 4. Rear yard: 40 feet.
 5. Maximum lot coverage: 15 percent.
 6. Maximum height: 35 feet (2½ stories).
- (3) Single-family attached dwellings.
 - a. Each single-family attached development shall have a minimum lot area of 12,000 square feet and minimum lot width of 100 feet. Each group or series of single-family attached dwellings shall have a minimum front yard of 25 feet; side yards of ten feet each; and rear yard of 25 feet. Maximum density is ten dwelling units per net acre; maximum lot

coverage, 25 percent; and maximum height, 35 feet (2½ stories). Not more than six dwelling units shall be contiguous or in one series or group and not more than two contiguous dwelling units in one group or series shall have the same or approximately the same roof line or building line. Not less than 40 percent of the total site area shall be landscaped in lawns, gardens, decorative plantings or wooded areas. A site plan under division 5 of article XII of this chapter is required for all single-family attached dwelling developments. Common open spaces shall be subject to the requirements of section 54-357.

b. Zero lot line exception.

1. Lots shall have a minimum area of 6,000 square feet and minimum lot width of 50 feet. Each group of zero lot line attached dwellings shall have a minimum front and rear yards of 25 feet each and one side yard of zero feet, while the opposing side yard shall not be less than ten feet.
2. A statement shall be placed on the face of all certified survey maps and subdivisions creating zero lot line developments that states "When attached dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe and maintenance, shall be guarded against by private covenants and deed restrictions and the approving authorities shall not be held responsible for same."
3. Easements shall be provided across zero lot lines where necessary for water, sewer and utility services.
4. A restrictive covenant shall be placed on the certified survey map or subdivision which states "Building permits are limited to the development of zero lot line duplex units on lots ____ through ____ inclusive, unless two adjoining lots are combined and used as a single lot for the construction of a single-family dwelling unit."
5. There shall be a common wall. Wherever improvements abut on the common boundary line between adjoining units there shall be a one hour fire wall running from the lowest floor level, including the basement, to the underside of the roof sheathing. Such basement, if any, shall be waterproofed masonry.

(4) Other or permissible uses and structures. Dimensional requirements as provided in the RSF single-family residential district.

(Code 1992, § 17.34(5))

Sec. 54-180. - Permitted accessory signs.

Permitted accessory signs in the RTF residential two-family district shall be the permitted accessory signs in section 54-158.

(Code 1992, § 17.34(6))

Sec. 54-181. - Off-street parking requirements.

Off-street parking requirements of the RTF residential two-family district are the applicable requirements as specified in the RSF single-family residential district.

(Code 1992, § 17.34(7))

Secs. 54-182—54-203. - Reserved.

DIVISION 6. - RMF MULTIFAMILY RESIDENTIAL DISTRICT

Sec. 54-204. - Purpose.

The RMF multifamily residential district is intended to provide for medium to high density residential areas with emphasis on multifamily or apartment development. This district requires access to public sewer.

(Code 1992, § 17.35(1))

Sec. 54-205. - Permitted principal uses and structures.

Permitted principal uses and structures within the RMF multifamily residential district are as follows:

- (1) Permitted principal uses and structures section 54-154.
- (2) Two-family dwellings.
- (3) Single-family attached dwellings.
- (4) Multifamily dwellings, provided the building does not exceed three stories in height.

(Code 1992, § 17.35(2))

Sec. 54-206. - Permitted accessory uses and structures.

Permitted accessory uses and structures within the RMF multifamily residential district shall be as set in section 54-155.

(Code 1992, § 17.35(3))

Sec. 54-207. - Special exception uses and structures.

Special exception uses and structures within the RMF multifamily residential district are as follows:

- (1) Special exception uses and structures in section 54-156.
- (2) Multifamily dwellings in buildings exceeding 3 stories in height.

(Code 1992, § 17.35(4))

Sec. 54-208. - Dimensional requirements.

Dimensional requirements of the RMF multifamily residential district are as follows:

- (1) Single-family detached dwellings. Dimensional requirements as provided in the RSF single-family residential district.
- (2) Two-family dwellings. Dimensional requirements as provided in the RTF two-family residential district.
- (3) Single-family attached dwellings. Dimensional requirements as provided in the RTF two-family residential district.
- (4) Multifamily dwellings.
 - a. Not exceeding three stories or 45 feet in height, minimum dimensions are as follows:
 1. Lot area: 10,000 square feet.
 2. Lot width: 90 feet.
 3. Front and rear yard: 25 feet.
 4. Side yards: 20 feet each.
 5. Maximum density: 20 feet dwelling units per net acre.
 6. Lot coverage: 30 percent.
 7. Landscaping. Not less than 30 percent of the total site area shall be landscaped in lawns, gardens, decorative plantings or wooded areas. A site plan under division 5 of article XII of this chapter.
 - b. Exceeding three stories or 45 feet in height, minimum dimensions are as follows:
 1. Lot area: 20,000 square feet.
 2. Lot width: 100 feet.
 3. All yards. 25 feet each provided, however, that for every two feet in building height above 45 feet, yard width or depth shall be increased one foot.
 4. Landscaping. Not less than 30 percent of the total site area shall be landscaped in lawns, gardens, decorative plantings or wooded areas. A site plan under division 5 of article XII of this chapter is required.
- (5) Other permitted or permissible uses and structures. dimensional requirements as specified in the RSF single-family residential district.

(Code 1992, § 17.35(5))

Sec. 54-209. - Permitted accessory signs.

Permitted accessory signs within the RMF multifamily residential district are the same as in section 54-158.

(Code 1992, § 17.35(6))

Sec. 54-210. - Off-street parking requirements.

Off-street parking requirements within the RMF multifamily residential district are the applicable requirements as specified in the RSF single-family residential district.

(Code 1992, § 17.35(7))

Secs. 54-211—54-231. - Reserved.

DIVISION 7. - CL LOCAL COMMERCIAL DISTRICT

Sec. 54-232. - Purpose.

The CL local commercial district is intended to apply to commercial establishment located to serve primarily localized commercial markets throughout the county. It is the intent of this district to encourage grouping of such commercial establishments. The district is not intended to apply to major or large scale commercial establishments of a regional character.

(Code 1992, § 17.36(1))

Sec. 54-233. - Permitted principal uses and structures.

Permitted principal uses and structures within the CL local commercial district are as follows:

- (1) Retail outlets, including the sale of food, liquor, wearing apparel, art or photographic supplies, printing, books or stationery, sundries or notions, jewelry, luggage, florist or gifts, drugs, pets, home furnishings and appliances, sporting goods or hobbies, automotive parts, hardware and building supply establishments and uses of a similar nature.
- (2) Service establishments, including barbershop or beauty shop, shoe repair, laundry or dry cleaner, appliance repair, photographic or dance studio and uses of a similar nature.
- (3) Business and professional offices, including banks and other financial institutions, insurance and real estate, travel agency, medical or dental clinic, attorney's office, engineering office and uses of a similar nature.
- (4) Taverns and restaurants.

- (5) Hotels and motels.
- (6) Clubs and organizations, profit or nonprofit.
- (7) Indoor commercial recreational establishments, including motion picture theaters, billiard parlors, arcades, bowling alleys, rinks and uses of a similar nature.
- (8) Convalescent homes, nursing homes and day care (family or group).
- (9) Office equipment and supplies.
- (10) Garden center, plant nursery or landscape contractor.
- (11) Veterinary offices.
- (12) Mortuaries.
- (13) Equipment rental.
- (14) Existing dwellings.
- (15) Storage establishments.
- (16) Bakeries, meat markets/butcher shops (no slaughtering on premise), cheese houses, or uses of a similar nature, when an associated public retail shop is on premise.
- (17) Breweries, coffee roasters, distilleries, wineries, or uses of a similar nature, when an associated public tasting room, tap room, coffee house, bar, tavern, restaurant, and/or retail shop is on premise.
- (18) Museums, galleries, and other cultural institutions.

(Code 1992, § 17.36(2); Ord. No. Z-6-2022-23, 10-25-2022)

Sec. 54-234. - Permitted accessory uses and structures.

Permitted accessory uses and structures within the CL local commercial district are as follows:

- (1) Uses and structures which are customarily accessory and clearly incidental and subordinate to permissible principal uses and structures when they are located on the same lot or a lot contiguous with the principal use or structure.
- (2) Permitted utility installations.

(Code 1992, § 17.36(3))

Sec. 54-235. - Special exception uses and structures.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Adult bathhouses means an establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, not operated by a medical practitioner or a professional physical therapist licensed by the state and which provides to its patrons an opportunity for engaging in specified sexual activities.

Adult body painting studios means an establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this section, the adult body painting studio shall not be deemed to include a tattoo parlor.

Adult bookstore/video store means an establishment having as a substantial or significant portion of its stock and trade in books, magazines, periodicals or videotapes, films or disks which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specific sexual activities or specific anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

Adult cabaret means an establishment or business which features male or female topless or bottomless dancers, or both, go dancers, exotic dancers, strippers, burlesque shows, male or female impersonators or similar entertainers.

Adult massage parlors means an establishment or business, with or without sleeping accommodations, which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body and all forms and methods of physiotherapy, not operated by a medical practitioner or professional physical therapist licensed by the state and which provides for its patrons the opportunity to engage in "specified sexual activity."

Adult modeling studios means an establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.

Adult motion picture theater means facility, either a building or outdoors, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specific sexual activities or specific anatomical areas for observation by patrons therein.

Adult novelty shop means an establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on or designed for, specific sexual activity or stimulating such activity.

(b) *Enumerated*. Special exception uses and structures within the CL local commercial district are as follows:

- (1) Automobile filling stations and car washes.
- (2) Automobile, boat, motorcycle, construction equipment and farm implement sales, service and repair.

- (3) Wholesale and warehouse establishments.
 - (4) Printing and publishing establishments.
 - (5) Outdoor recreational establishments, including archery ranges, miniature golf and amusements.
 - (6) Light manufacturing uses and structures, such as packaging, bottling, storage facilities and laboratories, provided all activities are conducted within completely enclosed buildings not involving odor, noise, smoke or other noxious effects detectable to normal senses from off the premises.
 - (7) Radio and telecommunication towers, subject to the provisions of subdivision II of division 3 of article IV of this chapter.
 - (8) Dog kennel.
 - (9) Building trades contractor with storage yard for material and equipment on premises, provided all materials and equipment are effectively screened from view from any residential lot or public highway.
 - (10) Agricultural related uses and structures, such as feedmills and co-ops.
 - (11) Woodworking and cabinetry.
 - (12) Billboards.
 - (13) Containerized recycling drop-off sites.
 - (14) Adult establishments, including bookstores, motion picture theaters, mini motion picture theaters, bath houses, massage parlors, modeling studios, body painting studios and cabarets.
 - (15) Facilities for the production, transmission, delivery or furnishing of heat, light, water or power, for which a certificate of public convenience and necessity had been obtained from the state public service commission under Wis. Stats. § 196.491 and subject to the site plan review procedures outlined in division 5 of article XII of this chapter.
- (c) *Adult entertainment.* General standards for adult entertainment are as follows:
- (1) No more than one of the uses in subsection (b) of this section may be established on any one parcel and the establishment of any one of the adult uses set forth in subsection (b) of this section shall be at least 1,500 feet from the establishment of any other adult use. No adult use shall be permitted within 2,000 feet of any land used or zoned for residential purposes or within 2,000 feet of any church or school.
 - (2) Signs advertising any of the above adult uses shall conform with section 54-359, with the following exceptions: no tower, portable signs or billboards shall be permitted on the premises; signs shall not depict specified sexual activities or specified anatomical areas and there shall be no flashing or traveling lights located outside the building.

- (3) Adequate parking shall be provided in a lighted area.
- (4) There shall be no display windows on the premises.
- (5) The owner and operator of the adult entertainment establishment shall agree to comply with all state, federal and local laws and ordinances, including obscenity, liquor and cabaret laws, and shall further ensure that minors are not permitted on the premises. Solicitation for purposes of prostitution shall be strictly prohibited.
- (6) The hours of operation for such establishments shall be limited to the same hours of operations for bars and taverns within the community in which the district is located.

(Code 1992, § 17.36(4); Ord. of 6-24-1997, § 17.36(4); Ord. No. Z-24-01, § 17.26(4), 4-17-2001)

Sec. 54-236. - Dimensional requirements.

Dimensional requirements for the CL local commercial district are as follows:

- (1) All permitted principal uses and structures. Minimum dimensions as follows:
 - a. Lot area: 10,000 square feet;
 - b. Lot width: 90 feet;
 - c. Front yard: 35 feet;
 - d. Side yard: 20 feet each;
 - e. Rear yard: 50 feet;
 - f. Maximum lot coverage: 25 percent; and
 - g. Maximum height: 50 feet.

Telecommunication towers shall be exempt from the maximum height of 50 feet and shall be regulated as outlined in subdivision II of division 3 of article IV of this chapter. Any required yard adjacent to a residential district without an intervening street shall be a minimum of 20 feet and shall be subject to the landscaped buffer requirements of [section 54-359](#).

- (2) All special exception uses and structures. Minimum dimensions as follows:
 - a. Lot area: 12,000 square feet;
 - b. Lot width: 100 feet;
 - c. Front yard: 35 feet;
 - d. Side yards: 25 feet each;
 - e. Rear yard: 50 feet;
 - f. Maximum lot coverage: 25 percent; and
 - g. Maximum height: 50 feet.

Any required yard adjacent to a residential district without an intervening street shall be subject to the landscaped buffer requirements of section 54-359.

(Code 1992, § 17.36(5); Ord. of 6-24-1997, § 17.36(5))

Sec. 54-237. - Permitted accessory signs.

Within the CL local commercial district, for each establishment or each frontage on a public street or highway, if such establishment is located at the intersection of two public streets or highways, the following accessory signs are permitted:

- (1) One detached sign in the building setback area (front yard), limited in aggregate area to three times the lineal feet of frontage. However, no detached sign shall exceed 250 square feet in area, no part of the supporting structure shall be closer than ten feet to the right-of-way and at least 12 feet of clear space, exclusive of the supporting structure shall be maintained underneath the sign for visibility purposes.
- (2) One flat marquee or projecting sign and 40 feet of sign area for each 20 feet of lineal frontage. The sign area may be used in a lesser number of signs than permitted, but the maximum number of signs shall not be exceeded.
- (3) Temporary signs for the sale or lease of the property. No temporary sign shall be erected within the required front, rear or side yard setbacks.

(Code 1992, § 17.36(6))

Sec. 54-238. - Off-street parking requirements.

Parking requirements within the CL local commercial district are as follows:

| | |
|--|---------------------------------|
| Retail and service establishments, except restaurants, and business and professional offices | 1 per 200 sq. ft. of floor area |
| Taverns and restaurants, except drive-in restaurants | 1 per 100 sq. ft. of floor area |
| Drive-in restaurants | 1 per 50 sq. ft. of floor area |

| | |
|---|---|
| Hotels and motels | 1 per sleeping room, plus parking requirements for taverns or restaurants as applicable |
| Clubs and organizations, mortuaries, theaters and other recreational establishments | 1 per 3 persons of maximum capacity |
| Printing and publishing and light industrial | 1 per employee |
| Convalescent or nursing home | 1 per 4 beds, plus 1 per employee |
| Wholesale and warehouse establishments | 1 per 500 sq. ft. of floor area |

(Code 1992, § 17.36(7))

Secs. 54-239—54-257. - Reserved.

DIVISION 8. - CR REGIONAL COMMERCIAL DISTRICT

Sec. 54-258. - Purpose.

The CR regional commercial district is intended to apply to areas which are now intensely developed or are expected to be intensely developed for commercial uses serving a regional commercial market.

(Code 1992, § 17.37(1))

Sec. 54-259. - Permitted principal uses and structures.

Permitted principal uses and structures within the CR regional commercial district are as follows:

- (1) Permitted principal uses and structures in section 54-233 where the building or structure does not exceed 40,000 square feet of floor area. The front of all buildings shall be faced with decorative masonry or other materials of suitable aesthetic, safety and durability value.
- (2) Permitted principal uses and structures in section 54-233. Building fronts shall meet the requirements of subsection (1) of this section.

(Code 1992, § 17.37(2))

Sec. 54-260. - Permitted accessory uses and structures.

Permitted accessory uses and structures within the CR regional commercial district are the same as in the CL local commercial district.

(Code 1992, § 17.37(3))

Sec. 54-261. - Special exception uses and structures.

Special exception uses and structures within the CR regional commercial district are as follows:

- (1) Retail, service and office uses and structures where the building or structure exceeds 40,000 square feet of floor area.
- (2) Special exception uses and structures in section 54-235.
- (3) Facilities for the production, transmission, delivery or furnishing of heat, light, water or power, for which a certificate of public convenience and necessity had been obtained from the state public service commission under Wis. Stats. § 196.491 and subject to the site plan review procedures outlined in division 5 of article XII of this chapter.
- (4) Telecommunication towers, subject to the provisions of subdivision II of division 3 of article IV of this chapter.

(Code 1992, § 17.37(4); Ord. of 6-24-1997, § 17.37(4); Ord. No. Z-24-01, § 17.37(4), 4-17-2001)

Sec. 54-262. - Dimensional requirements.

- (a) Definitions. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Floor area ratio means the ratio of the floor area of the building or structure to the lot area.

- (b) Dimensional requirements within the CR regional commercial district are as follows:
 - (1) Lot area: 12,000 square feet;
 - (2) Lot width: 100 feet;
 - (3) Front yard: 35 feet;
 - (4) Side yards: 20 feet each;
 - (5) Rear yard: 50 feet;
 - (6) Maximum lot coverage: 25 percent; and
 - (7) Maximum floor area ratio: 1 to 1.

There is no maximum height requirement, except that for every two feet in building height over 50 feet, yard depth or width shall be increased one foot. Ingress and egress shall be channeled and, where feasible, coordinated with adjacent establishments. Any required yard adjacent to a residential district without an intervening street shall be a minimum of 20 feet and shall be subject to the landscaped buffer requirements of section 54-359. A site plan under division 5 of article XII of this chapter is required for all buildings and structures exceeding 20,000 square feet.

(Code 1992, § 17.37(5))

Sec. 54-263. - Permitted accessory signs.

Permitted accessory signs within the CR regional commercial district are as specified in the CL local commercial district.

(Code 1992, § 17.37(6))

Sec. 54-264. - Off-street parking requirements.

Off-street parking requirements within the CR regional commercial district are as specified in the CL local commercial district.

(Code 1992, § 17.37(7))

Secs. 54-265—54-277. - Reserved.

DIVISION 9. - CP PLANNED COMMERCIAL OFFICE DISTRICT

Sec. 54-278. - Purpose.

The CP planned commercial office district is intended to apply to large-scale commercial developments with either single or multiple buildings on a single lot or parcel designed and managed as a single entity. This district should be located such that there is direct access to major arterial streets and highways.

(Code 1992, § 17.38(1))

Sec. 54-279. - Permitted principal uses and structures.

Permitted principal uses and structures within the CP planned commercial office district are as follows:

- (1) Business and professional offices.
- (2) Art gallery, museum, library, community center, publicly owned and publicly operated recreational facilities.

- (3) Hotels and restaurants.
- (4) Clubs and organizations.
- (5) Retail shopping centers, provided all sales and storage are conducted within a completely enclosed building.
- (6) Hospitals, health centers, nursing homes and convalescent homes.
- (7) Vocational, trade or business schools.
- (8) Publicly owned auditoriums or convention centers.

(Code 1992, § 17.38(2))

Sec. 54-280. - Permitted accessory uses and structures.

Permitted accessory uses and structures within the CP planned commercial office district are as follows:

- (1) Uses and structures which are customarily accessory and clearly incidental and subordinate to permissible principal uses and structures.
- (2) Public utility installations.

(Code 1992, § 17.38(3))

Sec. 54-281. - Special exception uses and structures.

Special exception uses and structures within the CP planned commercial office district are as follows:

- (1) Privately owned auditoriums or convention centers.
- (2) Privately owned sporting and recreational facilities.
- (3) Telecommunication towers, subject to the provisions of subdivision II of division 3 of article IV of this chapter.
- (4) Facilities for the production, transmission, delivery or furnishing of heat, light, water or power, for which a certificate of public convenience and necessity had been obtained from the state public service commission under Wis. Stats. § 196.491 and subject to the site plan review procedures outlined in division 5 of article XII.

(Code 1992, § 17.38(4); Ord. of 6-24-1997, § 17.38(4); Ord. No. Z-24-01, § 17.38(4), 4-17-2001)

Sec. 54-282. - Dimensional requirements.

Dimensional requirements for the CP planned commercial office district are as follows: Minimum dimensions are: lot area, two acres; lot width (street frontage requirement), 200 feet; maximum lot coverage, 35 percent. This district contemplates more than one principal building on a lot. There are no minimum lot area requirements per building. However, no building shall be located within 25 feet of another building or within ten feet of an exterior property line. If the property abuts a residential district, the exterior

side yard shall be a minimum of 20 feet. There are no maximum height requirements, except that for every two feet in height above four stories or 50 feet, the width or depth of yards adjacent to exterior lot lines shall be increased one foot. A site plan under division 5 of article XII is required.

(Code 1992, § 17.38(5))

Sec. 54-283. - Permitted accessory signs.

Permitted accessory signs within the CP planned commercial office district are as follows:

- (1) For each development: One general identification sign limited to 300 square feet in area if maintained approximately parallel to the right-of-way or two signs limited to 150 square feet in area if mounted back to back or angled to be read from opposite directions for each frontage of the development.
- (2) For each establishment: One sign and one square foot of sign area for each lineal foot of building frontage. Such signs shall refer only to the name and nature of the business conducted within the building and to goods and services offered and shall be mounted flat against the wall of the building.
- (3) Temporary signs for the sale or lease of the property: No temporary sign shall be erected within the required front, rear or side yard setbacks.

(Code 1992, § 17.38(6))

Sec. 54-284. - Off-street parking requirements.

Off-street parking requirements are as follows:

- (1) As specified in the CL local commercial or CR regional commercial districts.
- (2) Auditoriums and convention centers: one per three persons of maximum capacity.

(Code 1992, § 17.38(7))

Secs. 54-285—54-304. - Reserved.

DIVISION 10. - IND INDUSTRIAL DISTRICT

Sec. 54-305. - Purpose.

The IND industrial district is intended primarily for manufacturing and closely related uses. It is intended to preserve such lands for the functions of industrial activity, wholesaling, warehousing and distribution. To allow maximum latitude for operations, performance standards are applied at district boundaries. It is

further the intent of this district that it be so located in relation to major thoroughfares that resulting traffic generated by industrial activity will not be channeled through residential areas.

(Code 1992, § 17.39(1))

Sec. 54-306. - Permitted principal uses and structures.

Permitted principal uses and structures within the IND industrial district are as follows:

- (1) Wholesaling, warehousing, storage or distribution establishments, except bulk storage of flammable liquids, and uses of a similar nature.
- (2) Automobile, boat, construction and farm implement sales, service and repair.
- (3) Printing and publishing.
- (4) Agricultural related uses, including feed mills and co-ops.
- (5) Service establishments catering to commercial and industrial uses, including business machine service, linen supply, freight moves, communication services, canteen services and uses of a similar nature.
- (6) Light manufacturing uses, including bottling, packaging, laboratories and uses of a similar nature.
- (7) Manufacturing uses, including production, processing, cleaning, testing and the distribution of materials and goods, except wrecking yards, fertilizer and chemical manufacture and canneries or slaughterhouses. All manufacturing uses are subject to the provisions of article VIII of this chapter.
- (8) Building contractor with storage yard.
- (9) Transportation terminals.
- (10) Telecommunication towers, subject to the provisions of subdivision II of division 3 of article IV of this chapter.
- (11) Facilities for the production, transmission, delivery or furnishing of heat, light, water, or power, for which a certificate of public convenience and necessity has been obtained from the state public service commissioner under Wis. Stats. § 196.491.

(Code 1992, § 17.39(3); Ord. of 6-24-1997, § 17.39(2))

Sec. 54-307. - Permitted accessory uses and structures.

Permitted accessory uses and structures within the IND industrial district are as follows:

- (1) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
- (2)

Outside storage of materials and products, provided such storage shall not be closer than 25 feet from the street line or ten feet from any lot line. Storage areas shall be enclosed by fencing material and/or landscaping to be 75 percent or more opaque between two feet and six feet above average ground level. All storage areas shall be surfaced with gravel or hard surface materials. Storage materials shall not be piled or stacked to a height beyond the principal building.

- (3) Temporary storage of waste materials and trash, provided such materials/trash shall be enclosed by a fence of solid material not less than six feet in height.
- (4) Public utility installations.

(Code 1992, § 17.39(3))

Sec. 54-308. - Special exception uses and structures.

Special exception uses and structures within the IND industrial district are as follows:

- (1) Bulk storage of flammable liquids.
- (2) Fertilizer and chemical manufacture, subject to the provisions article VIII of this chapter.
- (3) Canneries and slaughterhouses, subject to the provisions of article VIII of this chapter.
- (4) Automobile wrecking or salvage yards and junkyards, provided such use shall not be located closer than 250 feet to any property zoned residential and no portion of the lot within 25 feet of a public street or highway shall be used for any purpose other than off-street parking for employees or patrons. All activities and storage shall be completely enclosed pursuant to the landscaped buffer requirements of article VII of this chapter.
- (5) Sanitary landfills and energy recovery systems.

(Code 1992, § 17.39(4))

Sec. 54-309. - Dimensional requirements.

Dimensional requirements in the IND industrial district are as follows: Minimum dimensions are: Lot area, 12,000 square feet; lot width, 100 feet; front yard, 35 feet; side yards, 20 feet each; rear yard, 25 feet; provided, however, there are no rear or side yard requirements when a railroad right-of-way abuts at the side or the rear of the property line. Any required side or rear yard adjacent to a residential district boundary shall be subject to the landscaped buffer requirements of section 54-359; and maximum lot coverage, 35 percent. There are no maximum height requirements, except that for every two feet in height above 50 feet, the width or depth of yards shall be increased by one feet. A site plan under division 5 of article XII of this chapter is required for all buildings and structures exceeding 30,000 square feet in floor area.

(Code 1992, § 17.39(5); Ord. of 6-24-1997, § 17.39(5))

Sec. 54-310. - Permitted accessory signs.

Within the IND industrial district, for each principal building or each frontage on a public street or highway if such establishment is located at the intersection of two public streets or highways, the following accessory signs are permitted:

- (1) One detached sign in the building setback area (front yard), limited in aggregate area to 250 square feet; provided, however, that no part of a supporting structure shall be closer than ten feet to the right-of-way, no part of the sign shall overhang the right-of-way and at least 12 feet of clear space, exclusive of the supporting structure, shall be maintained underneath the sign for visibility purposes.
- (2) Flat signs limited in aggregate area to 20 percent of the wall area fronting on a public street or highway.
- (3) Temporary signs for the sale or lease of the property. No temporary sign shall be erected within the required front, rear or side yard setbacks.

(Code 1992, § 17.39(6))

Sec. 54-311. - Off-street parking requirements.

Off-street parking requirements in the IND industrial district are as follows:

- (1) Applicable parking requirements as specified in the CR regional commercial district.
- (2) Manufacturing, one per employee on maximum shift.

(Code 1992, § 17.39(7))

Secs. 54-312—54-332. - Reserved.

ARTICLE IV. - SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Secs. 54-333—54-348. - Reserved.

DIVISION 2. - GENERAL STANDARDS

Sec. 54-349. - General application.

The regulations set forth herein shall supplement or modify the regulations set forth in this chapter.

(Code 1992, § 17.40(1))

Sec. 54-350. - Setbacks on federal, state and county highways.

The front yard setback requirements enumerated in this chapter are applicable to local streets and highways. Front yard setback requirements for federal, state and county trunk highways are 55 feet. Setback requirements for federal, state and county highways are subject to section 54-351.

(Code 1992, § 17.40(2))

Sec. 54-351. - Lots and yards.

- (a) *More than one building on a lot.* In any district more than one building housing a principal use may be erected on a single lot, provided that yard and other requirements of these regulations shall be met for each building as though it were on an individual lot, unless otherwise specified in this chapter for planned commercial or residential developments.
- (b) *Through lots and corner lots.* On through lots or lots with double frontage, the required front yard shall be provided on each street. On corner lots, the street side yard shall equal the required front yard for lots fronting on that street.
- (c) *Development in mapped streets.* Where an official line has been established for the future widening or opening of a street, the depth of a front yard or the width of a side yard shall be measured from such official line to the nearest line of the building.
- (d) *Access.* Every building housing a principal use hereafter erected or moved shall be on a lot with access to a public street and all such buildings shall be so located as to provide safe and convenient access for servicing and off-street parking, unless otherwise specified in this chapter.
- (e) *Building groups.* In any nonresidential district, a group of buildings separated only by common or party walls shall be considered as one building.
- (f) *Yard encroachments.* Every part of every required front and side yard shall be open and unobstructed by structures from 30 inches above the general ground level of the graded lot upward to the sky, except as hereinafter provided or as otherwise permitted in these regulations:
 - (1) Roof eaves may project into a required side yard not more than three feet where the required side yard is eight feet or more in width. Roof eaves may project into a required side yard not more than two feet where the required side yard is less than eight feet.
 - (2) Sills, belt courses, cornices, vertical solar screens and other ornamental features may project not over one foot into a required yard.
 - (3) Fire escapes, stairways and balconies, whether unroofed, open and unenclosed or enclosed, shall not intrude into required yards.
 - (4)

Solar collectors which are part of the principal building may extend into a required rear yard for a distance not to exceed ten feet and solar collectors may extend into a required side yard, provided that they have a minimum seven feet clearance from grade and provided further that such extension shall be at least five feet distant from the adjacent lot line and shall not extend more than three feet from the building.

- (g) *Telephone, television, natural gas and power transmission lines.* Telephone, television, natural gas and power transmission lines may be constructed within the setback lines and additions to and replacements of existing lines may be made, provided that the utility owner first file with the county an agreement in writing that they will remove at their expense all new lines, additions and replacements constructed after the effective date of the ordinance from which this subsection is derived, when such removal is necessary for the improvement of the highway.

(Code 1992, § 17.40(3))

Sec. 54-352. - Accessory uses and structures.

- (a) *Accessory building number limits.* In any residential district, in addition to the principal building, a detached garage or attached garage and one additional accessory building may be placed on a lot. No accessory building shall be built on a lot without a principal building.
- (b) *Attached accessory buildings.* All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
- (c) *Detached accessory buildings.* No detached accessory building shall occupy any portion of the required front yard and no detached accessory building shall occupy more than 30 percent of the rear yard or be located within three feet of any other accessory building, principal building or lot line.
- (d) *Accessory structures.* Notwithstanding fences, residential driveways and parking lots, unless otherwise provided by these regulations, no structure shall be located within three feet of any accessory building, principal building or lot line.
- (e) *Fences, walls, hedges.* Ornamental fences, walls and hedges may be permitted in any required yard or along the edge of any required yard; provided, however, that in residential districts no such fence, wall or hedge shall exceed a height of 3½ feet along the sides or front edge of any front yard and no such fence, wall or hedge shall exceed a height of eight feet in any other required yard.
- (f) *Accessory parking and storage in residential districts.* Accessory parking and storage restrictions in residential districts are as follows:
- (1) There shall be no customary storage of any sports vehicle, boat, boat trailer, utility trailer, camper or any like business or recreational vehicle in the required front yard of any residential district.

(2)

No person shall park or store more than two unlicensed motor vehicles. No person may offer any motor vehicles for sale on a recurrent basis in any residential district.

- (3) No person shall store in the open more than three full cords of firewood in any residential district. No firewood shall be stored in any required front yard or closer than two feet to any residential lot line.

(Code 1992, § 17.40(4); Ord. of 6-24-1997, § 17.40(4))

Sec. 54-353. - Height exceptions.

The height limitations in this chapter do not apply to belfries, cupolas, antennas, water tanks, elevator bulkheads, chimneys, spires, flagpoles or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(Code 1992, § 17.40(5))

Sec. 54-354. - Corner visibility.

On any corner lot in all zoning districts, no fence, wall, hedge, planting or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of 2½ feet and ten feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining the points along such right-of-way lines 25 feet from the point of intersection.

(Code 1992, § 17.40(6))

Sec. 54-355. - Signs.

- (a) *Character of signs.* Flashing signs, remains, banners, streamers and all other fluttering or spinning signs shall be prohibited, except in connection with temporary sales, cultural events or civic activities. No sign shall display flashing or intermittent lights customarily associated with danger or emergencies.
- (b) *Signs in residential districts.* No sign in a residential district shall exceed eight feet in height or produce artificial light from within.
- (c) *Signs in commercial districts.* Temporary window signs advertising a sale or special event at an individual commercial establishment shall be exempt from the sign regulations.
- (d) *Maintenance of signs.* All signs shall be maintained so as to present a neat, clean appearance. Painted areas shall be kept in good working order.
- (e) *Location of signs.* No on-premises sign shall be located closer than ten feet to the right-of-way. If located within the setback, all signs shall have at least 12 feet of clear space, exclusive of supporting structure, for visibility purposes.

- (f) Signs on Public or Semipublic Institutional Use Properties (i.e. park, school, church, nursing home, town hall, police or fire department, library, museums, non-profit civic clubs, and the like)
1. Detached signs: Two detached on or off premise signs shall be allowed per road frontage, maximum 50 square feet in area per sign face, maximum height of 8 feet.
 - a. Spacing requirement: No closer than 100 feet to another detached sign.
 - b. Off Premise Placement: The sign shall be located within two thousand (2,000) feet of the institutional use advertised.
 2. Flat Sign: One wall sign shall be allowed per side of building facing a road frontage, with the signage area not to exceed 10% of the wall area.

(Code 1992, § 17.40(7); Ord. No. G-2021-22, 12-14-2021)

Sec. 54-356. - Off-street parking.

- (a) *Requirements not specified.* Parking requirements for a use not specified shall be the same as required for a use of similar nature or sufficient off-street parking shall be provided such that no public street shall be used for parking.
- (b) *Changes in buildings or use.* Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of 25 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of 50 percent or more in the floor area, such building or use shall then comply with the parking requirements set forth in the district in which it is located.
- (c) *Mixed uses.* In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the uses computed separately.
- (d) *Joint use.* Two or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. A written agreement shall accompany any joint use arrangement.
- (e) *Off-lot parking.* Required off-street parking spaces shall be located on the same lot with the principal use or, when this requirement cannot be met, such parking spaces may be located off-lot, provided the parking spaces are located in the same district. Off-lot parking spaces must also be held in fee simple ownership by the owner of the use requiring such parking or be leased or rented through a written agreement. Off-lot parking spaces for residential uses shall be within 200 feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved, while the farthest portions of a parking lot for all other uses shall be within 300' of the entrance of the establishment.

(f)

Off-street parking measurement. Floor space or area shall mean the gross floor area inside exterior walls where floor space is indicated in this chapter as a basis for determining the amount of off-street parking required.

- (g) *Design standards.* Each required off-street parking space shall have a stall width of at least nine feet and a stall length of at least 18 feet. Minimum width of aisles providing access to stalls for one-way traffic shall be 11 feet for 30 degree parking and 20 feet for 90 degree parking. Minimum width of aisles providing access to stalls for two-way traffic shall be 24 feet. No parking area of more than four spaces shall be designed as to require any vehicle to back into a public street. Any parking area of more than five spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect any adjacent residential uses. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands. All parking areas shall be surfaced with a durable, dustproof surface consisting of concrete or bituminous concrete or of compacted gravel or crushed stone properly sealed and surface treated.
- (h) *Paved parking lot.* A paved parking lot shall be arranged so that no vehicles or other moveable units shall be parked closer than ten feet from the street right-of-way. A moveable unit shall include, but not be limited to, a mobile home, camping unit, snowmobile and farm equipment. In no case shall any parking be located within the limits of the vision corner.

(Code 1992, § 17.40(8))

Sec. 54-357. - Off-street loading.

- (a) *Loading space requirements.* The loading space requirements specified in the following table shall apply to all districts:

| Uses | Floor area (Sq. Ft.) | Loading spaces |
|---|------------------------|----------------|
| Retail, wholesale warehouse, service, manufacturing and industrial establishments | 2,000—10,000 | 1 |
| | 10,000—20,000 | 2 |
| | 20,000—40,000 | 3 |
| | 40,000—60,000 | 4 |
| | Each additional 50,000 | 1 |
| Hotels, offices, hospitals, places of public assembly | 5,000—10,000 | 1 |
| | 10,000—50,000 | 2 |
| | 50,000—100,000 | 3 |
| | Each additional 25,000 | 1 |
| Funeral homes | 2,500—4,000 | 1 |
| | 4,000—6,000 | 2 |
| | Each additional 10,000 | 1 |

- (b) *Multiple or mixed uses.* Where a building is devoted to more than one use or to different uses and where the floor area for each use is below the minimum required for a loading space, but the aggregate floor area of the uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.
- (c) *Location.* Required off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within 30 feet of the nearest point of intersection of two streets or require any vehicle to back into a public street.
- (d) *Design standards.* Each off-street loading space shall have a width of at least 12 feet, a length of at least 45 feet and a vertical clearance of at least 14 feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to ten feet in width, 25 feet in length and eight feet in vertical clearance. Every loading space shall be sufficiently screened in the form of a solid fence or shrubbery to protect any neighboring residence.

(Code 1992, § 17.40(9))

Sec. 54-358. - Common open space.

- (a) *Exclusions.* Common open space shall not include street rights-of-way, driveways, parking areas or yards required in connection with any building.
- (b) *Buildings and structures.* Common open space areas may contain complementary buildings and structures appropriate for the recreational use and enjoyment of the residents of the development for which it was established.
- (c) *Reservation.* When common open space or any portion thereof is to be reserved for the exclusive use and enjoyment of the residents of the development from which it was established, the developer shall establish conditions as to the ownership, maintenance and use of such areas as deemed necessary to ensure preservation of its intended purposes. Land designated as common open space shall be restricted by appropriate legal instrument as open space perpetually or for a period of not less than 99 years. Such instrument shall be binding upon the developer, his successors and assigns and shall constitute a covenant running with the land and be recorded as a condition of approval.
- (d) *Maintenance.* In the event that common open space is improperly maintained, the appropriate town may serve written notice upon any property owner or association setting forth the manner in which the property owners or association has failed to maintain the common open space and demand maintenance deficiencies to be corrected within 30 days. If the deficiencies as originally set forth or subsequently modified are not corrected within 30 days, the town may enter upon such common open space and correct maintenance deficiencies. The cost of such maintenance

shall be assessed ratable against the properties within the development that have the right to use the area and shall become a tax lien on such properties. The town shall file notice of any liens in the office of the town clerk.

(Code 1992, § 17.40(10))

Sec. 54-359. - Landscaped buffer.

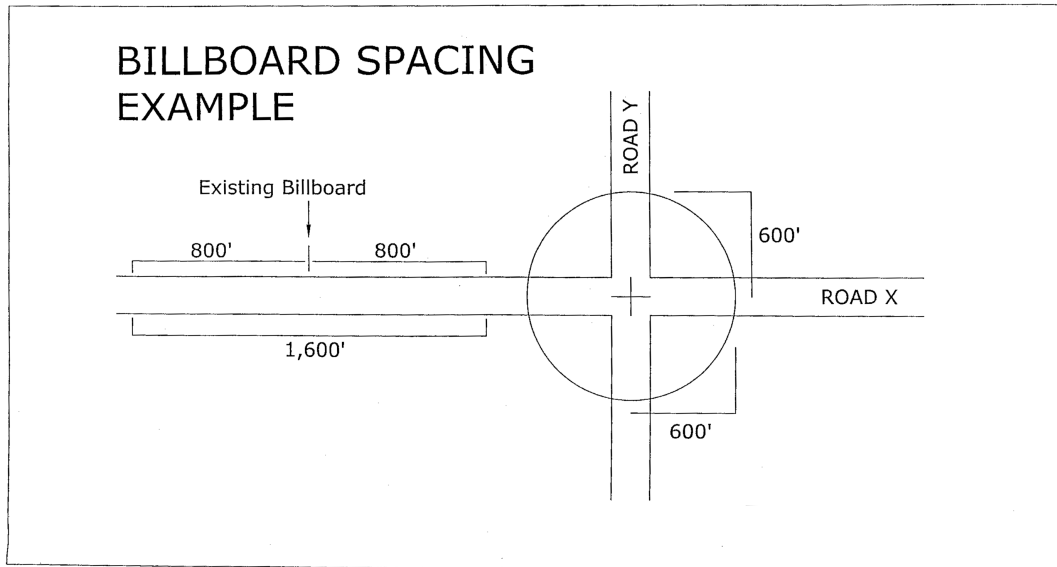
The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between and among different uses of land in proximity to each other.

- (1) *Requirements.* Where these regulations require a landscaped buffer area, the following requirements shall be met:
 - a. The landscaped buffer area shall not be less than eight feet in width measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line or lines.
 - b. The area shall be so designed, planted and maintained as to be 75 percent or more opaque between two feet and six feet above average ground level when viewed horizontally.
 - c. Types and numbers of plantings for landscaped buffers shall be submitted with application for a building permit or special exception, along with plans and statements demonstrating how the buffer will be maintained in the future.
 - d. Plantings shall be of a size and type which will ensure the meeting of the 75 percent opacity requirement within no longer than 12 months of the date of the first planting.
 - e. Failure to maintain the landscaped buffer area as set out in this subsection (1) of this section shall be a violation of these zone regulations.
- (2) *Substitution for landscaped buffer area.* Except when otherwise specifically provided by these regulations, a six-foot high opaque structure set in a six-foot wide landscaped buffer area may be substituted for the six-foot high planted buffer. If such opaque structure is of nonliving material, for each ten feet thereof, an average of one shrub or vine shall be planted abutting such barrier, but need not be spaced ten feet apart. Such shrubs or vines shall be planted along the outside of such barrier, unless they are of sufficient height at the time of planting to be readily visible over the top of the barrier. The remainder of the required landscaped areas shall be landscaped with grass, ground cover or other landscaping.
- (3) *Sight distance.* When an accessory intersects a public right-of-way, all landscaping shall provide unobstructed visibility at a level between 2½ feet and ten feet as provided in [section 54-354](#). No structure of landscaping, except required grass or ground cover, shall be located closer than three feet from the edge of any access.

(Code 1992, § 17.40(11))

Sec. 54-360. - Billboards.

- (a) No billboard may be erected within 800 feet of another billboard as measured along both sides of the highway or within 600 feet of the intersecting centerlines of two roadways.



- (b) No billboard may be erected within 500 feet of an existing residential use or within 200 feet of a residential zoning district.
- (c) Maximum size of billboards shall be 700 square feet per structure, inclusive of border and trim, but exclusive of base supports or other structural members.
- (d) Roof-mounted billboards are prohibited.
- (e) Highway setback for a billboard shall be 55 feet.
- (f) The maximum height of a billboard is 50 feet, including supports, base, etc.
- (g) Billboards which are back-to-back, side-by-side, bottom-on-top and V-shaped shall be considered as one structure if they are physically contiguous and share a common structure in whole or in part.
- (h) Billboards may be illuminated, subject to the following restrictions:
- (1) Billboards which contain, include or are illuminated by any flashing, intermittent or moving lights are prohibited, except for the purpose of giving public service information, such as time, date, temperature, weather or similar information.
 - (2) Billboards which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled portion of a highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle are prohibited.
 - (3)

No billboard shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.

- (i) No billboard shall be erected on more than four steel uprights, and all newly permitted billboards shall include an apron or trim around the face of the sign. All billboards shall have no less than eight feet of under-clearance.
- (j) All new structures shall be engineered to withstand a wind load pressure of 30 lbs. per square foot. A structural blueprint with engineering specifications shall accompany the application for a special exception permit.

(Code 1992, § 17.40(12))

Secs. 54-361—54-383. - Reserved.

DIVISION 3. - TELECOMMUNICATION TOWERS

Subdivision I. - In General

Sec. 54-384. - Intent.

It is the intent of this division to allow for the necessary radio, television, cellular and other wireless communication; to encourage collocation and utilization of existing structures; and to minimize visual impacts to surrounding properties.

(Ord. of 6-24-1997, § 17.54(1))

Sec. 54-385. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alternative tower structure means clock towers, bell steeples, light poles, electric transmission tower facilities, silos and similar mounting structures that camouflage or conceal the presence of antennas.

Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, excluding radar signals, wireless telecommunication signals or other communication signals.

Collocation means location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or structure.

FAA means Federal Aviation Administration.

FCC means Federal Communications Commission.

Pre-existing tower/antenna means any tower or antenna for which a building permit or special exception permit has been properly issued prior to the effective date of the ordinance from which this division is derived.

Tower means any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopoly towers. The term "tower" includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term "tower" includes the structure and any support thereto.

(Ord. of 6-24-1997, § 17.54(2))

Sec. 54-386. - Applicability.

- (a) The requirements of this division shall apply to all communication towers and antennas, except for towers and antennas owned and operated by federally licensed amateur radio station operators or are receive-only antennas.
- (b) Preexisting towers and antennas shall also be exempt from these regulations.
- (c) Antennas or towers located on property owned, leased or otherwise controlled by a unit of government shall be exempt from the requirements of this division, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.

(Ord. of 6-24-1997, § 17.54(3))

Sec. 54-387. - Antennas.

- (a) *Permitted use.* Installing an antenna on an existing alternative tower structure or existing tower shall be permitted in any zoning district, provided the antenna adds no more than 20 feet to the height of the existing structure. Where the addition of the antenna adds more than 20 feet to the height, a special exception permit shall be required.
- (b) *Design.* If an antenna is installed on a structure other than a tower, the antenna and supporting equipment must be of a neutral color that is identical, or closely compatible with, the color of the supporting structure in order to limit visual impact.

(Ord. of 6-24-1997, § 17.54(4))

Secs. 54-388—54-407. - Reserved.

Subdivision II. - Communication Towers

Sec. 54-408. - Permitted use.

Communication towers shall be a permitted use in the IND industrial zoning district.

(Ord. of 6-24-1997, § 17.54(5)(a))

Sec. 54-409. - Special exception use.

Communication towers shall be a special exception in the AGD general agricultural, CL local commercial, CR regional commercial and the CP planned commercial office zoning districts.

(Ord. of 6-24-1997, § 17.54(5)(b))

Sec. 54-410. - Utilizing existing structures.

No permits for a new tower shall be issued unless the applicant demonstrates that the telecommunication equipment planned for the new tower cannot be accommodated on an existing or approved tower or structure. In the event that the county determines that it is necessary to consult with a third party in considering the factors listed below, all reasonable costs and expenses associated with such consultation shall be borne by the applicant. The applicant may provide names of consultants which the applicant believes are qualified to assist in resolving the issues. Such demonstration may include one or more of the following reasons:

- (1) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
- (2) Existing towers or structures are not of sufficient height to meet the engineering requirements.
- (3) Existing towers or structures do not have the structural capacity to support the applicant's proposed antenna and related equipment, and the existing tower or structure cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost.
- (4) The planned equipment would cause interference affecting the usability of the other existing or planned equipment at the tower or the existing antennas would cause interference with the applicant's proposed antenna, and the interference cannot be prevented at a reasonable cost.
- (5) The fees, costs or contractual provisions required by the owner to share an existing tower or structure are cost prohibitive.

(Ord. of 6-24-1997, § 17.54(5)(c))

Sec. 54-411. - Collocation.

Any proposed commercial wireless telecommunication service tower shall be designed structurally, electrically and in all respects to accommodate both the applicant's antenna and comparable antennas for up to two additional users. Towers must be designed to allow for future rearrangement of antennas upon lattice towers and to accept antennas mounted at varying heights.

(Ord. of 6-24-1997, § 17.54(5)(d))

Sec. 54-412. - Construction.

All telecommunication towers constructed, erected or located within the jurisdictional limits of this division shall comply with all applicable state and local building codes, as well as the applicable standards for towers that are published by the electronic industries association.

(Ord. of 6-24-1997, § 17.54(5)(e))

Sec. 54-413. - Design.

Proposed or modified towers shall blend in with the surrounding environment, except as may be required by rules of the Federal Aviation Association and Federal Communications Commission. Any associated utility buildings shall also blend in with the character of the district in which it is located.

(Ord. of 6-24-1997, § 17.54(5)(f))

Sec. 54-414. - Lighting.

Telecommunication towers shall not be artificially lighted, unless required by the Federal Aviation Association or other applicable authority. If lighting is required, it shall be designed to cause the least disturbance to surrounding views as possible.

(Ord. of 6-24-1997, § 17.54(5)(g))

Sec. 54-415. - Signage.

No signs or billboards, other than warning or equipment information signs, shall be located on any telecommunication tower.

(Ord. of 6-24-1997, § 17.54(5)(h))

Sec. 54-416. - Security and landscaping.

Ground-mounted equipment and utility buildings shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the character of the surrounding neighborhood. The base of the telecommunication tower shall be fenced with materials impervious to sight and secured so that it is not accessible by the general public.

(Ord. of 6-24-1997, § 17.54(5)(i))

Sec. 54-417. - Setbacks.

Telecommunication towers shall be setback from adjacent property lines a minimum of 50 percent of the tower height. When part of a parcel is being leased for a tower, the boundary of the leased area shall be considered the property line.

(Ord. of 6-24-1997, § 17.54(5)(j))

Sec. 54-418. - Height restrictions.

The maximum height of a proposed telecommunication tower shall be 180 feet and shall be designed for co-location.

(Ord. of 6-24-1997, § 17.54(5)(k))

Sec. 54-419. - Separation between towers.

Separation distances between towers shall be measured by a straight line between the base of an existing tower and the base of the proposed tower. No proposed tower shall be permitted within 5,000 feet of an existing tower, unless for reasons beyond the applicant's control, such as unusual or unique topography for which no other option is available.

(Ord. of 6-24-1997, § 17.54(5)(l))

Sec. 54-420. - Minimizing interference.

The towers shall be shielded, filtered and grounded in a manner consistent with the Federal Communications Commission and the electronic industries association guidelines so as to minimize the possibility of interference with locally received transmissions. Additionally, the owner and operator of such towers shall execute an agreement holding the county harmless for any transmission or reception interference caused by such tower.

(Ord. of 6-24-1997, § 17.54(5)(m))

Sec. 54-421. - Tower owner to provide for collocation; removal of abandoned antennas.

- (a) *Owner responsibility.* The tower owner shall provide for collocation at market rates for others servers.
- (b) *Removal of abandoned antennas and towers.* Any antenna or telecommunication tower that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of such antenna or tower shall remove it within 90 days of receipt of notice from the county notifying the owner of such abandonment. If the antenna or tower is not removed within the said 90-day period, the county may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease operation.

(Ord. of 6-24-1997, § 17.54(5)(n), (6))

Secs. 54-422—54-442. - Reserved.

Subdivision III. - Application Procedure

Sec. 54-443. - Permitted use.

No tower or antenna shall be installed or constructed without first obtaining a building permit. As part of the building permit application, the applicant shall provide to the county zoning administrator, in addition to the building inspector, a scaled site plan indicating location, type and height of the proposed tower and appurtenant equipment. The site plan shall also indicate setback distances and separation distances from existing or approved tower sites. A landscape plan should also be submitted that includes both vegetative and nonvegetative screening materials. To ensure that abandoned towers and antennas are properly dealt with, the applicant shall submit a performance bond or other financial guarantee to the county in an amount sufficient to cover the expense of removing abandoned towers and antennas.

(Ord. of 6-24-1997, § 17.54(7)(a))

Sec. 54-444. - Special exception use.

No tower or antenna shall be installed or constructed in districts that require a special exception permit prior to a public hearing, as outlined in section 54-860. The information detailed in 54-859 shall be submitted with the application for the special exception permit.

(Ord. of 6-24-1997, § 17.54(7)(b))

Secs. 54-445—54-464. - Reserved.

ARTICLE V. - SPECIAL PROVISIONS

DIVISION 1. - GENERALLY

Sec. 54-465. - General application.

Requirements for uses and structures specified in this article shall apply to such uses and structures, whether permitted by right or permissible by special exception.

(Code 1992, § 17.45)

Sec. 54-466. - Accessory dwellings.

- (a) *Intent.* It is the intent of this article to provide for housing options for the extended family and certain specified segments of the population. These regulations are established to permit modification of single-family dwellings to include the accessory dwelling unit to be occupied by no more than two persons who are handicapped, over the age of 60 years old or related to the owner-occupant.
- (b) *Mandatory owner occupancy.* The owner of the single-family residence must occupy either the principal residence or the accessory residence.
- (c) *Nature and scale of accessory unit.* An accessory dwelling may be a separate, complete housekeeping unit provided, however, that it is substantially contained within the structure of the single-family dwelling and clearly a subordinate part thereof. Permissible modifications to the structure are a limited extension of the structure to the rear and the creation of a separate entrance at the side or rear. The accessory apartment shall not exceed 600 square feet of floor area or 25 percent of the entire floor area of the dwelling, whichever is greater. Any external modification shall be done with a design and materials similar in appearance to the principal structure such that to the maximum extent possible, the external appearance of the dwelling will remain as a single-family dwelling.
- (d) *Dimensional requirements.* Maximum lot coverage and maximum height requirements, as well as minimum yard requirements in the RSF single-family residential district, shall be met.

(Code 1992, § 17.46)

Secs. 54-467—54-486. - Reserved.

DIVISION 2. - NONMETALLIC MINING

Sec. 54-487. - Intent.

It is the intent of this division to permit nonmetallic mining uses in outlying areas with written assurances that later reuse for other permissible uses and structures are possible.

(Ord. No. Z-38-02, § 17.47(1), 10-22-2002)

Sec. 54-488. - Exemptions.

This article does not apply to the following activities:

- (1) Excavations or grading by a person solely for domestic or farm use at that person's residence or farm.
- (2) Excavations or grading conducted for the construction, reconstructions maintenance or repair of a highway, railroad, airport facility, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the transportation facility.
- (3) Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.
- (4) Excavations for building construction purposes conducted on the building site.
- (5) Nonmetallic mining at nonmetallic mining sites that affect less than one acre of total area over the life of the mine.
- (6) Any mining operation, the reclamation of which is required in a permit obtained under Wis. Stats. ch. 293.
- (7) Any activities required to prepare, operate, or close a solid waste disposal facility under Wis. Stats. ch. 289, or a hazardous waste disposal facility under Wis. Stats. ch. 291, that are conducted on the property where the facility is located, but an applicable nonmetallic mining reclamation ordinance and the standards established in this article apply to activities related to solid waste or hazardous waste disposal that are conducted at a nonmetallic mining site that is not on the property where the solid waste or hazardous waste disposal facility is located, such as activities to obtain nonmetallic minerals to be used for lining, capping, covering, or constructing berms, dikes or roads.
- (8) Dredging for navigational purposes, to construct or maintain farm drainage ditches and for the remediation of environmental contamination and the disposal of spoils from these activities.
- (9) Existing nonmetallic mines.

(Ord. No. Z-38-02, § 17.47(1)(a)—(i), 10-22-2002)

Sec. 54-489. - Permits.

A special exception permit is required for all new nonmetallic mining operations. Any changes to an existing mine shall require a permit under this division. Changes in existing mining operations may be, but are not limited to, the addition of a processing and/or manufacturing plant. All mining operations shall adhere to the permit requirements of article V and division 6 of article XII of this chapter.

(Ord. No. Z-38-02, § 17.47(3), 10-22-2002)

Sec. 54-490. - Nonmetallic mining uses and operations.

Uses or operations shall include the removal primarily for sale or processing of topsoil, fill, sand, gravel, rock or any mineral. Processing may include crushing, washing or refining. Storing or stockpiling of such materials on the site is permissible in designated areas. Other processing operations must be specified as part of the special exception permit. These other processing operations may include but are not limited to concrete and/or asphalt manufacturing, and those uses described section 54-497.

(Ord. No. Z-38-02, § 17.47(4), 10-22-2002)

Sec. 54-491. - Area and setback requirements.

The parcel shall consist of a minimum of five acres with dimensions sufficient to adequately accommodate the proposed uses with minimum adverse affects on adjacent lands. No operations shall be permitted within 100 feet of any exterior boundary of the tract or within 250 feet of any building intended for human occupancy existing at the time of permit application. For operations involving blasting, processing or manufacturing, the agriculture, extension education, zoning and land conservation committee may increase required setbacks as a condition of approval.

- (1) The agriculture, extension education, zoning and land conservation committee may authorize berm construction and related site preparation as a temporary activity, for a specific time period, to within 25 feet of any exterior boundary of the tract.
- (2) The agriculture, extension education, zoning and land conservation committee may authorize a reduction in the 100 feet by 50 feet setback requirement where the extraction will not go below either the grade of the adjacent road or the adjoining property line, and where no blasting is required. In applying the provisions of this section, the agriculture, extension education, zoning and land conservation committee may reduce the setbacks as deemed appropriate, and may apply other operations requirements necessary to offset any effect of the reduced setback.

(Ord. No. Z-38-02, § 17.47(4), 10-22-2002)

Sec. 54-492. - Location.

Location shall be appropriate to existing development and development which may reasonably be expected within the time period specified herein for permits. The site shall be so located as to make it unnecessary to conduct trucking operations on any platted street in a residential subdivision.

(Ord. No. Z-38-02, § 17.47(4), 10-22-2002)

Sec. 54-493. - Plan of operation.

Each application for a special exception shall be accompanied by a plan of operation for the site. The following information shall be provided when applicable to the mining operation:

- (1) Statement of ownership of the parcel and control of the operations.
- (2) A site plan, drawn to scale, showing the lateral extent of the area to be excavated, and the existing excavated area.
- (3) Location, width and grade of all easements or right-of-ways on or abutting the parcel.
- (4) Existing topography by four-foot contour intervals, existing watercourses and drainage ways, existing vegetation and soils, estimated depth to groundwater and existing buildings or structures. Depths to groundwater may be determined by use of information from on-site or off-site water-supply wells completed in the shallow aquifer that are within 1,000 feet of the operation, and from water levels in nearby lakes or stream.
- (5) Cross-sections showing extent of sand or gravel deposits and the water table.
- (6) Estimated type and volume of excavation, method of extracting and processing and the sequence of operations.
- (7) Proposed equipment and proposed locations of equipment, proposed areas for ponding, proposed drainage modifications, proposed processing and storage areas, proposed interior roads and ingress and egress to the site and proposed areas for the deposition of overburden or topsoil.
- (8) Provisions of Wis. Admin. Code chs. NR 415, 429, and 216, regarding air quality emissions and erosion control standards shall be administered by the state department of natural resources. Provisions of Wis. Admin. Code ch. COMM 7 et seq., regarding blasting shall be administered by the state department of commerce.
- (9) Roads, machinery and equipment shall be located, constructed and used in such a manner as to minimize noise, dust, and vibrations.
- (10) Drilling hours shall be 6:00 a.m. to 6:00 p.m., Monday through Friday, and 7:00 a.m. to 12:00 noon on Saturday. Blasting hours shall be 7:00 a.m. to 5:00 p.m., Monday through Friday. Operation hours shall be 6:00 a.m. to 7:00 p.m., Monday through Friday and 6:00 a.m. to 2:00

p.m. on Saturday. The agriculture, extension education, zoning and land conservation committee may authorize specific activities beyond these times for limited or temporary periods taking into account the proximity and nature of adjoining uses.

- (11) A qualified person shall conduct a hydrologic study of the site if the mining activity will occur below the groundwater level. The study should characterize proposed dewatering effects on on-site and adjacent property water levels (groundwater quantity) and assess the potential of mining and associated dewatering to reach an arsenic rich horizon (the base of the Platteville Formation or the top of the St. Peter sandstone are stratigraphic horizons that often contain high levels of arsenic). If the proposed excavation includes the base of the Platteville Formation or the St. Peter sandstone, quarry operators shall design a water level monitoring plan that ensures this formation is not dewatered beyond 100 feet of the excavation. On-site water supply wells or nearby private wells completed in the uppermost aquifer may also be used for monitoring purposes. Water levels should be measured in these wells on a quarterly basis for at least three years, and annually thereafter, in order to understand natural seasonal variation in water levels and to be able to differentiate the effects of natural variation from those related to quarry operations. Testing for arsenic in wells and dewatering discharge water is required if the mining or dewatering effects an arsenic-rich horizon.
- (12) Groundwater well guarantee. Mining operations will not adversely affect the quantity or quality of groundwater at off-site properties. If mining operations adversely affect an off-site water-supply well, the operator will repair or replace the well to provide the same quantity of groundwater obtained from the well prior to the mining operations. This guarantee applies to all existing wells located within 1,320 feet of the nonmetallic mine. The mining operator shall make a reasonable effort to measure the water levels in these wells prior to beginning quarry operations, so that property owners and operators will have a record of baseline conditions if a dispute arises.
 - a. Any eligible owner claiming an adverse effect on groundwater supply shall provide written notice to the operator and the county explaining the nature and the extent of the problem. The operator will investigate the claim within seven days of receiving written notice from the owner. The operator may, in its discretion, retain any experts it deems necessary and appropriate to investigate the claim. Within 30 days of written notice to the operator, the operator will make a written determination as to whether the groundwater problem was caused by its operations, and, if so caused, the amount of compensation to be provided to the owner. The operator will file its written determination with the county zoning administrator. The owner shall have seven days to accept the determination of the operator and any specific amount of compensation.
 - b.

If the owner does not accept the operator's determination, he shall notify the operator of his disagreement in writing within seven days of receipt of the operator's determination. The owner may retain any experts he deems necessary and appropriate to investigate the claim. The owner shall, within 30 days of his election not to accept the operator's determination, make a written determination as to whether the groundwater problem was caused by the operator's operations, and, if so caused, the amount of compensation to be provided to the owner. The owner shall file its written determination with the county zoning administrator. The agriculture, extension education, zoning and land conservation committee shall review the materials submitted by the operator and property owner. The committee may require that the parties attend a meeting to further explain their positions. The committee will, thereafter, deliberate and render a decision within 30 days of its deliberation or submission of owner's written determination, whichever is later.

- (13) The operator must notify the town chair prior to conducting any blasting activity for the nonmetallic mine. The operator must establish an additional notification list of property owners within 1,320 feet of the operation. The operator must inform the town and surrounding property owners when the blasters are in the area and give a timeframe in which they will be there. This contact shall occur no less than 24 hours before they begin.

(Ord. No. Z-38-02, § 17.47(4), 10-22-2002)

Sec. 54-494. - Plan of reclamation.

Article II of chapter 38, pertaining to nonmetallic mining, must be followed. The East Central Wisconsin Regional Planning Commission (ECWRPC) administers the ordinance. This article shall apply to all nonmetallic mining operation activities taking place after August 1, 2001. Approval of a reclamation plan and issuance of a reclamation permit must be received and placed on file with the county prior to the commencement of extraction activities. This will be a condition placed on all new extraction sites.

(Ord. No. Z-38-02, § 17.47(4), 10-22-2002)

Sec. 54-495. - Time limitations.

No special exception permit shall be issued for a period exceeding ten years. Upon expiration, the applicant may request and receive extensions for five-year periods, unless changing conditions indicate the extension will be detrimental to the public health, safety, and welfare. The agriculture, extension education, zoning and land conservation committee shall hold a public hearing prior to issuing the extension. An extension shall require the submission of a new plan if extended or enlarged. If such extension is denied, the applicant shall complete the restoration within the time period allowed by the reclamation permit according to Wis. Admin. Code ch. NR 135.

(Ord. No. Z-38-02, § 17.47(4), 10-22-2002)

Sec. 54-496. - Financial assurances.

- (a) *Operational standards.* Following approval of a permit for nonmetallic mining the operator shall file a financial guarantee with the county. The financial assurance shall provide that the operator shall faithfully comply with all applicable operational standards contained in this division. The financial assurance shall be sufficient to cover the costs of implementing the standards in its entirety. The financial assurance shall not be less than \$100.00 per acre.
- (b) *Private wells.* Following approval of a permit for nonmetallic mining, any operator subject to the requirements of subsections 54-493(11) and (12) shall file a financial assurance with the county to provide that the operator will faithfully comply with the private well replacement requirement in subsection 54-493(12). The amount of financial assurance shall not be less than \$3,000.00 per private well.
- (c) *Form and management.* Financial assurance shall be provided by the operator and shall consist of a bond or an alternate financial assurance. Financial assurance shall be payable to the county and released upon termination of operations. Alternate financial assurances may include, but are not limited to, cash, certificates of deposits, irrevocable letters of credit, irrevocable trusts, established escrow accounts, demonstration of financial responsibility by meeting net worth requirements, or government securities. Any interest from the financial assurances shall be paid to the operator. Certificates of deposits shall be automatically renewed or other assurances shall be provided before the maturity date. Financial assurance arrangements may include, at the discretion of the county, a blend of different options for financial assurance including a lien on the property on which the nonmetallic mining site is located or a combination of financial assurance methods.

(Ord. No. Z-38-02, § 17.47(4), 10-22-2002)

Sec. 54-497. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Existing nonmetallic mine means a nonmetallic mine where nonmetallic mining existed prior to the effective date of adoption of the ordinance from which this division is derived (July 5, 1989), including any contiguous parcels purchased, owned, or leased by the same operator before the effective date of the ordinance from which this division is derived.

Financial assurance means a commitment of funds or resources by an operator sufficient to pay for remediation activities required by this division.

Nonmetallic mineral means a product, commodity or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel asbestos, beryl, diamond, clay, coal, feldspar, peat, talc, and topsoil.

Nonmetallic mining or mining means:

- (1) Operations of activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as topsoil removal, excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.
- (2) Processes carried out at a nonmetallic mining site that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the same nonmetallic mining site. These processes include, but are not limited to, stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping, pulverizing, and dewatering.

Nonmetallic mining reclamation means the rehabilitation of a nonmetallic mining site to achieve a land use specified in a nonmetallic mining reclamation plan, including removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage, and replacement of topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution and, if practicable, the restoration of plant, fish, and wildlife habitat.

Nonmetallic mining refuse means waste, soil, rock and mineral, as well as other natural site material resulting from nonmetallic mining. The term "nonmetallic mining refuse" does not include marketable byproducts resulting directly from or displaced by the nonmetallic mining that are scheduled to be removed from the nonmetallic mining site within a reasonable period of time after extraction.

Nonmetallic mining site means all contiguous areas of present or proposed mining described in this section in subsection (1) of the definition for the term "nonmetallic mining," subject to the qualifications in subsection (2) of this section in the definition for the term "nonmetallic mining."

- (1) The term "nonmetallic mining site" includes the following:
 - a. The location where the nonmetallic mining is proposed or conducted.
 - b. Storage and processing areas that are in or contiguous to areas excavated for nonmetallic mining.
 - c. Areas where nonmetallic mining refuse is deposited.
 - d. Areas affected by activities such as the construction or improvement of private roads or haulage ways for nonmetallic mining.
 - e. Areas where grading or regrading is necessary.

f. Areas where nonmetallic mining reclamation activities are carried out or structures needed for nonmetallic mining reclamation, such as topsoil stockpile areas, renegotiation test plots, or channels for surface water diversion are located.

(2) The term "nonmetallic mine site" does not include any of the following areas:

- a. Those portions of sites listed in this section in subsection (1) of the definition for the term "nonmetallic mining," not used for nonmetallic mining purposes related to nonmetallic mining after August 1, 2001.
- b. Separate, previously mined areas that are not used for nonmetallic mineral extraction after August 1, 2002, are not contiguous to mine sites, including separate areas that are connected to active mine sites by public or private roads.
- c. Areas previously mined but used after August 1, 2001, or a nonmining activity, such as stockpiles of materials used for an industrial process unrelated to nonmetallic mining.

Operator means any person who is engaged in, or who has applied for a permit to engage in, nonmetallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.

Qualified person means a person who is registered as a professional geologist or professional hydrologist pursuant to Wis. Stats. ch. 470.

Registered professional engineer means a person who is registered as a professional engineer pursuant to Wis. Stats. §§ 443.04 and 443.09.

(Ord. No. Z-38-02, § 17.47(11), 10-22-2002)

Secs. 54-498—54-518. - Reserved.

ARTICLE VI. - PLANNED UNIT DEVELOPMENT (PUD)

Sec. 54-519. - Intent.

The intent of this article is to encourage quality and desirable development by allowing for greater flexibility and design freedom than that permitted under basic residential and commercial district regulations. These regulations are established to permit and encourage diversification, variation and imagination in layout of residential and commercial development, encourage the preservation of open space and encourage more rational, economic development with respect to the provisions of public services.

(Code 1992, § 17.48(1))

Sec. 54-520. - Unified control.

- (a) All land included for development as a planned unit development (PUD) shall be under the legal control of the applicant, whether that applicant is an individual, partnership or corporation or group of individuals, partnerships or corporations. Applicants requesting approval of a planned unit development (PUD) shall present firm evidence of unified control of the entire area within the proposed planned unit development (PUD), together with evidence that the developer has the unrestricted right to impose all of the covenants and conditions upon the land as are contemplated by the provisions of these regulations.
- (b) The applicant shall state agreement to:
 - (1) Proceed with the proposed development according to the provisions of these zoning regulations and such conditions as may be attached to the special exception for planned unit development (PUD).
 - (2) Provide agreements, contracts and deed restrictions necessary for completion of the development according to the approved plans.
 - (3) Bind their successors in title to any commitments made in the approval process.

(Code 1992, § 17.48(2))

Sec. 54-521. - Permitted uses.

Permitted uses within a planned unit development (PUD) are the same as any use permitted in the RMF multifamily residential district, CL local commercial, CR regional commercial and CP planned commercial districts.

(Code 1992, § 17.48(3))

Sec. 54-522. - General requirements.

All permitted uses shall be subject to the accessory use and structure, sign, height and parking requirements of the district in which it is located.

(Code 1992, § 17.48(4))

Sec. 54-523. - Area density and design requirements; approval procedures; permits.

- (a) A tract of land proposed for development as a planned unit development shall contain a minimum area of two acres and a maximum density of 12 dwelling units per net acre.
- (b) Internal lots and frontage. Within the boundaries of the planned unit development (PUD), no minimum lot size or minimum yards shall be required; provided, however, that no structure shall be located closer to any peripheral property line than a distance equal to the height of such structure.

- (c) Access. Every dwelling unit shall have access to a public street either directly or via an approved private road, pedestrian way, court or other area dedicated to public or private use or common element guaranteeing access. Permitted uses are not required to front on a dedicated public street.
- (d) Engineering design standards. Normal standards of operational policy regarding right-of-way widths, provision for sidewalks, street lighting and similar environmental design criteria shall not be mandatory in a planned unit development, but precise standards shall be made a part of the approved plan and shall be enforceable as a part of this chapter.
- (e) Procedures for approving planned unit developments. Procedures for approving planned unit developments are as follows:
 - (1) *Development plan.* A development plan shall accompany the application for a special exception permit and contain the following information:
 - a. Names of the owners and developer.
 - b. Scale, date, north arrow.
 - c. Existing streets, buildings, watercourses, easements and utility lines.
 - d. Proposed pattern of public and private streets, accessways and parking areas.
 - e. Locations and arrangements of lots, buildings by dwelling types, open space areas and recreational facilities, if any.
 - f. Architectural drawings and sketches illustrating the design and character of the various buildings proposed.
 - g. Appropriate statistical data on the size of the development, number of dwellings by type, percentage of open space and other data pertinent to review.
 - h. General outline of deed restrictions and other documents pertaining to the development, operation and maintenance of the project.
 - (2) *Plan approval.* Upon approval of a development plan, a special exception permit shall be issued. All terms, conditions and stipulations made at the time of approval shall be binding upon the applicant or any successors in interest.
 - (3) *Preliminary and final plans.* Approval of a development plan for a special exception does not constitute preliminary or final plat approval. Preliminary and final plats shall be submitted and processed in accordance with standard subdivision review procedures.
 - (4) *Changes in plans.* Minor changes in plans shall be made by application and follow procedures pursuant to division 5 of article XII of this chapter. Minor changes shall not be considered a reapplication for a special exception permit. Substantial changes in plans shall be made by application and processed as a new application for a special exception permit.
 - (5)

Deviations from approved plans. Deviations from approved plans or failure to comply with any requirement, condition or safeguard during approval or platting procedures shall constitute a violation of these zoning regulations.

- (f) Building permits. Final approval does not constitute approval for the construction of individual buildings or structures in the development. Application for building permits shall be submitted and processed in accordance with standard procedures.

(Code 1992, § 17.48(5)—(10))

Secs. 54-524—54-525. - Reserved.

ARTICLE VII. - CLUSTER SUBDIVISION

Sec. 54-526. - General provisions.

- (a) *Intent.* The intent of this article is to provide voluntary alternative zoning provisions which promote ingenuity in design and preserve the natural features of the site.
- (b) *Unified control.* All land included for development as a cluster subdivision shall meet the requirements of unified control for planned unit developments in section 54-520.
- (c) *Permitted uses.* Permitted uses within cluster subdivisions are single-family detached dwellings.
- (d) *General requirements.* All permitted uses shall be subject to the accessory use and structure, sign, height and parking requirements of the district within which the subdivision is located.
- (e) *Area and density requirements.* A tract or parcel of land proposed for development as a cluster subdivision shall contain a minimum area of two acres. Maximum density of a cluster subdivision shall be eight dwelling units per net acre.
- (f) *Minimum lot area requirements.* All single-family detached dwellings shall have a minimum lot area of 3,600 square feet, front yard setback of ten feet and rear yard setback of 20 feet. There shall be a minimum side yard setback of two feet and minimum aggregate side yards setback of 12 feet; provided, however, that there shall be a minimum building separation of ten feet. All lot size reductions shall be compensated for by a substantially equivalent amount of land in cluster open space to be preserved and maintained for its scenic, recreational or conservation value. To the maximum extent practicable, such open space areas shall be directly accessible by all dwellings.
- (g) *Procedures for approving cluster subdivisions.* The procedures for approving cluster subdivisions shall be the same as provided in section 54-523.

(Code 1992, § 17.49)

Secs. 54-527—54-546. - Reserved.

ARTICLE VIII. - INDUSTRIAL DEVELOPMENT

Sec. 54-547. - Intent

It is the intent of this article to use performance standards for the regulation of industrial uses to facilitate a more objective and equitable basis for control and to ensure that the community is adequately protected from potential hazardous and nuisance-like effects.

(Code 1992, § 17.50(1))

Sec. 54-548. - Standards of operation.

Standards of operation within industrial developments shall be as follows:

(1) *Vibration.*

- a. No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the industrial district boundaries. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.
- b. Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

(2) *External lighting.* No operation or activity shall produce any intense glare or lighting with the source directly visible beyond the industrial district boundaries.

(3) *Odor.* No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Wis. Admin. Code ch. NR 429.

(4) *Particulate emissions.* No operation or activity shall emit any particulate matter into the ambient air which exceeds the limitations as established in Wis. Admin. Code ch. NR 415.

(5) *Visible emissions.* No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Wis. Admin. Code ch. NR 431.

(6) *Hazardous pollutants.* No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property and all emissions of hazardous substances shall not exceed the limitations established in Wis. Admin.

Code ch. NR 445.

(Code 1992, § 17.50(12))

Sec. 54-549. - Administration.

Determinations necessary for the administration and enforcement of these standards range from those which can be made by a reasonable person using normal senses and no mechanical equipment to those requiring substantial technical competence and complex equipment. It is the intent of this chapter that the methods to be used in determining compliance shall be the responsibility of the building inspector and administrator, subject to the following procedures:

- (1) *Approval of building permits.* Prior to approving a zoning permit for any industrial use or any change thereof, the building inspector and administrator shall have received from the applicant evidence or assurance that the proposed use or changing use will satisfy the air quality, vibration and exterior lighting standards of this chapter.
- (2) *Violation of standards.* Whenever the building inspector or administrator has reason to believe the air quality, vibration and exterior lighting standards of this chapter have been violated, written notice shall be made by certified mail to the person or persons responsible for the alleged violation. Such notice shall describe the alleged violation and shall require an answer or correction of the alleged violation within 30 days. Failure to reply or correct the alleged violation within 30 days may cause lawful action to be taken to cause correction as provided in this Code or referral of the alleged violation to the state department of natural resources.

(Code 1992, § 17.50(3))

Secs. 54-550—54-570. - Reserved.

ARTICLE IX. - MOBILE HOME PARK

Sec. 54-571. - Intent.

It is the intent of this section to provide limited opportunities for mobile home parks as a means of providing balance and variety to housing in the county. All mobile home parks are subject to the site plan requirements of section 54-837.

(Code 1992, § 17.51(1))

Sec. 54-572. - Character of tract.

Each mobile home park tract shall be suitable for the development proposed, recognizing and preserving to the maximum extent practicable outstanding natural features. Every mobile home park shall be located on a well-drained area and the premises shall be properly graded so as to prevent the accumulation of stormwaters or other waters.

(Code 1992, § 17.51(2))

Sec. 54-573. - Access.

Access within a mobile home park shall be designed for safe and convenient movement of traffic into and out of the park. All vehicular traffic into and out of the park shall be through designated entrances and exits.

(Code 1992, § 17.51(3))

Sec. 54-574. - Streets.

All sites within a mobile home park shall abut upon a street. For a two-way street, the width must be at least 32 feet if parking is to be permitted on both sides of the street, 25 feet in width if parking is permitted on only one side or 18 feet in width if parking on the street is prohibited. A one-way street must be at least 14' in width and parking is prohibited, unless the width is appropriately increased.

(Code 1992, § 17.51(4))

Sec. 54-575. - Sites.

Each site within a mobile home park shall be clearly defined and delineated. The basic dwelling unit shall not occupy more than 25 percent of the site area and the basic dwelling unit and all accessory buildings shall not occupy more than 35 percent of the site area. Each site shall contain a concrete slab not less than ten feet by 20 feet in dimension for carport or patio. Such slab shall not be required until after the mobile home is in position.

(Code 1992, § 17.51(5))

Sec. 54-576. - Area and density.

A tract of land proposed for development as a mobile home park shall contain a minimum area of three acres and a maximum density of eight dwelling units per net acre.

(Code 1992, § 17.51(6))

Sec. 54-577. - Site requirements.

Each mobile home site within a mobile home park shall contain a minimum area of 3,600 square feet. Each mobile home shall have a minimum front yard setback of 25 feet, rear yard setback of 25 feet and side yard setback of eight feet each.

(Code 1992, § 17.51(7))

Sec. 54-578. - Mobile home standards.

Each mobile home within a mobile home park shall be certified as meeting the mobile home construction and safety standards of the U.S. Department of Housing and Urban Development. Each mobile home shall have a visible foundation or skirting around the entire perimeter to form a complete enclosure under exterior walls.

(Code 1992, § 17.51(8))

Sec. 54-579. - Buffer area.

A buffer area not less than 25 feet in width may be required along public streets and mobile home park boundaries. Such buffer strip may be used for drainage structures and utility easements, but shall not be used for any other purpose. All such buffer strips shall be planted in suitable ground cover material.

(Code 1992, § 17.51(9))

Sec. 54-580. - Off-street parking.

Two off-street parking spaces shall be provided for each site within a mobile home park. One parking space for each 200 square feet of nonstorage floor space shall be provided for offices, recreation facilities and the like.

(Code 1992, § 17.51(10))

Sec. 54-581. - Accessory uses and structures.

Accessory uses and structures within mobile home parks shall be as follows:

- (1) Accessory uses and structures in section 54-155.
- (2) Park recreation facilities, including a room or a center, courts for games and the like.
- (3) Park offices, maintenance facilities and laundry facilities.
- (4) Enclosed storage structures and storage garage facilities, with use limited to park residents only.

(Code 1992, § 17.51(11))

Sec. 54-582. - Utilities.

Each mobile home site within a mobile home park shall be connected to central water and sewer. No individual water supply or sewage disposal system shall be permitted in any mobile home park. Each site shall also be provided with electrical power and central gas (if used) and shall be serviced by individual meters.

(Code 1992, § 17.51(12))

Secs. 54-583—54-602. - Reserved.

ARTICLE X. - MOBILE HOME SUBDIVISIONS

Sec. 54-603. - Intent.

It is the intent of this section to provide opportunities for mobile home subdivision wherein mobile home sites (lots) are individually owned.

(Code 1992, § 17.52(1))

Sec. 54-604. - Character of tract.

Each mobile home subdivision tract shall be suitable for the development proposed, recognizing and preserving to the maximum extent practical outstanding, natural features. Every mobile home subdivision shall be located on a well-drained area and the tract shall be properly graded so as to prevent the accumulation of surface water.

(Code 1992, § 17.52(2))

Sec. 54-605. - Permitted uses.

Permitted uses within a mobile home subdivision are mobile homes and manufactured homes. Each mobile home shall be certified as meeting the safety standards of the U.S. Department of Housing and Urban Development. Each mobile home shall have a permanent foundation and form a complete enclosure under exterior walls. Minimum width of the main structure shall not be less than 16 feet as measured across the narrowest portion of the structure.

(Code 1992, § 17.52(3))

Sec. 54-606. - Area and density requirements.

A tract or parcel of land proposed for development as a mobile home subdivision shall contain a minimum area of two acres. Maximum density of a mobile home subdivision shall be six dwelling units per net acre.

(Code 1992, § 17.52(4))

Sec. 54-607. - Lot requirements.

Each lot in a mobile home subdivision shall have a minimum lot area of 3,600 square feet, minimum lot width of 30 feet, minimum front yard of 25 feet, minimum side yards of eight feet each and minimum rear yard of 25 feet. Each lot shall be connected to control water and sewer.

(Code 1992, § 17.52(5))

Sec. 54-608. - Buffer area.

A buffer area within a mobile home subdivision of not less than 25 feet in width may be required along exterior subdivision boundaries. Such buffer area may be used for drainage structures and utility easements.

(Code 1992, § 17.52(6))

Sec. 54-609. - Accessory uses and structures.

Accessory uses and structures for mobile home subdivisions shall be as for the RSF single-family residential district.

(Code 1992, § 17.52(7))

Sec. 54-610. - Approval and permits.

Approval procedures shall be provided in article VII of this chapter for a cluster subdivision; provided, however, a mobile home subdivision shall not need a special exception permit as a cluster subdivision. Final approval of a mobile home subdivision does not constitute approval for individual structures. Application for building permits shall be submitted and processed in accordance with standard procedures.

(Code 1992, § 17.52(8))

Secs. 54-611—54-630. - Reserved.

ARTICLE XI. - HIGHWAY 41 OVERLAY DISTRICT

DIVISION 1. - GENERALLY

Sec. 54-631. - Title.

This article shall be known as the "Outagamie County Highway 41 Overlay District."

(Code 1992, § 17.53(1)(a); Ord. No. Z-33-96, 3-25-1997)

Sec. 54-632. - Purpose.

The purpose of this article is to protect and promote the health, safety, aesthetics and general welfare of the present and future residents of the Town of Vandebroek, Outagamie County, by:

- (1) Regulating and restricting the location and use of buildings, structures and land for trade, industry, residences and other uses for compatibility and aesthetic reasons.
- (2) Lessening the danger and congestion of traffic on the roads and highways; limiting the number of intersections, driveways and other friction points; minimizing other hazards; and insuring the continued usefulness of all elements of the existing highway system for their planned function.

(Code 1992, § 17.53(1)(b); Ord. No. Z-33-96, 3-25-1997)

Sec. 54-633. - Applicability.

This article is designed to determine, establish, regulate and restrict development in an area adjacent to United States Highway 41 (USH 41). The jurisdiction of these regulations shall include all lands within 1,320 feet from the centerline of this highway, within the Town of Vandebroek.

(Code 1992, § 17.53(1)(c); Ord. No. Z-33-96, 3-25-1997)

Sec. 54-634. - Interpretation.

- (a) The provisions of this article shall be considered minimum requirements. Where the provisions of this section impose greater restrictions than any statute, other regulation, or ordinance, the provisions of this section shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this section, the provisions of such statute, other regulation, ordinance or covenant shall prevail.
- (b) Words used in the present tense shall include the future tense, words used in the singular number shall include the plural number, and words used in the plural sense shall include the singular. The word "shall" is mandatory and the word "may" is permissive.

(Code 1992, § 17.53(1)(d); Ord. No. Z-33-96, 3-25-1997; Ord. of 6-24-1997, § 17.53(5))

Secs. 54-635—54-653. - Reserved.

DIVISION 2. - PURPOSE; SETBACK AND LANDSCAPING REQUIREMENTS

Sec. 54-654. - Purpose.

The purpose of this division is to provide some general controls for the development that will occur within the affected corridors. The reasons for this control is to protect the location and use of buildings, structures and land for compatibility and aesthetic reasons.

(Code 1992, § 17.53(2)(a); Ord. No. Z-33-96, 3-25-1997)

Sec. 54-655. - Setback established.

All principal buildings and structures shall be required to be setback at least 55 feet from the right-of-way. This setback requirement shall apply to U.S. Highway 41 as well as all roadways that intersect with U.S. Highway 41.

(Code 1992, § 17.53(2)(b); Ord. No. Z-33-96, 3-25-1997)

Sec. 54-656. - Landscaping requirements.

- (a) All areas on any nonagricultural or nonresidential site not used for buildings, storage, parking, walks, access roads and loading areas shall be suitably graded and seeded, and maintained in grass and landscaped with trees and shrubs so as to provide a park-like setting for the buildings.
- (b) Landscaping shall be properly maintained in an attractive and well-kept condition including replanting and replacement of plants as may be necessary.
- (c) Landscaping plans shall be submitted and approved by the county agriculture, extension education, zoning and land conservation committee prior to the issuance of a building permit.

(Code 1992, § 17.53(2)(c); Ord. No. Z-33-96, 3-25-1997)

Secs. 54-657—54-678. - Reserved.

DIVISION 3. - BILLBOARD REGULATIONS

Sec. 54-679. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Billboards means an advertising sign used to advertise goods, services, establishments or organizations located off-premises. Billboards are principle use of land and are restricted to commercial zoning districts as a special use.

(Code 1992, § 17.53(3)(a); Ord. No. Z-33-96, 3-25-1997)

Sec. 54-680. - Purpose.

Boards are recognized as a legitimate form of commercial use; however, the size, number and location of billboards can have significant influence on the visual environment of the area. The purpose of this division is to provide reasonable billboard control, recognizing that community appearance is an important factor in ensuring the general welfare of the community.

(Code 1992, § 17.53(3)(b); Ord. No. Z-33-96, 3-25-1997)

Sec. 54-681. - Spacing and setbacks.

Spacing and setbacks shall be as follows:

- (1) No billboards shall be located within 1,320 feet of another billboard.
- (2) No billboard shall be located within 1,000 feet of the intersecting centerlines of two roadways, as measured in all directions.
- (3) No billboard shall be located within 500 feet of an existing residence, residential district, historic district, park, school, church, hospital, cemetery, government building, neighborhood shopping center or downtown commercial district.
- (4) The highway setback for billboards shall be 55 feet from the right-of-way.

(Code 1992, § 17.53(3)(c); Ord. No. Z-33-96, 3-25-1997)

Sec. 54-682. - Design standards.

Design standards shall be as follows:

- (1) The maximum area of billboards shall be 700 square feet per structure, inclusive of border and trim, but exclusive of base supports or other structural members.
- (2) Billboards which are back-to-back, side-by-side, bottom-on-top, and V-shaped shall be considered as one structure if they are physically contiguous and share a common structure in whole or in part.
- (3)

The maximum height of a billboard shall be 30 feet, including supports, base, etc.

- (4) Billboards may be illuminated, subject to the following restrictions:
 - a. Billboards which contain, include or are illuminated by any flashing, intermittent or moving lights are prohibited, except for the purpose of giving public service information, such as time, temperature, and the like.
 - b. Billboards which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled portion of a highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle are prohibited.
 - c. No billboard shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.
 - d. Billboards which are not effectively shielded as to prevent beams or rays of light from being directed at or towards a residence are prohibited.
- (5) Billboards shall contain no moving parts.
- (6) Billboards shall not contain copy which simulates any traffic sign in a manner which confuses the public.
- (7) Billboards shall not contain devices which emit audible sound, odor or particulate matter.
- (8) Wall-mounted and roof-mounted billboards are prohibited.
- (9) All back or rear portions of a billboard visible from a public right-of-way, residence or residential district shall be covered or screened to present an attractive and finished appearance.
- (10) No billboard shall be erected on more than four steel uprights and all newly permitted billboards shall include an apron or trim around the face of the sign.
- (11) All billboards shall have no less than eight feet of under-clearance.
- (12) All new structures shall be engineered to withstand a wind load pressure of 30 pounds per square foot. A structural blueprint with engineering specifications and a certified engineer's signature shall accompany the application for conditional/special use permit.

(Code 1992, § 17.53(3)(d); Ord. No. Z-33-96, 3-25-1997)

Sec. 54-683. - Maintenance.

All billboard structures shall be maintained in an orderly condition. Any structure which is highly rusted, has peeling paint or in any other way appears unattractive or in disrepair shall be deemed in violation of this division and shall be removed or repaired in accordance with the provisions of this division. Any structure

which is identified as being an immediate threat to public safety by the county zoning administrator or town building inspector may be removed without notice to the owner of the structure and at the owner's expense.

(Code 1992, § 17.53(3)(e); Ord. No. Z-33-96, 3-25-1997)

Sec. 54-684. - Nonconforming billboards.

Regulations regarding nonconforming billboards are as follows:

- (1) Billboards lawfully existing on the effective date of the ordinance from which this section is derived [March 25, 1997], which do not conform to the provisions of this section shall be considered legal nonconforming structures and may remain, as provided below:
 - a. Such billboard shall not be enlarged, extended or structurally altered or reconstructed in any manner.
 - b. Repairs to the structure are permissible provided that they do not result in the replacement of more than 50 percent of the structure or more than 50 percent of the structure's appraised value.
 - c. A legal nonconforming billboard that is damaged or destroyed to an extent exceeding 50 percent of the appraised value shall be removed.
- (2) Billboards which did not lawfully exist prior to the effective date of the ordinance from which this section is derived [March 25, 1997] shall be considered illegal and shall be removed or made to conform to the provisions of this division. Removal shall be performed by the owner of the billboard following a notice of violation. Should the owner of the structure fail to meet the requirements of the notice, the billboard shall be removed by the community at the owner's expense.

(Code 1992, § 17.53(3)(f); Ord. No. Z-33-96, 3-25-1997)

Secs. 54-685—54-703. - Reserved.

DIVISION 4. - SIGN REGULATIONS

Sec. 54-704. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Exempt signs means signs that are clearly incidental to the principal use of the property and that are generally informational and contain no commercial message, such as "entrance," "no parking" or other similar directives. Also exempt are any public notice or warnings required by a valid and applicable federal, state or local law, regulation or ordinance.

Permitted signs, includes, for the purpose of this chapter, those signs used to identify a business located on-premises.

Prohibited signs means signs which carry a commercial message other than the business name. Also prohibited are portable signs, beacons, the thered balloons and other inflatable signs, and flashing signs except for time, temperature or other public service information.

Property means all contiguous parcels of land under single ownership.

(Code 1992, § 17.53(4)(a); Ord. No. Z-33-96, 3-25-1997)

Sec. 54-705. - Purpose.

The purpose of these sign regulations are to encourage the effective use of signs as a means of communication; to maintain and enhance the aesthetic environment and the community's ability to attract sources of economic development and growth; to improve traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable fair and consistent enforcement of these regulations.

(Code 1992, § 17.53(4)(b); Ord. No. Z-33-96, 3-25-1997)

Sec. 54-706. - Design standards.

Design standards are as follows:

- (1) *Area*. All property shall be allowed 200 square feet of on-site identification signage per 500 feet of lineal street frontage. Every property shall be allowed a minimum of 200 square feet. The maximum allowable area shall be 350 square feet. If the sign is a multifaced sign, the allowable area shall apply to each face, as long as only the face is visible from any location at a time.
- (2) *Number of signs*. The maximum allowable number of signs that will be permitted per property is two. Multifaced signs that share a common support structure shall be considered one sign.
- (3) *Sign height*. The maximum height of a sign shall be determined by the height regulations contained within the underlying zoning classification.
- (4) *Setback*. All signs shall be subject to 55-foot setback from the highway right-of-way.

(Code 1992, § 17.53(4)(c); Ord. No. Z-33-96, 3-25-1997)

Sec. 54-707. - Computations.

The following principals shall control the computation of sign area and sign height.

- (1) *Computation of area of individual signs.* The area of a sign face, which is also the sign area of a wall sign or other sign with only one face, shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
- (2) *Computation of area of multifaced signs.* The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
- (3) *Computation of height.* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction, or the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

(Code 1992, § 17.53(4)(d); Ord. No. Z-33-96, 3-25-1997)

Sec. 54-708. - Maintenance.

All signs shall be maintained in an orderly condition. Any sign which is highly rusted, has peeling paint or in any other way appears unattractive or in disrepair shall be deemed in violation of this chapter and shall be removed or repaired in accordance with the provisions of this chapter. Any structure which is identified as being an immediate threat to public safety by the county zoning administrator or town building inspector may be removed without notice to the owner of the structure and at the owner's expense.

(Code 1992, § 17.53(4)(e); Ord. No. Z-33-96, 3-25-1997)

Sec. 54-709. - Nonconforming signs.

- (a) Signs lawfully existing on the effective date of the ordinance from which this section is derived which do not conform to the provisions of this section shall be considered legal nonconforming signs and may remain as provided in the following provisions:
- (1) Such signs shall not be enlarged, extended or structurally altered or reconstructed in any manner.
 - (2) Repairs to the structure are permissible provided that they do not result in the replacement of more than 50 percent of the structure or more than 50 percent of the structure's appraised value.
 - (3) A legal nonconforming sign that is damaged or destroyed to an extent exceeding 50 percent of the appraised value shall be removed.
- (b) Signs which do not lawfully exist prior to the effective date of the ordinance from which this section is derived shall be considered illegal and shall be removed or made to conform to the provisions of this section. Removal shall be performed by the owner of the billboard following a notice of violation. Should the owner of the structure fail to meet the requirements of the notice, the billboard shall be removed by the community at the owner's expense.

(Code 1992, § 17.53(4)(f); Ord. No. Z-33-96, 3-25-1997)

Secs. 54-710—54-728. - Reserved.

DIVISION 5. - NOISE REGULATIONS

Sec. 54-729. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All terminology used in this section not defined in this subsection shall be in conformance with applicable publications of the American National Standard Institute (ANSI) or its successor body.

A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using an A-weighting network. The level so read is designated dB(A) or dBA.

Construction means any site preparation, assembly, erection, substantial repair, alteration or similar actions, but excluding demolition for or of public or private right-of-way, structures, utilities or similar property.

Decibel (dB) means a unit for measuring the volume of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons) per square meter.

Equivalent A-weighted sound level (Leq) means the equivalent steady-state sound level, which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same time. For purposes of measuring or predicting noise levels, a receptor is assumed to be at ear height, located five feet above the ground surface. The term "Leq(h)" means the hourly value of Leq.

Habitable room means any room meeting the requirements of the uniform building code or other applicable regulations which is intended to be used for sleeping, living, cooking or dining purposes, excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

Local planning agency (LPA) means the county zoning department.

Outdoor living area means spaces that are associated with residential land uses typically used for passive recreational activities or other noise-sensitive uses. Such spaces include patio areas; barbeque areas; residential play areas; outdoor patient recovery or resting areas associated with hospitals, convalescent hospitals or rest homes; and outdoor school facilities routinely used for educational purposes which may be adversely impacted by noise. Outdoor areas not included in this definition are: front yard areas, driveways; greenbelts; maintenance areas and storage areas associated with residential land uses; exterior areas at hospitals that are not used for patient activities; outdoor areas associated with places of worship and principally used for short-term social gatherings; and outdoor areas associated with school facilities that are not typically used for educational uses prone to adverse noise impacts (for example: school play yard areas).

Person means any individual, association, partnership or corporation and includes any officer, employee, department, agency or instrumentality of the state or any political subdivision of the state.

Residential area means as defined in section 64-635.

Sound means an oscillation in pressure, partial displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound level means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network, such as A, B or C, as specified in American National Standards Institute Specifications for sound level meters (ANSI S1.4-197, or latest approved revision). If the frequency weighing employed is not indicated, the A-weighting shall apply.

Sound level meter means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighing networks used to measure sound pressure levels.

(Code 1992, § 17.53(5)(a); Ord. No. Z-33-96, 3-25-1997)

Sec. 54-730. - Purpose.

Land use control is a crucial component to highway-generated noise abatement. Local government has a responsibility to discourage the development of noise-sensitive land uses such as homes and schools adjacent to highway corridors. It is the purpose of this division to minimize the adverse effects of noise through land use controls.

(Code 1992, § 17.53(5)(b); Ord. No. Z-33-96, 3-25-1997)

Sec. 54-731. - Construction restrictions.

- (a) No owner of any land within the jurisdiction of this article shall commence or cause to be commenced construction of any structure unless approved by the local planning agency (LPA).
- (b) Any application for approval required shall be submitted in writing to the local planning agency (LPA) by the owner of the land or agent representing the owner on which the structure is proposed to be constructed and shall contain the following information:
 - (1) Identification of the land on which the construction is proposed, including the tax parcel number and legal description.
 - (2) Information and data supporting the claim that the appropriate requirements will be met.
 - (3) Any other information which the local planning agency (LPA) may reasonable require.
 - (4) Construction restrictions for habitable and institutional structures.
 - a. No new single-family residential structure shall be approved for construction (excluding substantial repair or alteration) if any exterior hourly traffic sound level $Leq(h)$ anywhere within a proposed outdoor living area is projected to be equal to or in excess of 66 dBA, as depicted in the noise contour analysis. The required setback along U.S. Highway 41, shall be based upon a noise analysis performed by the developer according to the standards outlined in Wis. Admin. Code TRANS 405.
 - b. No new multiple-family residence, dormitory, mobile home park, transient lodging, school, hospital, nursing home or similar structure, or substantial modification of such existing structure shall be approved for construction if any exterior hourly sound level $Leq(h)$ anywhere within a proposed outdoor living area on the site is projected to be equal to or in excess of 66 dBA, as shown in the noise contour analysis. The required setbacks are identified in subsection (4)a of this section.
 - (5) Recreational area restrictions.
 - a.

No land shall be designated or approved for construction or use as public or private exterior recreational area, including, but not limited to, children's playgrounds, outdoor theaters and amphitheatres, picnic grounds, tennis courts and swimming pools, if any exterior Leq(h) anywhere on the site of the proposed recreational area is projected to be equal to or in excess of 66 dBA, as shown in the noise contour analysis. The required setbacks are identified in subsection (4)a of this section.

- b. This section does not apply to the designation or approval of any greenbelt or open space provided that no recreational improvement or facility is constructed thereon.
- c. Designation or approval of exterior recreational area otherwise prohibited under subsection (5)a of this section, shall be allowed if the noise level specified in that subsection can be achieved by appropriate means of sound attenuation, such as berms, barriers, or buildings at the perimeter of or elsewhere on the site.
- d. No new interior recreational facility, including, but not limited to, gymnasiums, ice or roller skating rinks, indoor swimming pools, and tennis courts, shall be approved for construction if the Leq(h) anywhere on the site is to be equal to or in excess of 66 dBA unless there is incorporated into the design and construction of the structure such sound attenuation measures as necessary to reduce the maximum Leq(h) to 51 dBA.

(6) Site study requirements.

- a. If the local planning agency (LPA) has reason to believe that a full report is necessary to determine whether a proposed project is prohibited, such report shall be made by the applicant prior to approval of any subdivision, zoning or building permit application. If a full report has not been presented and the applicant believes the project was wrongfully prohibited, he may file a full report within 21 days of the local planning agency (LPA) decision and request reconsideration. A full report shall contain the following information and any other information which the local planning agency (LPA) may reasonably require:
 - 1. The existing maximum hourly traffic sound level, Leq(h), for a representative sample of locations, measured in accordance with the guidelines presented in "Sound Procedures for Measuring Highway Noise: Final Report," August 1981, U.S. Department of Transportation, Federal Highway Administration, Arlington, VA, or modeled according to a methodology consistent with the FHWA Highway Traffic Noise Prediction Model (Report No. FHWA-RD-77-108);
 - 2. The projected future Leq(h) at the site resulting from traffic increases; and
 - 3. Where applicable, plans for sound attenuation measures on the site and/or of the structure proposed to be built and the amount of sound attenuation anticipated as a result of these measures.
- b.

In determining whether an applicant should be required to submit a full report pursuant to subsection (6)a.1 of this section, the local planning agency (LPA) shall consider the state department of transportation's Wis. Admin. Code, ch. TRANS 405 and the Federal Highway Administration's Procedures for Abatement of Highway Traffic Noise and Construction Noise, Title 23, CFR, Chapter I, subchapter J, part 772.

- (7) Truth in selling or renting. No person shall sell or rent, or cause to be sold or rented, any structure after March 25, 1997, or property to be used for human habitation where the structure or property is projected to be exposed to sound levels regularly equal to or in excess of 66 dBA, Leq(h), as per the noise contour analysis, without making full written disclosure to all potential buyers or renters of the existence of such sound levels and of the nature of the sources.

(Code 1992, § 17.53(5)(c)—(g); Ord. No. Z-33-96, 3-25-1997; Ord. of 6-24-1997, § 17.53(5))

Secs. 54-732—54-745. - Reserved.

ARTICLE XII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Secs. 54-746—54-760. - Reserved.

DIVISION 2. - COUNTY ZONING ADMINISTRATOR

Sec. 54-761. - Enforcement of chapter.

The provisions of this chapter shall be administered and enforced by the county zoning administrator, hereinafter referred to as "the administrator". The administrator is authorized to act through aides and assistants. In the performance of the duties of the office of zoning administrator, the administrator may request the assistance of any appropriate officer or agency of the county or state.

(Code 1992, § 17.60(1))

Sec. 54-762. - Powers and duties.

The administrator shall have the following powers and duties:

- (1) Examine all applications for building permits and, if necessary, advise the appropriate town building inspector as to the provisions of this chapter and arrange for corrections to be made to ensure compliance with this chapter and, for applications for building permits for any

structure requiring connection to a private domestic sewage treatment and disposal system, advise the appropriate town building inspector as to whether a system satisfying all applicable codes already exists or that all permits necessary to install such a system have been obtained. All permits shall be examined to insure any proposed construction will not interfere with a functioning private domestic sewage treatment and disposal system.

- (2) Examine all applications for special exceptions and building permits which require submittal and approval of a site plan under section 54-837, and refer such applications to the agriculture, extension education, zoning and land conservation committee. Special exception permits and building permits which require site plan approval shall only be issued upon order of the agriculture, extension education, zoning and land conservation committee.
- (3) Receive all applications for a special exception, interpretation, appeal and/or variance and refer such applications to the agriculture, extension education, zoning and land conservation committee or board of adjustment. A variance shall only be issued upon order of the board of adjustment.
- (4) Conduct inspections to determine compliance or noncompliance with the provisions of this chapter.
- (5) Issue stop, cease and desist orders and orders requiring the correction of all conditions found to be in violation of the provisions of this chapter. Such written orders shall be posted on the property in a conspicuous place and/or served personally or by certified mail upon persons deemed by the administrator to be in violation of the provisions of this chapter. No person shall violate any such order issued by the administrator.
- (6) Institute in the name of the county any appropriate action or proceedings to prevent violations of this chapter.
- (7) Revoke by order any building permit approved under a misstatement of fact or contrary to the provisions of this chapter.
- (8) Maintain maps of all special exceptions and maintain a file on each.
- (9) Upon the request of the County Board, agriculture, extension education, zoning and land conservation committee, board of adjustment or a town board, present to such persons or bodies facts, records or reports which they may request to assist them in making decision or assist them in any other way as requested.
- (10) Maintain a map or maps showing the current zoning classification of all lands under the jurisdiction of this chapter. The administrator shall also insure that a current copy of the official zoning map is available for public inspection.
- (11) For good cause, recommend the removal of a town building inspector to the appropriate town board.

(Code 1992, § 17.60(2))

Secs. 54-763—54-780. - Reserved.

DIVISION 3. - TOWN BUILDING INSPECTORS

Sec. 54-781. - Appointment; powers and duties.

- (a) *Appointment.* Each town in the county which has adopted this chapter shall appoint a town building inspector. The town building inspector shall not be a deputy to the county zoning administrator.
- (b) *Powers and duties.* The powers and duties of the town building inspectors shall be as follows:
 - (1) Receive and examine all applications for building permits and immediately transmit copies of all such applications to the administrator.
 - (2) Issue building permits only where there is compliance with the provisions of this chapter. Building permits for structures requiring connection to a private domestic sewage treatment and disposal system shall be issued only where there is compliance with applicable sanitary codes. Building permits which require site plan approval under section 54-837, shall only be issued by order of the agriculture, extension education, zoning and land conservation committee. Building permits for development in the floodplain, shoreland and wetland jurisdiction of the county shall not be issued until approved by the zoning administrator.
 - (3) Receive and immediately transmit to the administrator all applications for building permits which require site plan approval under section 54-837.
 - (4) Conduct inspections to determine compliance or noncompliance with the provisions of this chapter and report any violations of this chapter to the administrator and the town board.

(Code 1992, § 17.61)

Secs. 54-782—54-800. - Reserved.

DIVISION 4. - BUILDING PERMITS

Sec. 54-801. - Applicability.

No building or structure, except signs exempt from the provisions of this chapter, shall be erected, constructed, reconstructed, altered, moved or enlarged until a building permit has been obtained from the administrator or town building inspector.

(Code 1992, § 17.62(1))

Sec. 54-802. - Application for building permit.

Application for a building permit shall be made in writing upon a form furnished by the county and shall include the following information:

- (1) Name and address of the owner of the land and the owner of the building or structure, if different.
- (2) Plot and construction plans drawn to scale, showing the actual shape and dimensions of the lot to be built upon and the exact sizes and locations on the lot of buildings or structures already existing, if any, and the exact sizes and locations on the lot of buildings or structures proposed to be erected, constructed, reconstructed, altered or enlarged.
- (3) The existing and/or proposed use of all buildings or parts thereof on the lot.
- (4) The number of families the building is designed to accommodate, the gross leasable floor space of the building or the number of employees the building is designed to accommodate.
- (5) The location and number of required off-street parking and loading spaces.
- (6) Such other information with regard to the lot and existing or proposed buildings or structures as may be necessary to determine compliance with and provide enforcement of these regulations including, but not limited to, a detailed plan of any existing private domestic sewage treatment and disposal system.

(Code 1992, § 17.62(2))

Sec. 54-803. - Approval and issuance of building permit.

If the administrator or town building inspector determines that the proposed structure or building will comply with the provisions of this chapter, he shall officially approve and sign one set of plans and return it to the owner or applicant and shall issue a building permit which shall be kept on display at the site of the proposed building or structure.

(Code 1992, § 17.62(3))

Sec. 54-804. - Construction to be as provided in applications.

Building permits issued on the basis of applications and plans approved by the administrator or town building inspector authorizes only the use, arrangement and construction set forth in the approved applications and plans. Use, arrangement and construction at variance with that authorized shall be deemed a violation of this chapter.

(Code 1992, § 17.62(4))

Sec. 54-805. - Lapse of permit.

A building permit shall have lapsed and be void unless substantial construction or operations described in the permit are commenced within one year from the date of its issuance.

(Code 1992, § 17.62(5))

Sec. 54-806. - Improper issuance.

A building permit which was issued in error or under a misstatement of fact by the applicant shall not create any right in such permit and the county shall be entitled to revoke such permit.

(Code 1992, § 17.62(6))

Sec. 54-807. - Prior permits.

No building permit lawfully issued by the administrator or town building inspector prior to the effective date of adoption or amendment of the ordinance from which this chapter is derived shall be invalidated by the adoption or amendment of this chapter. Such permit shall remain valid and subsisting subject only to its own terms.

(Code 1992, § 17.62(7))

Secs. 54-808—54-836. - Reserved.

DIVISION 5. - SITE PLANS

Sec. 54-837. - Applicability and procedure; contents.

(a) *Applicability and procedure.* In reference to site plans, applicability and procedure shall be as follows:

- (1) Where by the terms of this chapter a site plan is required in connection with any use or structure, such site plan shall be submitted coincident with an application for a building permit or special exception, as the case may be. The administrator shall immediately circulate the site plan for comment by the department of development and land services and any other county officer or department which may have a responsibility for or interest in an aspect of the development.

(2)

Within 30 days of submittal, the administrator shall transmit the site plan along with all pertinent comment to the agriculture, extension education, zoning and land conservation committee for their consideration. Except as required in connection with a special exception, no public notice and hearing is required for site plan consideration, but such matters shall be handled in public session as part of a previously prepared agenda. All matters relating to site plan consideration shall be a public record. In cases where a site plan is submitted in connection with an application for a special exception, public notice and hearing is required. Site plan approval shall require formal action of the agriculture, extension education, zoning and land conservation committee.

- (b) *Contents.* A site plan required to be submitted by the terms of this chapter shall contain the following elements, where applicable:
- (1) Statements of ownership and control of the proposed development.
 - (2) Statement describing in detail the character and intended use of the development.
 - (3) A site plan containing the title of the project and the names of the project planner and developer, date and north arrow and, based on an exact survey of the property drawn to a scale of sufficient size to show boundaries of the project, any existing streets, buildings, watercourses, easements and section lines; exact location of all buildings and structures; access and traffic flow; off-street parking and off-street loading area; recreation facilities locations; and access to utilities and points of utility hookups.
 - (4) Tabulations of total gross acreage in the project and the percentages thereof proposed to be devoted to the various permitted uses.
 - (5) Tabulations showing the derivation of numbers of off-street parking and loading spaces and total project density in dwelling units per gross acre.
 - (6) Architectural definitions for buildings in the development, exact number of dwelling units, sizes and types, together with typical floor plans of each type.
 - (7) Storm drainage and sanitary sewage plans.
 - (8) If common facilities, such as recreation areas or structures, common open space, etc., are to be provided for the development, statements as to how such common facilities are to be provided and permanently maintained. Such statements may take the form of proposed deed restrictions, deeds of trust, homeowners' associations covenants, surety arrangements or other legal instruments providing adequate guarantee to the county that such common facilities will not become a future liability for the County.
 - (9) Plans for signs, if any.
 - (10) In the industrial districts, plans for the exterior walls of all buildings, lighting, outside storage and industrial processes and materials pertinent to conformance with the industrial performance standards herein.
 - (11)

Such additional data, maps, plans or statements as may be required for the particular use or activity involved or as the applicant, administrator or agriculture, extension education, zoning and land conservation committee may believe is pertinent.

(Code 1992, § 17.63; Ord. No. E-2016-17, 2-28-2017)

Sec. 54-838. - Fees.

Fees for amendments, special exceptions, variances, appeals and contested case hearings shall be established by the County Board. No action shall be taken prior to payment of requisite fee.

(Code 1992, § 17.64)

Secs. 54-839—54-857. - Reserved.

DIVISION 6. - SPECIAL EXCEPTIONS

Sec. 54-858. - Definition; when permissible.

The term "special exception" means a use or structure that may not be appropriate generally or without restriction throughout a district, but which, if controlled as to number, area, location or relation to neighborhood, would promote the public health, safety, welfare, comfort, convenience or the general welfare. Such uses or structures may be permissible in a zoning district as a special exception only if specific provision for such use or structure is made in the district. A special exception shall not be issued for any other use or structure.

(Code 1992, § 17.65(1))

Sec. 54-859. - Application; procedure.

All applications for a special exception shall be submitted to the administrator. Where a site plan is required by the terms of this chapter, it shall be submitted coincident with the application. In cases where a site plan is not required by the terms of this chapter, the application shall contain information equivalent to that required for a building permit under section 54-802. The application may also be accompanied by any other material or information necessary to demonstrate that the grant of a special exception will be in harmony with the general intent and purpose of these zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public interest. The administrator shall refer all applications and accompanying materials to the agriculture, extension education, zoning and land conservation committee. The applicant shall forward a copy of the application and accompanying materials to the clerk of the town within which the proposed use or structure is located within seven days of submittal of the application to the administrator.

(Code 1992, § 17.65(2))

Sec. 54-860. - Public hearing.

Upon the filing of an application for a special exception, the agriculture, extension education, zoning and land conservation committee shall fix a reasonable time (not more than 45 days from the filing date) for a public hearing. A class 2 notice, pursuant to Wis. Stats. ch. 985, shall be published specifying the date, time and place of hearing and the matters to come before the agriculture, extension education, zoning and land conservation committee. Notice shall be mailed to the town clerk within which the proposed use or structure is located, the county Supervisor within which district the proposed use or structure is located and the parties in interest as determined by the agriculture, extension education, zoning and land conservation committee.

(Code 1992, § 17.65(3))

Sec. 54-861. - Conduct of hearing.

Any hearing required under this section shall be conducted as a class A hearing or class B hearing as described in sections 54-858 and 54-859. Unless requested in writing by the applicant or any other party in interest as determined by the agriculture, extension education, zoning and land conservation committee, a hearing required under this section shall be conducted as a class A hearing. Any written request for a class B hearing shall be accompanied by the payment of a fee in the amount of \$250.00.

- (1) *Class A hearing.* A class A hearing is an informal proceeding conducted by the agriculture, extension education, zoning and land conservation committee in accordance with the following procedures:
 - a. The committee chair shall open the hearing and make a concise statement of its scope and purposes. Appearances shall be entered on the record. Any official or employee of the county and any other person may participate in the hearing. Any person desiring to participate in the hearing, whether on his own behalf or as an authorized agent or attorney, shall enter an appearance in person by giving his name and address, the name and address of the person being represented and the capacity in which he is representing such person.
 - b. Persons entering an appearance may make statements, offer evidence or ask questions concerning the matter to be heard. Such statements need not be made under oath. The chair shall determine the order in which people may speak and may limit the length of the presentations if it appears there will not be enough time for all who wish to speak or if presentations are unduly repetitious. Cross examination of those who speak may not be permitted, but clarifying questions of those who speak or rebuttal statements shall be permitted by the chair. Statements may be submitted in oral or written form.

c. The hearing shall be recorded by an electronic recording device.

(2) *Class B hearing.* A class B hearing is a formal administrative proceeding conducted by a hearing examiner in accordance with the following procedures:

- a. The hearing examiner may be an official or employee of the county or a person appointed by the county. The examiner may administer oaths and affirmations, issue subpoenas, receive relevant evidence, regulate the course of the hearing and hold conferences to simplify the issues by consent of the parties. The functions of the examiner shall be performed in an impartial manner and the examiner may at any time disqualify himself for personal bias or other disqualification.
- b. Any official or employee of the county and any other person may participate in the hearing. Any person desiring to participate in the hearing, whether on his own behalf or as an authorized agent or attorney, shall enter an appearance in person by giving his name and address, the name and address of any party being represented and the capacity in which he is representing such person. Any person entering an appearance may examine and cross examine witnesses and may present testimony and other evidence.
- c. The hearing examiner shall open the hearing and make a concise statement of its scope and purpose. Appearances shall be entered on the record. Thereafter, the parties may make opening statements which shall be confined to a brief summary or outline in clear and concise form of the evidence intended to be offered.
- d. The order of proceeding shall be the applicant proceeding first with the presentation of evidence, other interested persons or parties in support of the application, persons or parties in opposition to the application and the department of development and land services report, if any. Any party or person may conduct cross-examinations reasonably required for a full and true disclosure of the facts.
- e. The hearing examiner shall not be bound by common law or statutory rules of evidence and shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant or unduly repetitious testimony. All evidence shall be offered and made part of the record. Every party or person shall be afforded an opportunity to rebut or offer countervailing evidence. Documentary evidence may be received in the form of copies or excerpts. Parties or persons intending to offer documentary evidence may be ordered by the hearing examiner to furnish copies to opposing parties in advance of the hearings for review. Documentary evidence may then be admitted in evidence, provided the authors thereof are present and available for cross examination. Objections to evidence shall be recorded and parties shall be afforded the opportunity to make an offer of proof.
- f.

A stenographic, electronic or other record shall be made of the proceedings. Typed transcripts shall be prepared upon request and receipt of payment of reasonable costs.

(Code 1992, § 17.65(4); Ord. No. E-2016-17, 2-28-2017)

Sec. 54-862. - Conditions and safeguards.

Where by the terms of these regulations certain conditions or requirements are specified for a special exception use or structure, such conditions or requirements must be imposed by the agriculture, extension education, zoning and land conservation committee. In addition to the conditions or requirements specified by the terms of these regulations, the agriculture, extension education, zoning and land conservation committee may impose appropriate additional conditions or requirements as deemed necessary to insure the proposed use or structure will serve the objectives of this chapter and promote the public health, safety, comfort, convenience and general welfare. Violation of such conditions and requirements when made part of the terms under which the special exception is granted shall be deemed a violation of this chapter.

(Code 1992, § 17.65(5))

Sec. 54-863. - Records and decisions.

The agriculture, extension education, zoning and land conservation committee shall keep a record of its proceedings under this section, all of which shall be filed immediately as public records. All decisions under this section shall be taken by resolution in which a majority of the agriculture, extension education, zoning and land conservation committee members must concur; provided, however, that if the town within which the proposed use or structure is located files a written resolution with the agriculture, extension education, zoning and land conservation committee prior to or on the date of the required hearing, objecting to the grant of the special exception, approval of the grant of a special exception shall require the affirmative vote of three-fourths of the agriculture, extension education, zoning and land conservation committee. Every final decision under this division shall be in writing accompanied by findings of fact based on the record. No special exception shall be approved, unless the agriculture, extension education, zoning and land conservation committee shall find:

- (1) The establishment, maintenance or operation of the proposed special exception use or structure at the proposed location will not be detrimental or injurious to the use and enjoyment of existing uses on adjacent properties or properties in the vicinity.
- (2) The establishment, maintenance or operation of the proposed special exception use or structure, along or in combination with other existing special exception uses and structures in the vicinity, will not cause traffic hazards.
- (3) Adequate provision is made for surface water drainage, ingress and egress to the property and off-street parking.
- (4)

Adequate public facilities and services are available for the proposed special exception use or structure.

(Code 1992, § 17.65(6))

Sec. 54-864. - Appeals.

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department or board of the municipality affected by a decision of the agriculture, extension education, zoning and land conservation committee pursuant to section 54-887.

(Code 1992, § 17.65(7))

Secs. 54-865—54-883. - Reserved.

DIVISION 7. - BOARD OF ADJUSTMENT

Sec. 54-884. - Establishment.

In order that the objectives of this chapter may be more fully and equitably achieved and a means for interpretation provided, there is established a board of adjustment.

(Code 1992, § 17.66(1))

Sec. 54-885. - Membership and terms of office.

- (a) *Members.* The board of adjustment shall consist of three members. The county executive shall appoint the members with the approval of the County Board. The members of the board of adjustment shall all reside within the county and outside the limits of incorporated cities and villages; provided, however, that no two members shall reside in the same town. The county executive shall appoint, for staggered three-year terms, two alternate members, who are subject to the approval of the County Board. Annually, the county executive shall designate one of the alternate members as the first alternate and the other as second alternate. The first alternate shall act, with full power only when a member of the board of adjustment refuses to vote because of a conflict of interest or when a member is absent. The second alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than one member of the board of adjustment refuses to vote because of a conflict of interest or is absent. The board of adjustment shall choose its own chair.
- (b) *Terms.* The terms of the first three board members appointed shall be for one, two and three years, respectively. Successors shall be appointed in such 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

were appointed and until their successors are appointed.

- (c) *Vacancies.* Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- (d) *Compensation.* The actual and necessary expenses incurred by the board in the performance of its duties shall be paid and allowed by the County Board as in cases of other claims against the county. The County Board may also compensate the members of the board and their assistants as may be authorized by the County Board.
- (e) *Quorum.* If a quorum is present, the board of adjustment may take action under this section by a majority vote of the members present.

(Code 1992, § 17.66(2))

Sec. 54-886. - Rules, meetings, decisions and records.

- (a) *Rules.* The County Board shall adopt rules for the conduct of the business of the board of adjustment in accordance with the provisions of this chapter. The board of adjustment may adopt further rules as necessary to carry into effect the regulations of the County Board. No rules may be changed without the concurring vote of a majority of the board of adjustment.
- (b) *Meetings.* Meetings of the board of adjustment shall be held at the call of the chair and at such other times as the board of adjustment may determine. Such chair or, in his absence, the acting chair, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be open to the public.
- (c) *Records and decisions.* The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of adjustment and shall be a public record. All actions or decisions shall be taken by resolution in which the concurring vote of a majority of the members of the board of adjustment shall be necessary. Each resolution shall contain a written statement of the grounds forming the basis of such resolution. Notice of filing of all actions and decisions shall be mailed to the town and the parties in interest as determined by the board of adjustment.

(Code 1992, § 17.66(3))

Sec. 54-887. - Powers and duties.

- (a) *Appeals.* The board of adjustment's power to hear and decide appeals shall be as follows:
 - (1) *Powers.* The board of adjustment shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter. The board of adjustment may

reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

- (2) *Procedures.* Appeals to the board of adjustment may be taken by a person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the building inspector or other administrative officer. Such appeal shall be taken within 60 days of the order, requirement, decision or determination appealed from by filing with the zoning administrator and with the board of adjustment a notice of appeal specifying the grounds thereof. The zoning administrator shall immediately transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken. The board of adjustment may request the applicant to provide additional information as may be needed to determine the case.
 - (3) *Stays.* 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 of adjustment after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.
 - (4) *Withdrawal or amendment.* Withdrawals or amendment procedure is as follows:
 - a. If the applicant elects to withdraw the appeal any time before final determination is made by the board of adjustment, this fact shall be noted on the application, with the signature of the applicant attesting withdrawal. Copies of the withdrawn application shall be returned to the files of the board of adjustment, the building inspector or officer and the applicant.
 - b. Amendment of an appeal by the applicant may be permitted at any time prior to or during the public hearing, provided that no such amendment shall be such as to make the case different from its description in the notice of public hearing. If the amendment is requested by the applicant after notice of the hearing has been given and such amendment is at variance with the information set forth in the public notice, the applicant shall pay an additional fee to cover the cost of amending the public notice. If the amended notice can be published within the time frame specified for the public hearing, the hearing on the amended appeal may be held on that date, otherwise the Chair shall announce that the hearing originally scheduled on the case will be deferred to a future meeting, before which appropriate public notice will be given and will state the reasons for deferral.
- (b) *Variance.* The procedure for authorizing variances shall be as follows:

- (1) *Powers.* The board of adjustment shall have the power to authorize upon appeal in specific cases such variance from the terms of this 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 this chapter shall be observed and substantial justice done.
- (2) *Requirements for a variance.* In general, the power to authorize a variance from the requirements of this chapter shall be sparingly exercised and only under peculiar and exceptional circumstances. No variance shall be granted for actions which require an amendment to this chapter. Variances shall only be granted when the board of adjustment finds that:
 - a. The variance is not contrary to the public interest and that such a variance will be in general harmony with the purposes and intent of this chapter.
 - b. The variance will not permit the establishment of a use which is not permitted or permissible in the district.
 - c. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - d. The literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district.
 - e. The hardship is not shared generally by other land or buildings in the area.
 - f. The hardship results from the strict application of this chapter and is not the result of self-created or self-imposed circumstances.
- (c) *Interpretations.* The board of adjustment shall have the power to hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts.

(Code 1992, § 17.66(4))

Sec. 54-888. - Public hearings.

- (a) *Time period.* Upon filing with the board of adjustment an application for an appeal or variance, the board of adjustment shall fix a reasonable time (not more than 60 days from the filing date) for a public hearing.
- (b) *Notice of hearing.* A class 2 notice pursuant to Wis. Stats. ch. 985 shall be published specifying the date, time and place of the hearing and matters to come before the board of adjustment.

(Code 1992, § 17.66(5))

Sec. 54-889. - Conduct of public hearings.

Any hearing required under this article shall be conducted by the board of adjustment in accordance with section 54-758.

(Code 1992, § 17.66(6))

Sec. 54-890. - Appeals from board decisions.

Any person jointly or severally aggrieved by any decision of the board of adjustment or any taxpayer or any officer, department, board or bureau of the municipality may, within 30 days after the filing of the decision in the office of the board of adjustment, commence an action seeking the remedy available by certiorari.

(Code 1992, § 17.66(7))

Secs. 54-891—54-909. - Reserved.

DIVISION 8. - AMENDMENTS

Sec. 54-910. - Power of amendment.

The County Board may amend the regulations and requirements of this chapter or change the district boundaries of the official zoning maps. A petition for amendment may be made by any property owner in the area to be affected by the amendment by the town board of any town wherein this chapter is in effect or by any member of the County Board or county agriculture, extension education, zoning and land conservation committee.

(Code 1992, § 17.67(1))

Sec. 54-911. - Procedures.

The petition shall be filed with the county clerk who shall immediately refer it to the agriculture, extension education, zoning and land conservation committee for its consideration, report and recommendations. Procedures shall be in accordance with Wis. Stats. § 59.69(5)(e).

(Code 1992, § 17.67(2))

Secs. 54-912—54-930. - Reserved.

DIVISION 9. - ENFORCEMENT

Sec. 54-931. - Remedies.

Compliance with the provisions of this chapter shall be enforced by appropriate forfeitures and penalties. Compliance may also be enforced by injunctive suit of the county or by the owner or owners of real estate within the district affected by the regulation.

(Code 1992, § 17.68)

Sec. 54-932. - Notice of violation.

If the administrator finds that any of the provisions of this chapter are being violated, he shall notify in writing by registered or certified mail the person responsible, indicating the nature of the violation and ordering the action necessary to correct the violation. Whenever a person shall have been notified in writing that he is in violation of the provisions of this chapter, such person shall commence correction of all violations within ten days of notice and shall correct all violations within 45 days of notice. If such corrections are not commenced within ten days of written notice or not corrected within 45 days of written notice, each day that a violation continues shall be considered a separate offense.

(Code 1992, § 17.69)