

*Pierce County, WI  
Tuesday, September 27, 2022*

## Chapter 240. Zoning

[HISTORY: Adopted by the Board of Supervisors of Pierce County by Ord. No. 97-6. Amendments noted where applicable.]

### GENERAL REFERENCES

Department of Land Management — See Ch. 10, Art. I.

Land Conservation Department — See Ch. 10, Art. III.

Comprehensive Plan — See Ch. 232.

Subdivision of land — See Ch. 237.

Floodplain zoning — See Ch. 238.

St. Croix Riverway zoning — See Ch. 239.

Shoreland zoning — See Ch. 242.

### ATTACHMENTS

**Attachment 1 - Table of Uses** 

**Attachment 2 - Table of Dimensional Requirements** 

## Article I. General Provisions

### § 240-1. Title.

This chapter shall be known as the "Pierce County Zoning Ordinance," hereinafter referred to as "this chapter."

### § 240-2. Statutory authority; effect on prior ordinance.

This chapter is adopted pursuant to the authority granted by §§ 59.51, 59.696, 59.697, 56.698, 59.69 and 59.692, Wis. Stats. Additionally, it employs those powers or provisions provided for in §§ 59.694, 91.71 through 91.79 and 281.31, Wis. Stats. This chapter shall constitute a comprehensive revision, as described in § 59.69(5)(d), Wis. Stats., of the 1972 Pierce County Zoning Ordinance and its subsequent amendments.

### § 240-3. Contents.

This chapter consists of written text and zoning maps, which shall, at all times, be considered as parts of a whole. In addition, other maps and materials referenced in the text are used to support this chapter.

### § 240-4. Purpose.

[Amended 10-26-1999 by Ord. No. 99-11; 4-22-2008 by Ord. No. 07-09]

The purpose of this chapter is to promote and protect public health, safety, aesthetics and other aspects of the general welfare. Further purposes of this chapter are to:

A. Aid in implementing the adopted County Land Management Plan.

- B. Promote public health, safety, convenience and general welfare.
- C. Encourage planned and orderly land use development.
- D. Protect property values and the property tax base.
- E. Permit the careful planning and efficient maintenance of highway systems.
- F. Ensure adequate highway, utility, health, educational and recreation facilities.
- G. Recognize the needs of agriculture, forestry, industry and business in future growth.
- H. Encourage uses of land and other natural resources which are in accordance with their character and adaptability.
- I. Provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems.
- J. Encourage the protection of groundwater resources.
- K. Preserve wetlands.<sup>[1]</sup>
  - [1] *Editor's Note: Former Subsection L, which immediately followed and set forth the prevention and control of water pollution and the protection of spawning grounds, fish and aquatic life as purposes of this chapter, was repealed 9-27-2016 by Ord. No. 16-03. Said Ord. No. 16-03 also redesignated former Subsections M through P as Subsections L through O, respectively.*
- L. Conserve soil, water and forest resources.
- M. Protect the beauty and amenities of landscape and man-made developments.
- N. Provide healthy surroundings for family life.
- O. Promote the efficient and economical use of public funds.

## § 240-5. Compliance required.

- A. All use of land and water shall comply with the provisions of this chapter, and any structure or part thereof which is hereafter used, located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered shall be done so in full compliance with the provisions of this chapter.
- B. Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this chapter and obtain all necessary permits in areas under the jurisdiction of this chapter. State agencies are required to comply when § 13.48(13), Wis. Stats., applies. The Wisconsin Department of Transportation is exempt from the requirements of this chapter when § 30.12(4), Wis. Stats., applies.

## § 240-6. Applicability; when effective.

- A. Applicability. This chapter shall affect the unincorporated areas of Pierce County, or applicable portions thereof, as provided in Subsection B.
- B. Effect. Upon enactment by the Pierce County Board of Supervisors, this chapter shall go into full force and effect as follows:
  - (1) Except as provided in Subsection B(2), within any town this chapter shall go into effect upon approval by the applicable town board and upon filing with the Pierce County Clerk by the applicable town clerk of a certified copy of an approving resolution attached to one copy of this chapter, as provided in § 59.69(5)(c), Wis. Stats.<sup>[1]</sup>

[1] *Editor's Note: Former Subsection B(2), which immediately followed and stated when the chapter would be effective in shoreland areas, was repealed 9-27-2016 by Ord. No 16-03.*

- C. The Pierce County Zoning Ordinance of 1972, as amended, shall remain in effect until this chapter is approved by the applicable town boards or for a period of one year from the day following its enactment by the Pierce County Board of Supervisors, whichever comes first. If a town board does not approve this chapter by the end of the one-year period, neither this chapter nor the Pierce County Zoning Ordinance of 1972, as amended, shall be in effect in that town, except for the shoreland of that town.

[Amended 9-27-2016 by Ord. No. 16-03]

## § 240-7. Abrogation and greater restrictions.

- A. Except as provided in § **240-6C** of this chapter, the Pierce County Zoning Ordinance of 1972, as amended, is hereby repealed.
- B. Except as this chapter may conflict with Chapter 91, Wis. Stats., Farmland Preservation, wherever this chapter imposes greater restrictions than other similar regulations, the provisions of this chapter shall govern. Wherever the provisions of this chapter conflict with the provisions of Chapter 91, Wis Stats., Farmland Preservation, the provisions of Chapter 91 shall prevail.
- C. It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easement, covenant, deed restriction or agreement. Pierce County shall not enforce any easement, covenant, deed restriction or agreement to which it is not a party.
- D. It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any permit previously issued pursuant to Pierce County ordinances.

## § 240-8. Interpretation and application.

The provisions of this chapter shall be construed to be minimum requirements. Further, interpretation and application of the provisions of this chapter shall take into account the purposes of this chapter.

## § 240-9. Severability.

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

## § 240-10. Disclaimer of liability.

This chapter shall not create liability on the part of, or cause of action against, Pierce County or any officer or employee thereof for any damages that may result from reliance on this chapter.

## § 240-11. Vesting of rights.

No rights to any particular use vest in any property owner simply because the use is permitted by this chapter. Such use may be prohibited by future amendment to this chapter. However, the approval and issuance of a permit shall vest in the property owner the right to use the property in the manner specifically approved by the permit unless and until the permit expires. Rights afforded to

nonconforming uses and structures under this chapter will not be interfered with as a result of application of this chapter.

## § 240-12. Headings.

Headings are used throughout this chapter to assist users of this chapter. If a heading should conflict with the text in interpreting this chapter, the text shall control.

## Article II. Zoning Districts; Use Regulations

### § 240-13. Enumeration of zoning districts.

[Amended 9-27-2016 by Ord. No. 16-03]

For the purpose of this chapter, the unincorporated areas of Pierce County are divided into the following zoning districts (with their symbols):

#### Agricultural Districts

- Exclusive Agriculture (EA)
- Primary Agriculture (PA)
- General Rural (GR)
- General Rural-Flexible (GRF)
- Agriculture-Residential (AR)

#### Residential Districts

- Rural Residential-8 (RR-8)
- Rural Residential-12 (RR-12)
- Rural Residential-20 (RR-20)

#### Commercial Districts

- Commercial (C)

#### Industrial Districts

- Light Industrial (LI)
- Industrial (I)

#### Specialty Districts

- Kinnickinnic River Bluffland Overlay District (KRBL)
- Planned Residential Development (PRD)

### § 240-14. Zoning maps; interpretation of district boundaries.

- A. Zoning districts shall be bounded and defined as shown on zoning maps prepared for each town. The zoning maps shall be entitled "Zoning Maps of Pierce County" and on file in the Pierce County Zoning Office.
- B. Interpretation of zoning district boundaries. The following rules shall be used to determine the precise location of zoning district boundaries shown on the zoning maps of Pierce County:
  - (1) Boundaries shown as following or approximately following the limits of any municipal corporation shall be construed as following such limits.

- (2) Boundaries shown as following or approximately following roads shall be construed as following the center lines of such roads.
- (3) Boundaries shown as following or approximately following platted lot lines or other property lines as shown on the Pierce County Real Property Listing Tax Maps shall be construed as following such lines.
- (4) Boundaries shown as following or approximately following the center lines of streams, rivers or other watercourses shall be construed as following the center line of such watercourses. In the event of a natural change in the location of such watercourses, the zoning district boundary shall be construed as moving with the center line.
- (5) Boundaries shown as separated from and parallel or approximately parallel to any of the features listed in Subsection **B(1)** through **(4)** shall be construed to be parallel to such features and at such distances therefrom as are shown on the zoning maps of Pierce County. In the event such boundaries are not parallel or approximately parallel to any of the features listed in Subsection **B(1)** through **(4)**, the interpretation of district boundaries by the Zoning Administrator shall be conclusive.
- (6) Boundaries below the ordinary high-water mark which coincide with riparian rights lines as determined by Section NR 326.07 of the Wisconsin Administrative Code shall be construed as such riparian rights lines.
- (7) Boundaries below the ordinary high-water mark which do not coincide with riparian rights lines as determined by Section NR 326.07 of the Wisconsin Administrative Code shall be construed as running perpendicular to the shoreline where the boundaries intersect with the shoreline.

## § 240-15. Purpose and intent of zoning districts.

The following specifies the purpose and intent of each of the zoning districts established by this chapter.

- A. **Exclusive Agriculture (EA).** This district is established to protect the agricultural industry from scattered nonagricultural development that may displace agricultural uses. The district is not intended to accommodate future nonagricultural growth. This district is intended to help implement the Pierce County Farmland Preservation Plan. Further, it is intended to meet the provisions of the Wisconsin Farmland Preservation Program, as specified in Chapter 91, Wis. Stats., and thereby establish eligibility for tax credits to farm owners as provided in § 71.59, Wis. Stats. It is intended that this district apply to lands included in productive farm operations and which have historically exhibited good crop yields or are capable of such yields; have demonstrated productivity for dairying, livestock raising and grazing; have been used for production of specialty crops, such as tree and plant materials, fruits and vegetables; or have been integral parts of such farm operations. Uses in this district are restricted to agricultural uses and uses consistent with agricultural uses as defined in § 91.01(10), Wis. Stats. No structure or improvement may be built unless consistent with agricultural use.  
[Amended by Ord. No. 99-11]
- B. **Primary Agriculture (PA).** This district is established to maintain, preserve and enhance prime agricultural lands historically utilized for crop production but which are not included within the Exclusive Agriculture District. This district is also intended to provide farmland owners with additional management options by allowing limited residential development but with residential density limits set so as to maintain the rural characteristics of the district.
- C. **Agriculture-Residential (AR).** This district is established to provide for the continuation of agricultural practices in areas of the county which have historically been devoted to farm operations while providing locations for rural housing opportunities without public sewer and certain recreational and other nonresidential uses.
- D. **General Rural (GR).** This district is established to maintain and enhance agricultural operations in the county. The district also provides for low-density residential development which is consistent

with a generally rural environment and allows for nonresidential uses which require relatively large land areas and/or are compatible with surrounding rural land.

- E. General Rural-Flexible (GRF). This district is established to achieve the same objectives as the General Rural (GR) District but to allow a greater density of residential development with the approval of the town board.
- F. Rural Residential-8 (RR-8). This district is established to provide for residential development in predominantly rural areas not suited for agricultural uses, served by on-site absorption sanitary systems and private wells. The district is intended to protect quality, large-lot residential development from incompatible uses.
- G. Rural Residential-12 (RR-12). This district is established to provide for residential subdivision development in predominantly rural areas not suited for agricultural uses, served by on-site absorption sanitary systems and private wells. The district is intended to protect residential development from incompatible uses.
- H. Rural Residential-20 (RR-20). This district is established to provide for the densest residential development in the unincorporated areas of the county. The district is intended to be used where residential development is encouraged on lots without public sewer and water and in locations where such a density of development is compatible with surrounding uses. The district is intended to enhance residential areas by restricting nonresidential development.
- I. Commercial (C). This district is established to provide for retail shopping and personal service uses to be developed either as a unit or in individual parcels to serve the needs of nearby residential neighborhoods as well as the entire county. The purpose of the district is to provide sufficient space in appropriate locations for certain commercial and other nonresidential uses while affording protection to surrounding properties from excessive noise, traffic, drainage or other nuisance factors.
- J. Light Industrial (LI). This district is established primarily for production, processing and assembly plants that are operated so that noise, odor, dust and glare from such operations are completely confined within an enclosed building. Traffic generated by these industries should not produce the volume of traffic generated by heavy industrial uses. The district is also designed to accommodate warehouse and limited commercial uses.
- K. Industrial (I). This district is established for the purpose of allowing those industrial uses that are more intensive than those uses allowed in the Light Industrial (LI) District. The purpose of the district is to accommodate a heavy volume of traffic, the potential need for rail access to parcels and the presence of noise and other factors which could pose a nuisance in other districts. The intensity and use of land as permitted in this district is intended to facilitate the total range of industrial uses.<sup>[1]</sup>

[1] *Editor's Note: Former Subsection L, Shoreland-Wetland (S-W), which immediately followed, was repealed 9-27-2016 by Ord. No. 16-03.*

## § 240-16. Types of uses.

- A. Principal uses. These uses are sorted and assigned to specific zoning districts. (See § 240-17.) Such uses shall be established only if they are located in the zoning district to which they are assigned. These uses are further divided into the following categories:
  - (1) Permitted uses. These uses are permitted by right, provided all requirements of this chapter are met.
  - (2) Uses permitted as conditional uses. These uses are not permitted by right. Rather, their allowance is subject to the discretionary judgment of the Land Management Committee, as described in § 240-76.
- B. Accessory uses. See § 240-19.

- C. Temporary uses. (See § **240-20**.) These uses are sorted and assigned to specific zoning districts. Such uses shall be established only if they are located in the zoning district to which they are assigned. These uses are further divided into the following categories:
- (1) Permitted uses. These uses are permitted by right, provided all requirements of this chapter are met.
  - (2) Uses permitted as conditional uses. These uses are not permitted by right. Rather, their allowance is subject to the discretionary judgment of the Land Management Committee, as described in § **240-76**.
- D. Uses not listed. See § **240-21**.

## § 240-17. Table of uses.

[Amended by Ord. No. 99-11]

Land uses in Pierce County shall be allowed as shown in the Table of Uses.<sup>[1]</sup>

[1] *Editor's Note: The Table of Uses is included at the end of this chapter.*

## § 240-18. Principal uses.

[Amended by 4-22-2008 by Ord. No. 07-09; 9-27-2016 by Ord. No. 16-03]

- A. The principal uses allowed in each zoning district shall be as shown in § **240-17**.

## § 240-19. Accessory uses.

Accessory uses are permitted in all zoning districts without issuance of a land use permit, subject to limitations listed in Subsection C below. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of § **240-32**, and such structures shall require a land use permit.

- A. The accessory uses allowed in each zoning district shall be as shown in § **240-17**.  
[Amended 9-27-2016 by Ord. No. 16-03]
- B. Accessory uses which have particular use requirements listed in Article **IV** shall comply with such requirements and shall comply with parking requirements listed in Chapter VII.
- C. Limitations on specific accessory uses.
- (1) Commercial uses accessory to industrial uses shall be indoor and limited to 15% of the building area devoted to the principal use.
  - (2) Industrial uses accessory to commercial uses shall be indoor and limited to 15% of the building area devoted to the principal use and shall not create nuisances of noise, odor, glare, dust, heat, vibration or other condition which adversely affects surrounding businesses or properties.
  - (3) Incidental renting of agricultural buildings for indoor storage of boats, trailers, recreational vehicles, cars and nonagricultural equipment shall be allowed, provided that:
    - (a) Such building used for storage was originally constructed for agricultural purposes and was constructed at least three years prior to its use as incidental indoor storage.
    - (b) No signs shall be permitted which advertise or direct the public to such storage.
    - (c) Outside storage shall not be allowed.

- (d) The agricultural building is located on the same parcel as an occupied dwelling.
- (e) A conditional use permit is obtained if the site is located in the Exclusive Agricultural District.  
[Added by Ord. No. 11]

## § 240-20. Temporary uses.

- A. The temporary uses allowed in each zoning district shall be as shown in § **240-17**.  
[Amended 9-27-2016 by Ord. No. 16-03]
- B. Temporary uses which have particular use requirements listed in Article **IV** shall comply with such requirements.

## § 240-21. Uses not listed.

- A. Determination of use classification by the Zoning Administrator. The Zoning Administrator shall determine if a proposed use can be classified as one of the principal uses already listed for any of the zoning districts. If a proposed use can be so classified, then the use shall be regulated as specified by this chapter.
- B. Unclassified uses. A proposed use that cannot be classified as one of the principal uses shall be considered an unclassified use and shall be regulated as follows:
  - (1) The Zoning Administrator shall determine if the proposed unclassified use is similar to other uses listed for the zoning district applicable to the site of the proposed unclassified use. If so, the application for the proposed unclassified use shall be processed as specified by this chapter.
  - (2) If the Zoning Administrator determines otherwise, then the application for the proposed unclassified use shall be denied and the applicant shall be so notified in writing.
  - (3) The Zoning Administrator shall refer unclassified uses to the Land Management Committee if the Zoning Administrator is uncertain how to classify any uses not listed.
- C. After making a determination regarding an unclassified use, the Zoning Administrator shall recommend an amendment to this chapter adding the previously unclassified use to the Table of Uses upon consideration of the appropriate zoning district.

## Article III. Dimensional Requirements

### § 240-22. Development to comply.

All development shall comply fully with the requirements of this article.

### § 240-23. Minimum requirements.

Developments shall meet the minimum requirements for the applicable district shown in the Table of Dimensional Requirements.<sup>[1]</sup>

[1] *Editor's Note: The Table of Dimensional Requirements is included at the end of this chapter.*

### § 240-24. Lot requirements.



- A. No lot shall hereafter be created which does not meet the minimum width and area requirements of this chapter. No lot shall be so reduced that it fails to meet any density or dimensional requirement of this chapter.
- B. Lot of record required. Every building hereafter erected, structurally altered or relocated shall be placed on a lot of record.
- C. Access to road. No lot shall hereafter be created nor any building placed on a lot which does not have an access to a public road or a private road which is described and recorded in the Pierce County Register of Deeds Office. The property owner shall be responsible for securing such access.
- D. Only one single-family residence or one duplex shall be permitted on a lot, except as provided elsewhere in this chapter. Lots containing uses other than one- and two-family residences may contain more than one principal structure or use, provided that the lot contains the required minimum lot area for each such use.
- E. Lots created prior to the effective date of this chapter. Except as provided in Subsection **E(3)**, lots which were created before the effective date of this chapter shall be considered building sites, provided they meet the criteria established in both Subsection **E(1)** and **(2)**:
  - (1) They are of record in at least one of the following forms to establish the lot's date of creation:
    - (a) A recorded land subdivision or certified survey map on file in the Pierce County Register of Deeds Office showing the lot in its present form.
    - (b) A lot of record by means of a deed or land contract on file in the Pierce County Register of Deeds Office and which predates the effective date of this chapter.
    - (c) A recorded condominium plat.
  - (2) Minimum lot size for lots created prior to the effective date of this chapter shall be 10,000 square feet for lots without public sewer and 5,000 square feet for lots with public sewer.
  - (3) Lots located in the Exclusive Agriculture District which are less than 35 acres shall be subject to § 91.75, Wis. Stats. Specifically, such lots are allowed if they are created as part of farm consolidation per § **240-40E** or are created for agricultural use.  
[Amended by Ord. No. 99-11]
  - (4) Notwithstanding the table at § **240-23**, the minimum lot size in the Town of Gilman shall be two acres.
- F. Lots which qualify as building sites as provided in Subsection **E** may be enlarged through acquisition of adjacent property but need not comply with the lot area provisions of § **240-23**. Any lot so enlarged shall not thereafter be reduced below the minimum lot size required in the zoning district.
- G. Erosion control. Construction on slopes of 20% or more shall require plan approval from the Land Conservation Department. For the purpose of this section, "slope" shall be defined as the average change in elevation over an area which extends 30 feet from the perimeter footprint of the structure.

## § 240-25. Maximum residential density.

- A. Official density map. Allowable residential density will be recorded on an official maximum residential density map kept on file in the Zoning Office. The number of residential sites created shall be noted on the map.
- B. Applicability. Maximum residential density shall apply to the creation of residential lots in the PA, GR, GRF, RR-8, RR-12 and RR-20 Districts.

- C. Number of residential lots. Parcels of land existing on the effective date of this chapter shall not be divided into residential sites which exceed the allowable number of sites per 40 acres or portion thereof for each district as listed in §§ **240-23**.
- (1) Calculation. The allowable number of residential lots shall be calculated by multiplying the size of the tract in acres by the maximum residential density per 40 acres. (Example: A parcel of 26 acres in the RR-8 District results in  $26 \times 8 \div 40 = 208 \div 40 = 5.2$  lots.)
  - (2) Rounding. Any fractional lot resulting from the calculation in Subsection **C(1)** which is at least .75 shall be rounded up to the next whole number.
  - (3) Wetlands. Wetland acreage, as shown on the Wisconsin Wetland Inventory Maps, may count toward parcel size, except that wetlands shall not count for more than 25% of parcel size, and all building sites shall be located outside of the wetlands.
  - (4) Existing residences. Any residence which exists on the tract of land to be divided shall count against the maximum residential density allowed. This shall not apply to a second farm residence which is located on the same lot as the principal farm residence.
  - (5) Minimum lot size. No lot or building site shall be created which does not meet the minimum lot area requirements of this chapter.
  - (6) Transfer of allowable density. The transfer of allowable density from one parcel to a contiguous parcel under the same ownership is permitted. Such transfer may also be across a public or private road to a parcel under the same ownership which has opposite frontage.
  - (7) All lots to contain allowance for residential use. No parcel shall be created which does not carry with it the allowance for at least one dwelling unit under the maximum density calculation unless such parcel is permanently deed restricted to nonresidential use.
- D. The maximum residential density in the General Rural-Flexible (GRF) District shall be increased from four to a maximum of eight dwelling units per 40 acres based upon the applicable town board's written finding that:
- (1) Such increased density:
    - (a) Does not conflict with town goals for farmland preservation.
    - (b) Will not adversely affect natural resources, such as steep slopes, wetlands, high-quality woodlands and wildlife habitats.
    - (c) Is compatible with present and future uses on adjoining lands under the same ownership.
    - (d) Is compatible with present and future uses of neighboring lands.
  - (2) The site has suitable roads and services to support the proposed density.

## § 240-26. Cluster development.

- A. It is the intent of this section to authorize the developer to decrease lot sizes and therefore create usable open space on the rest of the parcel, thereby lowering development costs and increasing the attractiveness of the project. This is to be accomplished by increasing the density of the development beyond the limits indicated in § **240-23** of these regulations.
- B. With the approval of the Zoning Administrator, in any single-family, manufactured home or duplex residential subdivision which is a permitted use under these regulations, the developer may cluster structures in the following districts, provided that all building lots are contiguous and have a maximum size of 2.0 acres:

<b>Zoning District</b>	<b>Minimum Lot Area</b>	<b>Density Bonus per Units Clustered</b>	<b>Minimum Number of Houses in a Cluster</b>
General Rural	.5	1 per 4	5
General Rural-Flexible	.5	1 per 6	7
Rural Residential-8	.5	1 per 6	7

- C. The minimum lot width, side yard and rear yard requirements contained in § 240-23 of these regulations as well as the setback requirements from roads except for state highways contained in § 240-27 of these regulations may be decreased by 20% in an approved cluster development.
- D. The amount of open space that must be set aside shall be determined by:
- (1) Subtracting from the average lot area required by the maximum residential density allowed in the zoning district the amount of square footage of each lot that is smaller than that average.
  - (2) Adding together the results obtained in Subsection **D(1)** for each lot.
- E. The following types of unbuildable land shall not be considered open space:
- (1) Wetlands and land that is generally inundated.
  - (2) All of the floodway and floodplain fringe within the one-hundred-year floodplain.
  - (3) Slopes that exceed 20%.
  - (4) Land required for street rights-of-way or under permanent easement prohibiting future development.
- F. All open space and any other part of the parcel capable of further subdivision shall be restricted from further subdivision through a permanent conservation easement held by the township or recognized land trust or conservancy, duly recorded in the office of the Pierce County Register of Deeds.
- G. All open space must be legally and practicably accessible to the residents of the development out of which the required open space is taken. Access for public uses shall be by dedication of land or other means duly recorded in the office of the Pierce County Register of Deeds.
- H. The required open space may be used for individual or community septic systems or for stormwater management ponds or basins.
- I. During the land division process, the Land Management Committee shall approve of a cluster subdivision if its design is deemed by the Committee to be appropriate to the site's natural, historic and cultural features and if, through encouragement of originality and lot layout, the following goals are achieved:
- (1) Protection of all floodplains, wetlands and steep slopes.
  - (2) Uninterrupted scenic views.
  - (3) Creation of upland buffers around watercourses.
  - (4) Preservation of existing woodlands, tree lines and existing pastures.
  - (5) Avoidance of prime agricultural soils.
  - (6) Protection of wildlife habitat.
  - (7) Avoidance of construction on higher topographic features.
  - (8) Provision of contiguous open space.

## § 240-27. Setback from roads.

- A. State and federal highways. Except as provided in Subsections **E** and **F**, the required setback for all structures fronting on state and federal highways shall be 110 feet from the center line of the road or 77 feet from the edge of the right-of-way, whichever is greater.
- B. County highways. Except as provided in Subsection **E**, the required setback for all structures fronting on county highways shall be 100 feet from the center line of the road or 67 feet from the edge of the right-of-way, whichever is greater.
- C. Town highways. Except as provided in Subsection **E**, the required setback for all structures fronting on all town highways shall be 75 feet from the center line of the road or 42 feet from the edge of the right-of-way, whichever is greater.
- D. Private roads. The required setback for all structures fronting on private roads or private road easements shall be 75 feet from the center line of the road or easement or 42 feet from the edge of the private road right-of-way or easement, whichever is greater.
- E. Setback reduction. A setback of less than the required setback for the appropriate class of highway shall be permitted in cases where the adjacent principal buildings are located closer to the highway than the required setback.
  - (1) Where each side of the proposed building location is occupied by an adjacent principal building located within 200 feet of the proposed building footprint, the required setback for the proposed building shall be the average of the setbacks of the adjacent principal buildings.
  - (2) Where one side of the proposed building location is occupied by an adjacent principal building located within 200 feet of the proposed building footprint, the required setback for the proposed building shall be the average of the setback of the adjacent principal building and the setback required for that particular highway.
- F. How measured. Setbacks from highways shall be measured from the nearest portion of a structure. However, the first two feet of an overhanging eave and gutter and the first six feet of unenclosed stairs shall be excluded, provided that these items are not located within any public right-of-way.
- G. Exemptions. The following structures shall be permitted within the required setback of highways, provided that they do not violate any other provisions of this chapter:
  - (1) Structures which are not buildings and which are less than six inches above preconstruction grade.
  - (2) Public utility poles, lines and related equipment without permanent foundations.
  - (3) Minor structures, as listed in § **240-32A(1)**.
  - (4) Fences, provided they are not located within a public right-of-way.
  - (5) Signs, as provided in Article **VIII**.
  - (6) Outdoor lighting in installations and unenclosed canopies for lighting and rain protection in conjunction with such uses as automobile fuel sales or drive-in facilities, provided these items are not located within a public right-of-way and provided that they are not located in side yards.
  - (7) Structures, such as ramps and landings, lifts or elevator housing, which are designed and intended to comply with the requirements of the Americans with Disabilities Act or fair housing laws to make existing buildings accessible to disabled people and where no feasible alternative locations exist.
- H. Vision clearance triangle. In each quadrant of every street intersection there shall be a vision clearance triangle according to design standards on file in the Zoning Office.

## § 240-28. Setback from navigable water.

[Amended by Ord. No. 99-11; 9-27-2016 by Ord. No. 16-03]

- A. Unless exempted or reduced by Pierce County Code Chapter **242**, a setback of 75 feet from the ordinary high-water mark shall be required for all buildings and structures. The setback shall be measured from the nearest portion of a structure.

## § 240-29. Height requirements.

[Amended 2-25-2014 by Ord. No. 13-12; 8-28-2018 by Ord. No. 18-02]

- A. Height limitation. Except as provided in Subsections **B**, **C**, **D** and **E**, no building, structure or sign shall exceed 35 feet in height above the grade elevation.
- B. Exemptions. The following shall be exempted from the height requirements of this section:
- (1) Architectural projections, such as spires, belfries, parapet walls, domes, chimneys and cupolas, provided that such cupolas do not exceed 64 square feet in floor area, including stairwells, are not higher than eight feet above the adjacent roof ridge and contain no living quarters.
  - (2) Agricultural structures, such as silos, barns and grain storage buildings.
  - (3) Special structures, such as elevator penthouses, grain elevators, observation towers in parks, communication towers, electrical poles and towers and smoke stacks, provided such structures shall not exceed in height their distance from the nearest lot line.
- C. Public or semipublic facilities, such as schools, churches, monuments, libraries and government buildings, may be granted exemptions by the Land Management Committee to a height of 60 feet, provided that all required setbacks and yards are increased by not less than one foot for each foot the structure exceeds 35 feet in height.
- D. Industrial and commercial structure heights may be granted exemptions by the Land Management Committee, provided that all required setbacks and yards are increased by not less than one foot for each foot the structure exceeds 35 feet.
- E. Residential structures located in agricultural zoning districts may be increased to a maximum of 45 feet in height, provided that all required setbacks and yards are increased by not less than one foot for each foot the structure exceeds 35 feet. Height shall be measured from the lowest exposed portion of the structure's exterior.

## § 240-30. Front, rear and side yards.

Except as required by §§ **240-27** and **240-28**, the following shall apply to front, rear and side yards:

- A. How measured. The yard distances shall be measured from the nearest portion of the structure, except that the first two feet of an overhanging eave of buildings shall not be included where the yard requirement exceeds five feet.
- B. Exemptions. The following structures are permitted in front, rear and side yards provided they do not violate any other provision of this chapter:
- (1) Public utility poles, lines and related equipment without permanent foundations.
  - (2) Fences, provided they are not located within public rights-of-way.
  - (3) Structures which are not buildings and which are less than six inches above preconstruction grade.
  - (4) Minor structures, as listed in § **240-32A(1)**.

- (5) Buildings in industrial districts located adjacent to railroad access.  
[Added 3-27-2001 by Ord. No. 00-14]

- C. Construction over lot lines. A structure may be erected over a lot line when the lots are in common ownership. Such construction shall have the effect of combining the lots into a single parcel for zoning purposes, and such lots shall not be sold separately or divided unless the resulting lots and placement of structures are in conformance with this chapter.

## § 240-31. Landscape buffers.

- A. Purpose. These requirements are intended to reduce potential adverse impacts that a particular land use might have on occupants of adjacent properties, such as glare of lights, dust, litter and appearance. With vegetative screening, such adverse impacts will be lessened.
- B. Applicability. Landscape buffer requirements shall only apply to proposed uses in cases where a commercial or industrial use abuts a residential or agricultural district; where a utility use requiring a land use permit abuts any district; or such landscape buffer is required by a provision in this chapter. Commercial and industrial parcels which are developed as of the effective date of this chapter are exempt from this provision, except such parcels shall comply when the parcel is expanded in size or the use expands to an adjacent parcel which was previously undeveloped for such use.
- C. General requirements.
  - (1) Landscape buffers shall be located in such manner that principal buildings and outdoor storage areas associated with the proposed use are screened as viewed from the vantage point of the principal structures on affected adjoining lots.
  - (2) Landscape buffers may be located in an area devoted to meeting minimum side or rear yard requirements.
  - (3) Landscape buffers, when required, shall be established on a lot at the time of the lot's development or at the time the use of the lot is changed to a use which requires a landscape buffer.
  - (4) Landscape buffers shall be provided on each lot as required by this section independent of existing landscape buffers on adjoining lots.
  - (5) Installation and maintenance of the required landscape buffers shall be the responsibility of the owner of the lot.
  - (6) Existing woody plants which meet the requirements listed in Subsection **D** may be used to meet the landscape buffer requirements.
- D. Landscape buffer tree requirements. Landscape buffers, at the time of establishment, shall meet the design specifications on file in the Zoning Office as approved and incorporated into this chapter.

## § 240-32. Accessory structures.

[Amended 8-28-2018 by Ord. No. 18-02]

Accessory structures are permitted subject to the following:

- A. Permit required. Accessory structures shall require a land use permit except:
  - (1) Minor structures, such as birdhouses, yard light poles, birdbaths, doghouses (housing dogs which are licensed as the personal pets of the residents of the property), tree houses, noncommercial fuel storage tanks and pumps, clothesline poles, lawn ornaments, flagpoles, mailboxes, garbage containers, ice fishing shanties and school bus waiting shelters.

Nonhabitable structures of not more than 100 square feet, which can be easily moved, and meet applicable setback requirements, are also exempt.

- (2) Fences.
- B. An accessory structure shall be located on the same lot as the principal use to which it is accessory.
- C. An accessory structure shall not be permitted until its associated principal structure is present or under construction.
- D. Residential districts. Accessory structures such as shipping containers may only be permitted on a temporary basis.
- E. Nonresidential districts. A vacant manufactured home may be permitted as a temporary accessory structure only in nonresidential zoning districts.
- F. Temporary accessory structures. Certain accessory structures may only be permitted as a temporary structure, in specific zoning districts, upon issuance of a land use permit subject to the following:
- (1) The land use permit shall expire 12 months from the date of issuance, and the accessory structure shall be removed from the premises upon expiration of the permit. A subsequent land use permit for a temporary accessory structure on the same parcel shall not be issued until 12 months has elapsed from the expiration of the previous permit.
  - (2) Only one such accessory structure shall be permitted at a time.

## Article IV. Particular Use Requirements

### § 240-33. Purpose.

The purpose of these requirements is to minimize potential negative impacts from certain specified uses and to promote compatibility between those uses and surrounding uses.

### § 240-34. Applicability.

In addition to complying with other regulations established in this chapter, these requirements must be met for each specific use as a condition to a land use permit.

### § 240-35. Agricultural uses.

[Amended 6-26-2012 by Ord. No. 12-07; 6-23-2019 by Ord. No. 19-01]

- A. Cultivation agriculture.
- (1) Cultivation agricultural practices shall be allowed in all zoning districts without issuance of a land use permit, except that structures shall require a land use permit.
  - (2) Agricultural structures shall not be the principle structure in a residential, commercial, or industrial zoning district.
- B. General agriculture.
- (1) Barnyards, feed lots and farm structures housing animals shall be located at least 100 feet from navigable water and shall be located so that manure will not drain into navigable water.

- (2) General agricultural practices shall be allowed in all agricultural districts without issuance of a land use permit, except that structures shall require a land use permit.
- C. Agricultural business operations.
- (1) Agritourism.
  - (2) Direct market agriculture.
    - (a) Except for temporary structures not exceeding 160 square feet of floor area, all structures associated with direct market agriculture shall meet all setbacks and other provisions of this chapter. Temporary direct market structures which do not exceed 160 square feet of floor area shall be considered a minor structure such as those listed in § **240-32A(1)**.
    - (b) Only one direct market structure shall be permitted on a lot.
  - (3) Farmers market.
    - (a) Such use shall principally involve the sale of farm and garden products, but other types of merchandise may be sold, provided such merchandise occupies not more than 25% of the indoor and outdoor display area of the farm market.
    - (b) At least one off-street parking space shall be provided for each 200 square feet of indoor and outdoor display area.
    - (c) Combined indoor and outdoor display areas shall not exceed 2,000 square feet.
    - (d) The farmers market shall obtain site plan approval and a land use permit.
  - (4) Nursery.
  - (5) Orchard.
  - (6) Winery.
- D. Domestic fowl in residential districts.
- (1) For parcels under two acres in size:
    - (a) No more than 10 domestic fowl shall be allowed on a parcel.
    - (b) Roosters (noncastrated male chickens) shall not be allowed.
  - (2) For parcels two acres or more in size:
    - (a) There shall be no limitation on number or sex of domestic fowl.

## § 240-36. Commercial uses.

### A. Bed-and-breakfast establishments.

- (1) There shall be no more than eight rooms available for rent to transient guests. A conditional use permit shall be required for bed-and-breakfasts with more than four rooms available to rent in the PA, GR, GRF and AR Districts.
- (2) Bed-and-breakfast establishments shall comply with the parking requirements of § **240-54**.
- (3) All lot size and other dimensional requirements for single-family residences shall be met.<sup>[1]</sup>
  - [1] *Editor's Note: Former Subsection A(4), regarding on-premises signs, which immediately followed this subsection, was repealed 4-19-2016 by Ord. No. 15-07.*

### B. Boardinghouses.



- (1) There shall be one off-street parking space per sleeping room provided, in addition to two spaces required for residents of the dwelling.
  - (2) There shall be no more than eight sleeping rooms provided for boarding.
  - (3) All boardinghouses with sleeping rooms above the ground floor shall provide an outside fire escape or escape balcony from an area accessible to the occupants of the upper floor(s) and appropriate exit signs.
  - (4) All lot size and other dimensional requirements for single-family residences shall be met.<sup>[2]</sup>  
<sup>[2]</sup> *Editor's Note: Former Subsection B(5), regarding permitted signs, which immediately followed this subsection, was repealed 4-19-2016 by Ord. No. 15-07.*
- C. Family day-care homes.  
 [Amended 4-19-2016 by Ord. No. 15-07]
- D. <sup>[3]</sup>Farm and home based businesses accessory to permitted single-family residences shall be permitted by conditional use permit in agricultural districts, subject to the following:
- (1) The farm and home based business shall be conducted by the owner of the dwelling unit. No more than eight persons not residing on the site may be employed in the business. Farm and home based businesses located in the Exclusive Agriculture District shall not have more than two nonresident farm family member employees.  
 [Amended by Ord. No. 99-11]
  - (2) If located within a dwelling unit, the farm and home business shall occupy no more than 50% of the dwelling unit. If located in an accessory building, the farm and home business shall not occupy an area greater than 5,000 square feet.
  - (3) Minimum lot size shall be five acres.
  - (4) Such other conditions as specified by the Land Management Committee pursuant to § **240-76** shall apply.  
<sup>[3]</sup> *Editor's Note: Former Subsection D, regarding farm markets accessory to agricultural uses, was repealed 6-26-2012 by Ord. No. 12-07. This ordinance also redesignated former Subsection E as Subsection D.*
- E. General retail and services.  
 [Added 6-26-2012 by Ord No. 12-07]
- F. Home businesses accessory to principal permitted single-family residences.
- (1) If located within a dwelling unit, the home business shall occupy no more than 50% of the floor area of the dwelling unit. If located in an accessory building, the home business shall not occupy an area greater than 1,500 square feet of such accessory building.
  - (2) Minimum lot size shall be two acres.
  - (3) The home business shall be conducted by a resident of the dwelling unit. Such home business shall not employ more than two persons who are not residents of the dwelling unit.
  - (4) Off-street parking shall be provided in accordance with the requirements in Article **VII**, Parking, Loading and Access Requirements.
  - (5) Such use shall not include the operation of any machinery, tools, appliances or other operational activity that would create a nuisance due to noise, dust, odors or vibration or be otherwise incompatible with the surrounding area.
  - (6) No more than two home businesses shall be permitted on a single lot. The total space allowed for two home businesses combined shall not exceed the maximum allowed for a single home business.

- (7) A lavatory shall be provided for employees and clients of the home business.
- (8) A home business which involves a use that has particular use requirements listed in this Article **IV** shall, in addition, comply with those requirements.
- (9) <sup>[4]</sup>The business site shall have direct access to only state, county or town roads. Direct access to easements shall not be allowed. The business shall not have direct access to a private road unless the business owner provides a written statement of permission signed by all parties who hold a property or maintenance interest in the road. It shall be the responsibility of the business owner to establish the list of all parties who hold such an interest.  
[Amended 4-17-2001 by Ord. No. 00-15]  
<sup>[4]</sup> *Editor's Note: Former Subsection F(9), regarding on-premises signs, was repealed 4-19-2016 by Ord. No. 15-07. This ordinance also renumbered former Subsection F(10) and (11) as Subsection F(9) and (10), respectively.*
- (10) Only finished consumer goods that have been produced in connection with a home business and products accessory to such goods may be offered for sale.
- G. Home occupations. The use of a principal permitted single-family dwelling unit for a home occupation shall be clearly secondary to the residential use of the dwelling unit and shall not change the residential character of the dwelling unit. The following shall apply:
- (1) Home occupations shall be conducted only inside a single-family residence (including any attached garage) and shall not occupy more than an area equal to 25% of the floor area of the residence. Home occupations shall not be conducted in an accessory building.
- (2) The home occupation shall be conducted by a resident of the dwelling unit. Such use shall not employ more than one person that is not a resident of the dwelling unit.
- (3) Such use shall not include the conduct of any retail or wholesale business on the premises, except for the sale of products produced by the home occupation.
- (4) Such use shall not include the operation of any machinery, tools, appliances or other operational activity that would create a nuisance due to noise, dust, odors or vibration or be otherwise incompatible with the surrounding area.
- (5) Such use shall not involve any outdoor storage or display of any articles offered for sale or produced on the premises in conjunction with the home occupation. Outdoor storage of materials or machinery used in conjunction with the home occupation shall not be permitted.
- (6) <sup>[5]</sup>Off-street parking shall be provided in accordance with the requirements in Article **VII**, Parking, Loading and Access Requirements.  
<sup>[5]</sup> *Editor's Note: Former Subsection G(6), regarding on-premises signs, was repealed 4-19-2016 by Ord. No. 15-07. This ordinance also renumbered former Subsection G(7) as Subsection G(6).*
- H. Indoor maintenance and repair.
- (1) All repair, painting, parts storage and body work activities shall take place within a building.
- (2) All damaged or nonoperable parts shall be stored indoors or in storage containers such as roll-offs, dumpsters or bins of similar size and construction.
- (3) Outside storage of more than six vehicles for repair shall be screened from public right-of-way. All permitted storage of vehicles for repair shall be behind the building setback.  
[Added 3-27-2001 by Ord. No. 00-14]
- I. Kennels.
- (1) All dogs shall be housed indoors during the hours from 9:00 p.m. to 6:00 a.m.
- (2) Minimum side and rear yards for all structures associated with kennels shall be 200 feet.

- (3) Except as exempted here, all kennels shall be screened from public highways by vegetative screening as described in § **240-31D**. Structures located at least 200 feet from the center line of public roads are exempt from the screening requirement.
- (4) There shall be no more than two adult dogs in any single enclosure unit.

J. Lodging facilities.

- (1) Density requirements.
  - (a) Lodging facilities in which the floor area of each of the occupancy units is less than 450 square feet shall have a maximum density of 16 units per acre (one unit per 2,723 square feet of lot area).
  - (b) Lodging facilities in which the floor area of each of the occupancy units is 450 to 750 square feet in area shall have a maximum density of 12 units per acre (one unit per 3,630 square feet of lot area).
  - (c) Lodging facilities in which the floor area of each occupancy unit is greater than 750 square feet shall have a maximum density of six units per acre (one unit per 7,260 square feet of lot area).
  - (d) The allowable density of lodging facilities which include a mixture of unit sizes shall be calculated as follows: The sum of all areas derived by multiplying each unit by its appropriate lot area requirement shall not exceed the total area of the parcel.
- (2) Multiple buildings with lodging facilities may be located on the same parcel but shall be separated from each other by a distance of at least 30 feet.

K. Mini-storage.

- (1) Except in industrial districts, all buildings shall be located a minimum of 50 feet from all lot lines.
- (2) Commercial storage facilities shall not be used as workshops or retail shops.
- (3) Outside storage shall be prohibited.
- (4) Screening with vegetation and/or fencing as approved by the Land Management Committee shall be provided along property lines bordering residential districts.
- (5) Lighting shall be shielded to prevent direct illumination of adjacent properties not in industrial and commercial districts or public rights-of-way.

L. Offices.

[Added 6-26-2012 by Ord. No. 12-07<sup>[6]</sup>]

[6] *Editor's Note: This ordinance also repealed former Subsection L, regarding roadside stands accessory to agricultural uses.*

M. <sup>[7]</sup>Retreat centers.

[Added 4-22-2008 by Ord. No. 07-09]

- (1) Facilities may not be utilized by the nonparticipating public for meals or overnight accommodations.
- (2) Housing may be in lodges, cabins, or dormitories and other residential structures.
- (3) Each housing structure may have one cooking facility.
- (4) Minimum lot size for the parcel shall be two acres.
- (5) There shall be one off-street parking space provided for each sleeping room provided.

- (6) Retail activities outside the Commercial District shall be limited to those specifically identified in the conditional use permit.
- (7) Adequate, code-compliant, on-site wastewater facilities shall be provided.
- [7] *Editors Note: Former Subsection M, regarding trade and contractors' establishments, was repealed 6-26-2012 by Ord. No. 12-07. This ordinance also redesignated former Subsection N as Subsection M.*

## § 240-37. Industrial uses.

### A. Nonmetallic mining, including washing, crushing or other processing, provided that: [Amended by Ord. No. 99-11; 4-17-2012 by Ord. No. 12-02]

- (1) Application for such operation shall include a description of the operation; a list of equipment, machinery and structures to be used; a listing of all chemicals to be used in blasting, manufacturing or processing operations, and dust suppression; the source, quantity (estimated daily use), and disposition of water to be used; a topographic map of the site showing existing contours with minimum vertical contour interval of five feet; trees; proposed and existing access roads; the depth of all existing and proposed excavations; and a reclamation plan, in addition to other information which may be required in § 240-76 which may include a WisDOT Transportation Impact Analysis, Fugitive Dust Plan or Blasting Plan.
- (2) Screening regulations shall comply with the regulations of § 240-31.
- (3) The conditional use permit shall be in effect for a period not to exceed two years and may be renewed upon application for a period not to exceed two years. Modifications or additional conditions may be imposed upon application for renewal.
- (4) The Land Management Committee shall particularly consider the effects of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character and land value of the locality and shall also consider the anticipated final vertical contours as they relate to health and safety of adjacent existing and planned land uses.
- (5) Such other requirements as specified in § 240-76 shall also apply.
- (6) Nonmetallic mining in the Exclusive Agriculture District shall comply with restrictions specified in § 91.75(9), Wis. Stats.

### B. Asphalt plants and accessory uses to nonmetallic mining.

[Added 3-27-2001 by Ord. No. 00-14<sup>[1]</sup>]

- (1) Such uses shall be located a minimum distance of 1,000 feet from dwellings and 100 feet from all property lines.
- (2) Hot mix asphalt plants shall be licensed for air emissions by WI DNR.
- (3) Reclamation of sites and bonds required.

[1] *Editor's Note: This ordinance also provided for the redesignation of former Subsections B and C as Subsections C and D, respectively.*

### C. Salvage yards.

- (1) Salvage materials shall not be located within 500 feet of any residence other than that owned by the owner of the premises or any residential or business district or 1,000 feet from a lake, river or stream. No junk or salvage operation shall be carried on within 1,000 feet of any highway right-of-way, and all establishments of this kind shall have minimum side and rear yards of 100 feet.
- (2) Salvage material shall not be located in a wetland or floodplain.

- (3) Salvage materials shall be enclosed by a suitable fence or vegetative screening as approved by the Department of Land Management so that the materials are not visible from other property in the vicinity of the salvage yard nor from a public road nor from navigable water. The fence or vegetative screen shall be a minimum of eight feet in height and shall be properly maintained to satisfy the obscuring objective.
- (4) Salvage materials shall not be piled higher than the height of the fence or vegetative screen.
- (5) Such operation shall comply with any other conditions specified by the Land Management Committee pursuant to § **240-76**.
- (6) For fire protection, an unobstructed fire break shall be maintained, 15 feet in width and completely surrounding the salvage yard.
- (7) At the site, appropriate measures shall be taken to prevent water and soil contamination from oils, gasoline, grease or other contaminants. At a minimum, there shall be five feet of soil between the water table or bedrock. If wells are located within 1,000 feet of the site, the Land Management Committee may require a liner and bonds for removal of contaminated topsoil.

D. Sawmills and planing mills.

- (1) Such uses shall be located a minimum distance of 500 feet from any dwelling unit other than that of the owner or operator of the establishment.
- (2) No sawmill or planing mill shall produce a sound level at its property boundary that exceeds 55 decibels.
- (3) Areas used for stockpiling and maneuvering shall be a minimum distance of 200 feet from any dwelling unit other than that of the owner or operator of the establishment.

E. Heavy industrial uses.

[Added 4-17-2012 by Ord. No. 12-02]

F. Hydraulic dredge material storage.

[Added 4-17-2012 by Ord. No. 12-02]

- (1) Description of project shall include:
  - (a) Soil properties of dredge materials.
  - (b) The amount of dredge material.
  - (c) The amount of water to be added.
  - (d) Chemical analysis of dredge material.
  - (e) Surrounding land uses.
  - (f) Depth to water table.
  - (g) Groundwater levels, flow and direction, and potential impact on groundwater discharge and recharge.
  - (h) Proposed runoff patterns and adjacent drainage.
  - (i) Potential for effluent, leachate, and surface runoff impacting adjacent ground- and surface water resources.
  - (j) Potential for dust, noise or odor problems.
  - (k) Proximity to sensitive ecological environments.
  - (l) Inventory of wells, private and municipal, which will likely be affected.

- (m) Mitigation plan for affected properties.
  - (n) Soil properties of storage site.
  - (o) The possible migration pathways of contaminants from the storage site.
  - (p) Proposed use of material.
  - (q) Project timeline.
- (2) Analysis shall be provided for a minimum of two sites along with a narrative discussing the feasibility of each site.
  - (3) All attempts shall be made to eliminate or reduce any potential negative impacts on residential districts or neighborhoods.
- G. Adult-oriented entertainment business.  
[Added 8-27-2013 by Ord. No. 13-07]
- (1) The following setbacks shall apply:
    - (a) From schools, churches, licensed day cares and parks: 1,320 feet.
    - (b) From residential districts: 500 feet.
    - (c) From off-site residents: 300 feet.

## § 240-37.1. Light industrial use requirements.

[Added 3-27-2001 by Ord. No. 00-14; amended 4-22-2008 by Ord. No. 07-09; 7-22-2008 by Ord. No. 08-06; 4-17-2012 by Ord. No. 12-02]

- A. Light industry, as defined in § **240-88**, provided that:
- (1) All operations take place within buildings.
  - (2) Screening with natural vegetation or fencing shall be provided along property lines bordering agricultural, rural and residential districts.
- B. Warehouse and storage.
- (1) All structures shall be on concrete slabs, except seasonal boat and vehicle storage buildings, which may be on a concrete slab.
  - (2) All truck parking and loading areas shall be paved.
  - (3) The number of trucks parked outside on the site shall not exceed the number of loading bays, and all such trucks that shall be engaged in transshipment shall be inside.
- C. Recycling facilities.
- (1) All activities shall be conducted indoors unless located in an Industrial District.
- D. Recycling collection point.
- (1) Processing of materials is limited to sorting and transferring.

## § 240-38. Institutional uses.

- A. Private institutional uses.

- (1) Principal buildings for such uses shall maintain a minimum fifty-foot setback from any property line.
  - (2) Uses in the Exclusive Agriculture District shall comply with § 91.75(5), Wis. Stats.  
[Added by Ord. No. 99-11]
- B. Public institutional uses in the Exclusive Agriculture District shall comply with § 91.75, Wis. Stats.  
[Added by Ord. No. 99-11]

## § 240-39. Outdoor recreational uses.

[Amended by Ord. No. 99-11; 3-23-2004 by Ord. No. 03-30; 6-26-2012 by Ord. No. 12-07]

### A. Campgrounds.

- (1) Each campsite shall be plainly marked and surfaced with gravel, asphalt or other material to free the site of mud.
- (2) The maximum number of campsites shall be 15 per acre.
- (3) The minimum lot size shall be five acres.
- (4) Each campsite shall be a minimum of 1,000 square feet.
- (5) There shall be two off-street parking spaces for each campsite.
- (6) All sites shall meet the required setbacks from roads and from the ordinary high-water mark and shall be located at least 50 feet from all exterior lot lines.
- (7) Each campground shall be screened by means of a vegetative screening, as described in § 240-31D, along all lot lines. Such requirement may be waived by the Zoning Administrator if existing woody vegetation is such that the screening objective is or will be achieved.
- (8) No more than one mobile recreational vehicle shall be allowed on any individual campsite.
- (9) A camping unit shall not be occupied for more than eight months in a calendar year, although a camping unit may remain on an individual campsite for an entire calendar year. The wheels and tires shall remain in an in-transit position.
- (10) No porches, lean-tos or additions shall be constructed onto or immediately adjacent to a camping unit. Canvas screen rooms or awnings shall be allowed.
- (11) A wooden deck may be provided adjacent to a camping unit subject to the following:
  - (a) The deck shall not exceed 256 square feet in area.
  - (b) The deck may be enclosed by open railings but shall not have built-in benches or tables.
  - (c) The deck shall not have a permanent foundation in the ground.
- (12) A camping unit and deck may only be skirted with lattice; however, solid skirting may be installed immediately adjacent to the tires.
- (13) One storage shed may be allowed per campsite. Said shed shall not exceed 80 square feet in floor area.
- (14) A shelter unit may be located on an individual campsite, provided it is designed only to protect occupants from the elements and does not have a permanent water supply, a sewage system, electricity or heating and cooking facilities. A shelter unit shall not exceed 300 square feet in total floor area.

(15) One dwelling unit to be occupied by the owner and not more than one additional dwelling unit to be occupied by the manager may be permitted in a campground.

(16) Camping shall be permitted in approved campgrounds without issuance of a regular land use permit.

B. Riding stables, commercial and private.

(1) Minimum lot size for riding stables shall be 10 acres for commercial riding stables and three acres for private riding stables.

(2) There shall be at least one acre of open space provided on the lot for each horse kept on the lot.

(3) All stables shall be located at least 100 feet from the ordinary high-water mark of navigable water and shall be located such that manure will not drain into navigable water.

(4) Riding stables in the Exclusive Agriculture District shall require a conditional use permit subject to § 91.75(8), Wis. Stats.<sup>[1]</sup>

[1] *Editor's Note: Sections 91.71 to 91.79 were repealed by 2009 Act 28, § 1947, effective 7-1-2009.*

C. Nature-based operations.

D. Private outdoor recreational uses.

E. Public outdoor recreational uses.

F. Residential parks.

G. Resorts.

(1) Housing may be in lodges, cabins and other residential structures.

(2) Each housing structure may have one cooking facility.

(3) There shall be one off-street parking space provided for each sleeping room provided.

(4) Retail activities shall be limited to those specifically identified in the conditional use permit.

## § 240-40. Residential uses.

A. Accessory residences.

(1) Accessory residences shall be permitted in the C, LI and I Districts, subject to the following:

(a) There shall be no more than one accessory residence on a lot.

(b) The accessory residence may be either an attached or detached dwelling unit.

(c) The setbacks and minimum yards for such dwelling unit shall be the required setbacks and minimum yards for principal structures.

(d) Such dwelling unit shall meet all other provisions of this chapter.

(e) Such accessory residence shall not be a manufactured home.

(f) Accessory residences shall require a land use permit.

(2) Accessory residences which are accessory to single-family residences shall be permitted in the PA, GR, GRF, AR, RR-8, RR-12 and RR-20 Districts, subject to the following:  
[Amended 11-25-2021 by Ord. No. 21-06]



- (a) There shall be no more than one accessory residence on a lot.
  - (b) The setbacks and minimum yards for such dwelling unit shall be the required setbacks and minimum yards for principal structures.
  - (c) Such dwelling unit shall meet all other provisions of this chapter.
  - (d) The area of the accessory dwelling shall be no greater than 60% of the square footage of the principal dwelling, and cannot exceed 1,500 square feet in area.
  - (e) Adequate, functioning, approved method of sewage disposal shall be provided for all residences. Sewage disposal system(s) shall be sized to accommodate full capacity of the residences.
- (3) Accessory residences which are accessory to single-family residences in the PA, GR, GRF, AR, RR-8, RR-12 and RR-20 Districts and comply with Subsection **A(2)(a)**, **(b)**, **(c)** and **(e)**, but are unable to comply with the requirements of Subsection **A(2)(d)**, may be permitted with the issuance of a conditional use permit, subject to the following:  
[Added 11-25-2021 by Ord. No. 21-06
- (a) The accessory residence must be smaller than the principal residence and cannot exceed 1,500 square feet in area.
- B. Manufactured homes. The following requirements apply to manufactured homes which are not located in manufactured home parks:
- (1) Manufactured homes shall comply with federal inspection requirements per Housing Act of 1976 and its successors.
  - (2) The towing and transportation equipment, including the wheel assembly, shall be removed and the manufactured home shall be mounted on and attached to a permanent foundation.
  - (3) Manufactured homes shall be a minimum of 14 feet wide.
- C. Manufactured home parks.
- (1) Internal streets shall have a minimum right-of-way of at least 40 feet.
  - (2) Internal streets and parking areas shall be surfaced with a dust-free material.
  - (3) There shall be at least two parking spaces for each manufactured home site.
  - (4) The minimum distance between manufactured home units, including all appurtenances, shall be 15 feet.
  - (5) The minimum distance between a manufactured home unit, including all appurtenances, and an internal street shall be 10 feet.
  - (6) No sales office or other business or commercial use shall be located within a manufactured home park. Laundries, washrooms, recreation rooms, maintenance equipment storage and one management office are permitted.
  - (7) Each manufactured home park shall be screened, except for permitted entrances and exits, by means of a vegetative screen, as described in § **240-31D** at the perimeter of the manufactured home park. The requirement may be waived by the Zoning Administrator if existing woody vegetation is such that the screening objective is or will be achieved.
  - (8) Manufactured homes in manufactured home parks shall contain at least 550 square feet of floor area.
  - (9) No manufactured home site shall be rented for a period of less than 30 days.

- (10) A deck(s) shall be permitted on each manufactured home site. The total size of the deck(s) shall not exceed 25% of the floor area of the manufactured home. The deck(s) shall comply with the setback and yard requirements for manufactured homes in approved manufactured home parks.
  - (11) The total floor area of additions such as screen porches, lean-tos or other extensions attached to a manufactured home shall not exceed 5% of the floor area of the manufactured home. Any additions constructed in conformance with this provision shall comply with the setback and yard requirements for manufactured homes in an approved manufactured home park.
  - (12) One accessory structure shall be permitted for each manufactured home site and shall not exceed 120 square feet in floor area. Accessory structures allowed under this provision shall be located a minimum of 10 feet from the manufactured home on the same manufactured home site and shall be located a minimum of 15 feet from a manufactured home or an accessory structure on another site.
  - (13) All manufactured homes shall meet the construction standards of the United States Department of Housing and Urban Development Manufactured Housing Code.
  - (14) No permit shall be required to move a manufactured home onto a manufactured home site or interchange a manufactured home for another manufactured home on a manufactured home site in a manufactured home park that has been approved in accord with all applicable provisions of this chapter. The number of manufactured homes in an approved manufactured home park shall not exceed the number of manufactured home sites illustrated on site plans approved as part of the approval of the manufactured home park or the approval of an expansion of the manufactured home park.
  - (15) All manufactured home sites shall take access only to an internal street.
  - (16) The number of manufactured homes in a nonconforming manufactured home park shall not exceed the number of sites existing on the effective date of this chapter, unless expansion has been authorized through a conditional use permit.
- D. Second farm residence for worker principally engaged in the farm operation or for a retired farm owner, subject to the following:  
[Amended by Ord. No. 99-11; 6-23-2019 by Ord. No. 19-01]
- (1) The residence may be a manufactured home.
  - (2) Manufactured homes used as residences for farm employees, parents and/or adult children of farm operators shall comply with the following:
    - (a) Such manufactured home shall provide housing for farm employees who assist farm operators engaged in agriculture activities or for parents and/or adult children of farm operators.
    - (b) The manufactured home shall not be placed on a separate lot.
    - (c) The manufactured home shall meet the minimum floor area requirements and all setback and yard requirements of this chapter.
    - (d) When the manufactured home is no longer occupied by said farm employees, parents or adult children, the manufactured home shall be removed from the farm operator's property.
    - (e) The manufactured home shall be connected to a code-compliant wastewater disposal system.
    - (f) The number of such manufactured homes shall not exceed one manufactured home per 80 acres of land owned by said farm operator.

- (g) All portions of such manufactured home shall be located within 300 feet of the dwelling unit of said farm operator.
- (3) A residence which is not a manufactured home may be separated from the farm operation as a single-family dwelling, pursuant to Subsection E, provided that no more than one second farm dwelling constructed since the effective date of this chapter may be so separated from a farm or future divisions of a farm. This section shall not apply to a second farm residence which can be separated in conformance with lot size and lot density requirements of the zoning district in which it is located.
- (4) A second farm residence in the Exclusive Agriculture District shall be restricted to a worker who earns a majority of his or her income from conducting farm operations.
- E. Separated farm residence. Single-family residences existing prior to the effective date of this chapter may be separated from farm parcels, subject to the following:
- (1) The lot created shall contain at least one acre exclusive of lands within any public right-of-way.
- (2) The lot width of the resultant lot shall be at least 100 feet.
- (3) The lot lines created shall place all existing structures in conformance with applicable setback and yard requirements.
- (4) The creation of the separate lot shall not reduce the remaining tract to a lot area of less than that required for a new lot in the zoning district.
- (5) Separation of farm residences in the Exclusive Agriculture District shall meet all of the following criteria:  
[Added by Ord. No. 99-11]
- (a) The separation is for the purpose of farm consolidation.
- (b) The residence or structures existed prior to the adoption of this chapter.
- (c) The separated parcel is no larger than reasonably necessary to accommodate the proposed use.
- (6) Residences in the Exclusive Agriculture District may only be occupied by the following: an owner of the parcel; a person who, or a family at least one adult member of which, earns the majority of his or her income from conducting the farm operations; a parent or child of an owner who conducts the majority of the farm operations; or a parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations.  
[Added by Ord. No. 99-11]
- F. Exclusive agriculture minimum lot size exception. A parcel of five acres or less in size may be created upon issuance of a conditional use permit and a residence permitted in the Exclusive Agriculture District only if it is to be owned and occupied by the following: an owner of the parcel; a person who, or a family at least one adult member of which, earns the majority of his or her income from conducting the farm operations; a parent or child of an owner who conducts the majority of the farm operations; or a parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations.  
[Added 8-23-2005 by Ord. No. 05-06]

## § 240-41. Miscellaneous uses.

- A. Airports, airstrips and landing fields.
- (1) The area proposed for this use shall be sufficient in size, and the site shall otherwise be adequate, to meet the standards of the Federal Aviation Administration, Department of Transportation, for the class of airport proposed.

- (2) One off-street parking space shall be required for every tie-down space or plane space within hangars.

B. Clean fill site.

- (1) Applicability. A land use permit for a clean fill site shall be required for deposition of 2,000 or more cubic yards of clean fill. Filling for construction of public highway shall not require a permit.
- (2) Application for a clean fill site permit shall include the following:
  - (a) Location, size and ownership of land upon which the operation will be situated.
  - (b) Complete construction plans and specifications and proposed operating procedures for the operation, including but not limited to fill volume and type of fill.
  - (c) Copies of all application documents submitted to any other governmental agency for permitting purposes.
  - (d) An affidavit from the landowner giving the agent permission to conduct the operation on the landowner's property and a copy of the contractor's disposal agreement.
  - (e) An affidavit from the solid waste manager that approval has been granted by the Solid Waste Management Board.
  - (f) An affidavit from the applicable town stating that the facility as proposed has local approval.
  - (g) A topographic map of the site showing existing contours with minimum vertical contour interval of five feet, trees, proposed and existing access roads and buildings, the area and dimensions of the fill site and distances to buildings, lot lines, existing wells and other utilities.
  - (h) A restoration plan showing final slopes, extent of fill area, grading, seeding and mulching, depth and type of final cover, surface water runoff control, erosion control and restoration commencement and completion dates.
  - (i) Sureties or bonds sufficient to allow the county to perform restoration in the event of default by the applicant.
  - (j) A landscaping and screening plan.
  - (k) Fees as established by the County Board of Supervisors.
- (3) Approval. The Zoning Administrator shall be authorized to approve the application for a clean fill site with any conditions necessary. In approving the application, the Zoning Administrator shall consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character and land value of the locality. The Zoning Administrator shall also consider the practicality of the proposed restoration plan and screening plan for the site.
- (4) Term of approval. The land use permit for a clean fill site shall be in effect for two years and may be renewed upon application for a period not to exceed two years and a renewal fee as set by the County Board. Modifications or additional conditions may be imposed upon application for renewal.

C. Wireless communications service facilities (WCSF).

[Amended 9-25-2001 by Ord. No. 01-12; 8-18-2015 by Ord. No. 15-02]

- (1) Applicability. A land use permit shall not be required for WCSF that do not exceed 35 feet in height. A land use permit shall be required for WCSF greater than 35 feet.
- (2) Procedure.

- (a) The application for siting and construction of a WCSF shall include:
- [1] The name and business address of, and the contact individual for, the applicant.
  - [2] The location of the proposed or affected support structure.
  - [3] The location of the proposed mobile service facility.
  - [4] A construction plan which describes the mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
  - [5] An explanation as to why the applicant chose the proposed location and why the applicant did not choose co-location, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that co-location within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (b) The application for a substantial modification of an existing WCSF shall include:
- [1] The name and business address of, and the contact individual for, the applicant.
  - [2] The location of the proposed or affected support structure.
  - [3] The location of the proposed mobile service facility.
  - [4] A construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
- (c) If an applicant submits to the County an application for a permit to engage in an activity described in this subsection, which contains all of the information required under this subsection, the County shall consider the application complete. If the County does not believe that the application is complete, the County shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until complete.
- (d) Within 90 days of its receipt of a complete application, the County shall complete all of the following or the applicant may consider the application approved, except that the applicant and the County may agree in writing to an extension of the ninety-day period:
- [1] Review the application to determine whether it complies with all applicable aspects of the County Zoning Ordinance.
  - [2] Make a final decision whether to approve or disapprove the application.
  - [3] Notify the applicant, in writing, of its final decision.
  - [4] If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (e) The County may disapprove an application if the applicant refuses to evaluate the feasibility of co-location within the applicant's search ring of 1/2 mile and provide the sworn statement described under **§ 240-41C(2)(a)[5]**.
- (f) Third-party review may be required at the expense of the applicant if the applicant provides the County with an engineering certification showing that a WCSF support

structure, or an existing structure, is designed to collapse within a smaller area than the setback area required.

- (g) Pierce County will not consider an activity a substantial modification if a greater height is necessary to avoid interference with an existing antenna or if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.
  - (h) A party who is aggrieved by the final decision under Subsection **C(2)(d)[2]** may bring an action in the Circuit Court of Pierce County.
- (3) Requirements.
- (a) The WCSF shall conform to all FAA standards.
  - (b) The owner of the WCSF shall submit a competitively neutral, nondiscriminatory, and commensurate surety to cover the cost of abandonment should the facility fall into disuse. The issuer of any surety must provide verification that they are able to conduct business in the State of Wisconsin.
  - (c) All guy wires, supports or structures associated with a WCSF shall meet the minimal dimensional requirements of § **240-23**, the highway setbacks of § **240-27** and navigable water setbacks of § **240-28**.
  - (d) WCSF support structures shall comply with the height requirements of § **240-29D**.
    - [1] If engineering certification reveals that the WCSF support structure, or an existing structure, is designed to collapse within a smaller area than the requirements of § **240-29D**, the certified fall zone shall be applied to the setback requirements of § **240-29D**.
  - (e) WCSF providers are responsible for correcting any electrical interference problems caused by their equipment or facilities.
  - (f) All towers and antennas must be insured against personal injury, wrongful death, and property damage claims.
  - (g) No advertising or identification signs shall be placed on WCSF unless required by law.
  - (h) If the County has reason to believe that an existing WCSF is a safety risk, it may require that a registered engineer perform an inspection and that a copy of the inspection results be provided within 60 days.
  - (i) Owners/providers/permittees shall submit annually on or before January 31 of each year a telecommunications facility annual information report. The report shall include the WCSF owner's name, address(s), phone number(s), contact person(s), legal description of the location of the WCSF, tower height, current occupancy, and other information deemed necessary by the Zoning Administrator. Failure to provide this information shall result in a civil forfeiture of \$200 per day until the report is received.

D. Energy systems.

[Added 9-25-2001 by Ord. No. 01-12; amended 6-23-2009 by Ord. No. 09-01]

- (1) Purpose. This section is established to oversee the permitting of wind and solar energy systems and to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a wind or solar energy system.
- (2) Wind energy systems (WES).
  - (a) Types.

- [1] Small: A WES that has not more than 100 kilowatts in total nameplate generating capacity and a total height less than 200 feet which is incidental and subordinate to a permitted use on the same parcel or on a contiguous parcel of common ownership and is intended to supply electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.
  - [2] Large: a WES intended to generate power for off-site consumption consisting of one or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a rated capacity of more than 100 kilowatts or a total height of 200 feet or greater.
- (b) Standards.
- [1] Setbacks.
    - [a] Small. A small WES shall be set back a distance equal to 110% of its total height from any public road right-of-way, property lines, and overhead utility lines. Exceptions to the property line setback may be granted with written permission from the affected property owner.
    - [b] Large. A large WES shall be set back a distance equal to the hub height plus the rotor diameter multiplied by 1.5  $[(HH + RD) \times 1.5]$  from any public road right-of-way or property line and 110% of its total height from any overhead utility line. Exceptions to the property line setback may be granted with written permission from the affected property owner.
  - [2] Access. The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of 12 feet above the ground.
  - [3] Engineering certification. For all WES, the manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WES is within accepted professional standards, given local soil and climate conditions.
  - [4] Utility notification. A small WES that intends to connect to the electric utility shall not be permitted until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. A copy of the final agreement shall be submitted to the Zoning Office.
  - [5] Building-mounted WES structural integrity. The structure upon which the proposed WES is to be mounted shall have the structural integrity to carry the weight and wind loads of the wind energy system and have minimal vibration impacts on the structure.
  - [6] Code compliance. A WES shall comply with all applicable state construction and electrical codes and the National Electrical Code. A WES to be used with a commercial land use shall comply with the Commercial Building Code.
  - [7] Signage. Appropriate warning signs are allowed on the WES; a large WES shall include an emergency phone number. All other signage is prohibited on the wind energy system.
  - [8] Lighting. A WES shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA) or other applicable authority.
  - [9] Compliance with FAA regulations. WES must comply with applicable FAA regulations, including any necessary approvals for installation close to airports. Evidence of compliance may be required to complete an application.

[10] Installer. All WES shall be installed by a person qualified to perform such work.

[11] Discontinuation and decommissioning. A WES shall be considered discontinued after one year without energy production, unless a plan is developed and submitted to the Pierce County Zoning Administrator outlining the steps and schedule for returning the WES to service.

[a] Removal of WES and accessory facilities.

[i] All WES and accessory facilities shall be removed in their entirety, at the owner's sole expense, within 90 days of the discontinuation of use. If the owner fails to remove the WES, the Zoning Administrator may pursue legal action to have it removed at the owner's expense.

[ii] Small WES footings and foundations shall be removed so that they are at or below ground level. Large WES footings and foundations shall be removed entirely.

[b] Each large WES shall have a decommissioning plan outlining the anticipated means and cost of removing the WES at the end of its serviceable life or upon becoming a discontinued use.

[i] The cost estimates shall be made by a competent party, such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning.

[ii] The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WES and accessory facilities.

[c] Pierce County may require financial security in the form of a cash escrow, irrevocable letter of credit or a performance bond to ensure that decommissioning of the large WES is completed as required.

[12] Meteorological towers shall be permitted under the same standards, permit requirements, decommissioning requirements and permit procedures as a small WES.

[13] Orderly development. Upon issuance of a conditional use permit, all large WES shall notify the Public Service Commission of Wisconsin.

[14] Interference. The applicant shall mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by the WES. No WES shall be constructed so as to interfere with Pierce County or Wisconsin Department of Transportation microwave transmissions.

(c) Permits.

[Amended 9-27-2016 by Ord. No. 16-03]

[1] Small WES shall require a land use permit, prior to construction, and may be permitted in all zoning districts and subject to the regulations and requirements of this section.

[Amended 9-27-2016 by Ord. No. 16-03]

[a] The Zoning Administrator shall have up to 15 working days following the submittal of a complete application to approve or deny such application. The Zoning Administrator may impose such conditions and require such guarantees deemed reasonable and necessary to protect the public health and safety and to ensure compliance with the standards and purpose of this Subsection **D**.

[b] Any application or proposal where the establishment of one or more small WES may have adverse impacts on surrounding properties or if public health and



safety concerns are present, as determined by the Zoning Administrator, shall be referred to the Land Management Committee for review and approval. The Land Management Committee shall conduct its review and approval consistent with criteria set forth in § **240-76**, Conditional use permits.

- [2] Large WES shall require a conditional use permit, prior to construction, and may be permitted in all zoning districts and subject to the regulations and requirements of this section.
- (d) Applications. The application for all WES shall include the following information:
- [1] Name of the applicant.
  - [2] Name of the owner.
  - [3] The legal description and address of the site.
  - [4] Wind system specifications, including the manufacturer and model, rotor diameter, nameplate generating capacity, tower height, tower type (monopole, steel lattice, or guyed), total height, and means of interconnecting with the electrical grid.
  - [5] Site layout, including the location of property lines, structures, wind towers and turbines, overhead utility lines, and interconnection points with the electrical grid.
  - [6] Tower foundation blueprints or drawings.
  - [7] Tower blueprint or drawing.
  - [8] Engineer's certification.
  - [9] Installer's signature certifying that the WES will be installed in compliance with this section and all other applicable codes.
  - [10] Utility notification (if necessary).
  - [11] FAA compliance (if necessary).
  - [12] All other information required for a land use permit.
- (e) Additional application requirements for a large WES:
- [1] FAA permit application.
  - [2] Location of all known communications towers within two miles of the proposed WES.
  - [3] Decommissioning plan.
  - [4] Documentation projecting the shadow flicker on any and all surrounding parcels and the extent and duration of the shadow flicker on these parcels.
  - [5] Sound analysis, measurements and projections. WES sound propagation shall conform to International Electromechanical Commission (IEC) Standard 61400-11 Part 11, as that standard may be amended or updated from time to time. Acoustic noise measurements techniques shall include optional noise directivity requirements (see below), infrasound (low-frequency) projections, low-frequency sound (between 20 Hz and 100 Hz) measurement and analysis and impulsivity measurement (noise pressure of potential "thumping" sounds). Analysis shall include but is not limited to:
    - [a] A survey of the existing ambient background sound levels. Analysis shall include daytime measurements and also at least two ambient noise measurements between 9:00 p.m. and 11:59 p.m. and two between 1:00 a.m. and 5:00 a.m.
    - [b] A prediction of the WES sound levels at the property border. This can be made with manufacturer's data or data from a private testing agency for proposed WES

or by direct measurement for the WES in place, so long as measurements are conducted according to IEC and 61400-11, Part 11, as that standard may be amended or updated from time to time. Including infrasound and low-frequency noise between 20 Hz and 100 Hz, modeling must identify likely pure tone sources.

- [c] Identification and support for a model for sound propagation. The model may be hemispherical or spherical, but particular attention must be paid to the sound propagation downwind of the proposed installation site and the propagation of sound at differing atmospheric densities.
- [d] A comparison of calculated wind sound pressure levels with and without the WES or proposed WES. This confirms the baseline for permitted sound levels once the WES are operating.

[6] All other information required for a conditional use permit.

(3) Solar energy systems (SES).

(a) Types.

- [1] Small: equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy which is incidental and subordinate to a permitted use on the same parcel or on a contiguous parcel of common ownership and is intended to supply thermal energy or electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.
- [2] Large: equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy which is intended for off-site consumption.

(b) Standards.

- [1] Setbacks.  
[Amended 11-25-2021 by Ord. No. 21-06]
  - [a] Small SES. Any portion of the SES shall not encroach within 10 feet of any property line or road right-of-way.
  - [b] Large SES. Setbacks shall be established by the Land Management Committee based on the purpose and intent of this chapter.
- [2] Height restrictions.  
[Amended 11-25-2021 by Ord. No. 21-06]
  - [a] Small SES. Height shall not exceed 35 feet in height. Building-mounted SES may extend up to eight feet above the allowable building height. Exemptions may be granted by the Land Management Committee.
  - [b] Large SES. Height shall be established by the Land Management Committee based on purpose and intent of this chapter.
- [3] Glare. The SES shall be positioned so that the glare does not create any unsafe conditions.
- [4] Installer. All SES shall be installed by a North American Board of Certified Energy Practitioners (NABCEP) certified solar installer or other person qualified to perform such work.

- [5] Code compliance. A SES shall comply with all applicable State of Wisconsin electrical codes and the National Electrical Code. A SES that will connect to a commercial structure or multiunit dwelling shall comply with the State of Wisconsin Commercial Building Code, when necessary; other applicable SES shall comply with the Uniform Dwelling Code.
  - [6] Utility notification. A small SES that intends to connect to the electric utility shall not be permitted until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. A copy of the final agreement shall be submitted to the Zoning Office.
  - [7] Structural integrity. The structure upon which the proposed SES is to be mounted shall have the structural integrity to carry the weight and wind loads of the SES.
  - [8] Orderly development. Upon issuance of a conditional use permit, all large SES shall notify the Public Service Commission of Wisconsin.
  - [9] Vegetative buffer. Vegetative buffers for a large SES shall be established by the Land Management Committee based on the purpose and intent of this chapter.  
[Added 11-25-2021 by Ord. No. 21-06]
  - [10] A decommissioning plan and associated financial assurances may be required by the Land Management Committee for a large SES.  
[Added 11-25-2021 by Ord. No. 21-06]
- (c) Permits.  
[Amended 9-27-2016 by Ord. No. 16-03]
- [1] Small SES shall require a land use permit, prior to construction, and may be permitted in all zoning districts and subject to the regulations and requirements of this Section.
    - [a] The Zoning Administrator shall have up to 15 working days following the submittal of a complete application to approve or deny such application. The Zoning Administrator may impose such conditions and require such guarantees deemed reasonable and necessary to protect the public health and safety and to ensure compliance with the standards and purpose of this Subsection **D**.
    - [b] Any application or proposal where the establishment of one or more small SES may have adverse impacts on surrounding properties or if public health and safety concerns are present, as determined by the Zoning Administrator, or if a height exemption is requested, shall be referred to the Land Management Committee for review and approval. The Land Management Committee shall conduct its review and approval consistent with criteria set forth in § **240-76**, Conditional use permits.
  - [2] Large SES shall require a conditional use permit, prior to construction, and may be permitted in all zoning districts and subject to the regulations and requirements of this section.
- (d) Applications.
- [1] Name and contact information of the applicant, owner and installer.
  - [2] The legal description and address of the site.
  - [3] A description of the scope of work.
  - [4] Solar system specifications, including the manufacturer and model, generating capacity, total height, collector square footage, wiring plan, and means of interconnecting with the electrical grid.

- [5] Site layout, including the location of property lines, structures, SES and the total extent of system movements, and interconnection points with the electrical grid.
  - [6] Installer's qualifications and signature certifying that the SES will be installed in compliance with this section and all other applicable codes.
  - [7] Utility notification (if necessary).
  - [8] All additional information required for a land use permit.
- (e) Additional application requirements for a large SES.
- [1] Surrounding property uses.
  - [2] Percentage of land coverage by the SES.
  - [3] All additional information required for a conditional use permit.<sup>[1]</sup>
- [1] *Editor's Note: Former Subsection E, Filling and grading, which immediately followed, was repealed 9-27-2016 by Ord. No. 16-03.*
- E. Utility facilities. Utility facilities shall be subject to the following:  
[Amended by Ord. No. 99-11; 9-27-2016 by Ord. No. 16-03]
- (1) No land use permit shall be required for any installation that is at or below grade elevation nor for electrical distribution poles, towers and wires.
  - (2) Those structures which are four feet or less above grade elevation need not meet setback requirements nor need they be placed on conforming lots.
  - (3) Electrical substations shall be enclosed by a chain-link fence at least 10 feet high. Such structures shall additionally be located at least 75 feet from a dwelling unit and 50 feet from any residential lot line.
  - (4) Utility facilities where the land area bounded by the location of such structure or equipment is less than 1,000 square feet shall be exempt from the permit requirements of this chapter and shall not require a land use permit.
  - (5) Utility facilities in the Exclusive Agriculture District shall be consistent with agricultural use per § 91.01(10), Wis. Stats.

## § 240-42. Temporary uses.

- A. Unspecified temporary uses which are conducted for not more than seven consecutive days nor more than 10 days in any one-year period may be conducted in any zoning district. Uses which are conducted for more than seven consecutive days or for more than 10 days in any one-year period, except for those listed in Subsections **B** through **F**, shall be regarded as principal uses and regulated accordingly. Unspecified temporary uses shall be subject to the following:  
[Amended 9-27-2016 by Ord. No. 16-03]
- (1) Such uses shall not require a land use permit.
  - (2) Such uses shall meet all setback and yard requirements of this chapter.
  - (3) Such uses shall not involve the construction or alteration of any permanent structure.
  - (4) The previous operation of an unspecified temporary use shall not be considered grounds for reestablishment of such use on either a permanent or temporary basis.
- B. Camping on a lot during construction of a single-family dwelling shall be allowed, subject to the following:

- (1) A land use permit for a single-family residence has been secured and a slab, crawl space or foundation for the single-family dwelling unit has been installed.
  - (2) A land use permit which authorizes such camping has been secured.
  - (3) The camping unit shall be located at least 25 feet from all lot lines and at least 50 feet from any dwelling unit other than that of the owner of the land upon which the camping unit is placed and shall meet the setback requirements.
  - (4) An approved on-site waste disposal system, designed to accommodate the single-family residence, has been installed on the property prior to the placement, erection and/or use of the camping unit to serve as a means of sanitary waste disposal for the users of the camping unit.
  - (5) The camping activity shall cease upon the completion of the single-family dwelling unit on the property.
  - (6) Renewal permits shall only be issued when substantial progress toward completion of the single-family dwelling unit is demonstrated during the previous year.
- C. A contractor's project office shall be permitted subject to the following:
- (1) Structure shall not exceed 2,000 square feet in floor area.
  - (2) Structure shall be removed within 10 days of completion or ceasing of development activity.
  - (3) Such project office that is to be in place for more than 365 days shall require a conditional use permit.
- D. An on-site real estate sales office shall be permitted by land use permit subject to the following:
- (1) Structure shall not exceed 5,000 square feet in total floor area.
  - (2) Facility shall be removed or converted to a permitted land use within 10 days of the completion of sales activity.
  - (3) Such sales office that is to be in place for more than 365 days shall require a conditional use permit.
  - (4) Model homes shall be permitted under this subsection.
  - (5) No more than one on-premises sign shall be permitted. Such sign shall not exceed four square feet in sign face area and shall not be illuminated. No pennants, banners, flags or similar devices shall be allowed.
- E. Temporary residence during construction of principal dwelling. An existing dwelling or manufactured home may be used as a temporary residence during construction of a new dwelling on the same parcel, subject to the following:
- (1) A land use permit shall be obtained for the temporary residence.
  - (2) The temporary residence, if a manufactured home moved onto the lot, shall comply with all setback requirements of this chapter.
  - (3) Such temporary residence shall be connected to an approved wastewater disposal system.
  - (4) A permit for the temporary residence shall lapse at such time as the principal dwelling is completed and has been connected to utilities or 12 months from the date of issuance, whichever is earlier.
  - (5) The temporary residence shall be removed or destroyed at the time the permit for such temporary residence lapses or converted to a nonresidential use.
- F. Temporary concrete or asphalt batch plants, subject to the following:

[Amended 6-24-2003 by Ord. No. 03-11<sup>[1]</sup>]

- (1) Application. In addition to the application requirements established in § 240-76, the following information shall be submitted with the application:
    - (a) Plans for controlling erosion of stockpiled material used in manufacturing concrete or asphalt.
    - (b) Restoration plan for the site which describes or illustrates measures taken to restore the site to a condition of practical usefulness and reasonable physical attractiveness. The restoration plan shall describe methods for establishing vegetative cover on all exposed soil.
  - (2) Conditional use permits granted for temporary concrete or asphalt batch plants shall be only for the period of the actual project work.
  - (3) Temporary concrete or asphalt batch plants shall be removed from the premises within 60 days of completion of the project.
- [1] *Editor's Note: This ordinance repealed former Subsection F(1) and renumbered former Subsection F(2)(3) and (4) as F(1), (2) and (3), respectively.*

## Article V. Protection of Natural Features

### § 240-43. Purpose.

These requirements are intended to preserve interesting geological features, protect against soil erosion and groundwater contamination, preserve the natural beauty of Pierce County and protect wild flora and fauna.

### § 240-44. Applicability.

These requirements shall be in effect in all zoning districts. They shall be applied independently of other applicable requirements of this chapter. Wherever other requirements of this chapter conflict with requirements of this article, the most stringent requirement shall govern.

### § 240-45. Kinnickinnic River Blufflands.

[Amended by Ord. No. 98-7]

- A. Applicability. The Kinnickinnic River Blufflands requirements shall apply to all blufflands along the Kinnickinnic River in the Town of Clifton. The requirements of this subsection shall apply in addition to the requirements of the underlying zoning classification. In the case of any conflict between the requirements of this subsection and the underlying district, the more stringent of the two requirements shall apply.
- B. The minimum lot width at the building line shall be 300 feet.
- C. Slope setback. All structures shall be set a minimum of 15 feet behind the bluffline, which is defined as a line connecting points at which a slope along the river and the first 1,320 feet of adjacent ravines in excess of 20% decreases to a slope of less than 12%.
- D. Site plan approval. All applications for structures along Kinnickinnic River Blufflands shall require site plan approval to assure compliance with the provisions of this chapter and to address erosion control during construction and afterward.

- E. Any filling and grading of slopes downslope from the bluffline setback shall require a conditional use permit.
- F. Removal of trees from bluff faces and/or within the bluffline setback, other than the clearing of downed/diseased timber or as part of a permitted or conditional use activity, shall require a conditional use permit.

## § 240-46. (Reserved)

[1] *Editor's Note: Former § 240-46, Shoreland vegetation, amended 4-22-2008 by Ord. No. 07-09, was repealed 9-27-2016 by Ord. No. 16-03.*

## Article VI. Planned Residential Development

### § 240-47. Purpose.

- A. The planned residential development option is intended to give landowners greater flexibility in developing tracts of land on a project basis by relaxing the various lot area, lot width, setback, yard and other regulations.
- B. The planned residential development option is intended to promote the benefits of:
  - (1) Coordinated area site planning.
  - (2) Diversified location of structures.
  - (3) Safe and efficient pedestrian and vehicular traffic systems.
  - (4) Attractive recreation and open spaces.
  - (5) Economical arrangement of public and private utilities and community facilities.
  - (6) Preservation of natural resources and agricultural land.

### § 240-48. General requirements.

- A. A planned residential development is permissible only on tracts of 40 acres or more in areas zoned PRD.
- B. The overall density of a tract developed as a planned residential development shall not be greater than three times the maximum residential density of dwelling units of the underlying zoning district as contained in § **240-23** of these regulations.
- C. Permissible types of residential development shall include single-family residences, duplexes, manufactured homes and multifamily dwellings. Approval of a planned residential development by the Land Management Committee shall remove the necessity to receive a conditional use permit where required by these regulations. Permissible types of nonresidential development shall include such uses typically associated with the permitted common area use which is incorporated into the planned residential development.
- D. To the extent practicable, the two-family and the multifamily portions of a planned residential development shall be constructed more toward the interior rather than the periphery of the tract so that single-family residences border adjacent properties.
- E. In a planned residential development, landscape buffers which would normally apply where duplexes or multifamily development adjoins a single-family development shall not apply within a

tract developed as a planned residential development, but all landscape buffer requirements shall apply between the tract so developed and adjacent lots.

- F. The requirements for minimum lot area in a planned residential development may be varied by 50% from those of the underlying zoning district as contained in § **240-23** of these regulations.
- G. The minimum lot width, side yards and rear yards in a planned residential development may be varied by 20% from those of the underlying zoning district as contained in § **240-23** of these regulations.
- H. The setback from roads as contained in § **240-27** of these regulations and the height requirements as contained in § **240-29** of these regulations may be varied by 20%.

## § 240-49. Preserved open space.

At least 25% of the parcel designated as a planned residential development shall be devoted to open space and/or recreation uses. Parkland dedication and fees in lieu of parkland dedication shall be as required in Chapter **237**, Subdivision of Land.

## § 240-50. Statement of plan approval.

Within 30 days following approval of a development plan, there shall be filed with the Register of Deeds of Pierce County a statement that a plan for the area has been approved. The statement shall contain the following information:

- A. A legal description of the property.
- B. A statement that copies of the plan are on file with the Zoning Administrator.
- C. A statement as to the nature of the plan, the proposed density of land uses and other pertinent information sufficient to notify any prospective purchasers or users of land of the existence of such a plan.
- D. A statement that the development plan shall become binding upon all successors and assigns unless amended in conformance with these regulations or amendments thereto.

## § 240-51. Application.

- A. All applicants who desire to construct a planned residential development shall submit a development plan to the Zoning Administrator upon forms furnished by the Pierce County Department of Land Management. The development plan shall contain the following information:
  - (1) All the information required for a land use permit listed in § **240-73**.
  - (2) Views within the site and vistas to and from the site.
  - (3) Noise generation sources.
  - (4) Surrounding uses, activities and influences on the site within 200 feet, including any existing or proposed streets, drives or buildings.
  - (5) A schedule of all total floor area, dwelling units, land area, parking areas and other aspects relative to these requirements in order that compliance with these regulations can be determined.
  - (6) Upon written request of the Zoning Administrator, such additional information as may be required by the Zoning Administrator so that the Land Management Committee and/or the



Pierce County Board of Supervisors can determine whether or not the proposed planned residential development at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to public health, public safety or the character of the surrounding area. The written request shall contain an explanation of why the additional information is needed.

- B. Fee. All development plans shall be accompanied by a fee established by the County Board of Supervisors.
- C. No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by Pierce County have been paid in full.
- D. Public hearing. A public hearing shall be held by the Land Management Committee after public notice has been given as provided in § 240-81. At the public hearing, any party may appear in person or be represented by agent or attorney.
- E. Determination. Following review, investigation and public hearing, the Land Management Committee shall render a decision.
  - (1) If the application is approved by the Land Management Committee, such decision shall include an accurate and complete description of the uses as permitted, including all the conditions attached thereto. The Land Management Committee may, in the process of approving the application, limit the use of the land to one specific permitted use in the zoning district for which the application has been submitted.
  - (2) If the application is denied, the reasons for denial shall be stated.
- F. Basis of approval.
  - (1) The Land Management Committee shall review each application for a planned residential development for compliance with all relevant provisions of these regulations. In approving a planned residential development, the Land Management Committee shall determine that the proposed planned residential development at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to the public health, public safety or character of the surrounding area.
  - (2) To aid in the review of the proposed planned residential development consistent with the above criteria, the Land Management Committee may evaluate the development according to criteria which shall include but shall not be limited to:
    - (a) The basis for approval of a site plan contained in § 240-75.
    - (b) The basis for approval of a conditional use contained in § 240-76.
    - (c) Any additional criteria deemed relevant by the Land Management Committee, including sureties, restrictions and conditions.
- G. Resubmission. A development plan that has been heard and decided shall not be eligible to be resubmitted during the six months following the decision. The six-month period may be waived by the Land Management Committee in the same manner provided for conditional uses contained in § 240-76.

## § 240-52. Permit requirements.

- A. Changes to development plan.
  - (1) In the event of any proposed substance change in the development plan of a planned residential development, the modified development plan must again be submitted for approval to the Land Management Committee before such modification can be made.

- (2) For the purposes of this section, "substance change" shall mean the following:
  - (a) Increases in the density of residential uses of more than 5%.
  - (b) Increases of lot coverage of more than 5%.
  - (c) Increases in the height of any building of more than 10%.
  - (d) Changes of architectural style and building materials which will make the project less compatible with surrounding uses.
  - (e) Changes in ownership patterns or stages of construction that will lead to a different development concept.
  - (f) Decreases of any peripheral setback of more than 5%.
  - (g) Decreases of areas devoted to open space of more than 5% or the substantial relocation of such areas.
  - (h) Changes of traffic circulation patterns that will affect traffic outside of the project boundaries.
  - (i) Modification or removal of conditions or stipulations to the development plan approval.
- (3) All changes to the development plan which are not substance shall be approved by the Zoning Administrator before the modification occurs.

B. Abandonment of a development plan. In the event that a plan is given approval and thereafter the landowner shall abandon said plan and shall so notify the Zoning Administrator in writing, or in the event the landowner shall fail to commence the planned residential development within 18 months after approval has been granted, then in either event such approval shall terminate and shall be deemed null and void unless such time period is extended by the Land Management Committee upon written application of the landowner. Whenever a plan has been abandoned as provided by this section, no development shall take place on the property until a new development plan has been approved and filed in conformance with these regulations.

## Article VII. Parking, Loading and Access Requirements

### § 240-53. Purpose.

These provisions are intended to reduce traffic congestion on streets by requiring adequate off-street parking and loading areas for each land use. These provisions provide landscaping requirements to improve the appearance of parking lots and to reduce the nuisance of glare. These provisions are also intended to promote traffic safety by ensuring proper access to roads.

### § 240-54. Off-street parking.

A. Required number of off-street parking spaces. The minimum number of off-street automobile parking spaces to be provided shall be in accordance with the following schedule. In cases where garages are provided, the number of required spaces shall be reduced by the number of parking spaces within the garages. One space per employee during the peak shift shall be provided in addition to the following:

<b>Use</b>	<b>Off-Street Parking Requirement</b>
Residential	2 spaces per dwelling unit
Commercial lodging	1 space per room

<b>Use</b>	<b>Off-Street Parking Requirement</b>
Auditorium/theater	1 space per 3 seats
Church/funeral home	1 space per 4 seats
Restaurant/tavern	1 space per 100 square feet of primary floor area or 1 space per 3 seats, whichever is greater
Boardinghouse	1 space per bedroom or sleeping room
Bed-and-breakfast establishment	2 spaces plus 1 space per rental room
Medical/dental clinic or office	5 spaces per doctor/dentist
Public boat launching ramp	15 spaces per launching lane, each space 10 feet wide by 40 feet long
Office uses	1 space per 250 feet of primary floor area
Retail stores and personal services establishments	1 space per 200 feet of primary floor area
Manufacturing/trade or contractor establishments	2 spaces
Warehouse/commercial storage	1 space per 1,000 square feet of primary floor area
Marinas	0.5 spaces per boat slip
Commercial riding stables	1 space per 3 horses
Convenience store	1 space per 100 square feet of primary floor area
Auto repair	3 spaces per service bay
Outside retail sales	1 space per 500 square feet of display area
Commercial recreation	1 space per 4 patrons
Hospital	2 spaces per 3 beds
Nursing home	1 space per 3 beds
School, K-12	1 space per 10 students
School, college	1 space per 2 students
School, nursery	1 space per 6 children
Golf course	90 spaces per 9 holes
Driving range	1 space per tee
Drive-through facilities	4 vehicle queuing spaces

- (1) If the parking requirements for particular uses described in Article **IV** are different from those shown here, the most restrictive requirements shall apply.
- (2) Commercial establishments with drive-through facilities shall, in addition to providing the required off-street parking spaces, maintain an off-street queuing capacity of four vehicles per service lane. Such queuing capacity shall be designed so that vehicles queuing in the drive-through lane do not interfere with street traffic flow.
- (3) Computation. When the computation of the minimum number of parking spaces results in a fractional number, the number shall be rounded up.
- (4) Uses not enumerated. In the case of uses not specifically listed in this Subsection **A**, the minimum number of parking spaces shall be determined by the Zoning Administrator, based upon the requirements for similar uses.
- (5) Multiple uses on a lot. Where more than one use is located on a lot, the required number of parking spaces shall be determined by the sum of the minimum total number of parking spaces for each individual use. However, the Zoning Administrator may allow a reduction of parking facilities if:

- (a) The peaks of demand for individual uses do not coincide; or
  - (b) The same parking space can simultaneously serve both uses.
- B. Application to existing uses. Uses existing on the effective date of this chapter which do not have the required amount of parking space shall not further reduce said space, and no expansion of the use shall be permitted, unless parking spaces equal to the parking requirement for the expansion are provided as part of the expansion.
- C. Application to change of use. Whenever an existing use of a lot is hereafter proposed to be changed to a use having greater parking requirements, the applicant shall provide additional parking spaces equal to the difference in required parking spaces between the existing use and the proposed use.
- D. Location. Except for commercial, industrial and institutional uses, all required off-street parking shall be provided on the same lot as the use it serves or on an adjoining lot under the same ownership as the lot containing the use it serves. For commercial, industrial and institutional uses, parking may be provided off premises; however:
- (1) The off-premises property shall be under the same ownership as the lot containing the commercial, industrial or institutional use or the off-premises property to serve as the required parking lot shall be leased for such purpose for 20 years or more.
  - (2) Each of the parking spaces shall be within 500 feet of the structure housing the use that the parking spaces are intended to serve.
  - (3) The off-premises parking area shall be located in the same district as the use that the parking spaces are intended to serve or in an industrial or commercial district.
  - (4) A separate land use permit shall be obtained for the off-premises parking area.
- E. Abandonment. No parking space, or driveway providing access thereto, shall be abandoned, closed, converted to another use or in any way eliminated from use as a parking space or driveway unless adequate off-street parking and access are provided to the property in full compliance with the provisions of this chapter.
- F. Design requirements. Parking area design shall be in accordance with design standards contained in the Zoning Office.
- G. Lighting. Lighting established for the purpose of illuminating off-street parking areas shall utilize lighting fixtures whose hood, lens or combination thereof allow no direct beams of light from the fixture to be seen from off the property or to be cast skyward.
- H. Maintenance. All parking areas shall be properly maintained by the owner or lessee of the property.
- I. Handicapped parking. All off-street parking areas shall provide parking spaces for use by motor vehicles which transport physically disabled persons, in accordance with the Wisconsin Administrative Code or the following minimum requirements, whichever is more restrictive:  
[Amended 4-17-2001 by Ord. No. 00-15; 4-22-2008 by Ord. No. 07-09]
- (1) Two percent of the total number of spaces shall be provided for use by physically disabled persons, with a minimum of one space.
  - (2) The minimum dimensions for all parking spaces provided for use by physically disabled persons shall be 12 feet in width and 18 feet in length.
  - (3) Parking spaces provided for use by physically disabled persons shall be located as close as possible to an entrance which allows such persons to enter and leave the parking area without assistance.

## § 240-55. Parking area landscaping.

- A. Applicability. These requirements shall apply to all parking spaces created after the effective date of this chapter, except for parking spaces located in parking areas which accommodate fewer than six vehicles and except for parking spaces located in multilevel parking structures.
- B. Parking lot landscaping design shall be done in accordance with minimum landscaping requirements on file at the Zoning Office.

## § 240-56. Loading and unloading space.

- A. Any use which requires deliveries or shipments shall provide sufficient off-street loading and unloading space so that no public street, alley or access to any parking area is blocked by such activities.
- B. The loading and unloading space shall be separate from any parking aisle or parking spaces unless delivery or pickup activities are scheduled for hours when the parking area is not in use.

## § 240-57. Access to public highway or private road.

- A. Every use shall have access to a public highway or private road. Property owners have the responsibility of securing the access.
- B. For all uses, except agricultural uses, as listed in § **240-17**, no more than two access points per lot shall be permitted.
- C. For all uses, except agricultural uses, as listed in § **240-17**, access shall not be allowed directly to a state highway if access to a town, county or public or private frontage road is available.
- D. Driveway width.
  - (1) For all single-family residential and duplex residential uses, access driveways shall be at least 10 feet wide and not more than 24 feet wide and shall extend to within 200 feet of the residence.
  - (2) Access driveways for all other uses, except agricultural uses, shall be at least 20 feet wide and not more than 35 feet wide. Such drives may be reduced to 10 feet wide if they are enter-only or exit-only drives.
- E. Setback. All access driveways shall be placed such that the driveway edge nearest to a neighbor's lot line is at least five feet from the neighbor's lot line, unless driveways are shared by adjoining property owners.
- F. All access driveways, except those to farm fields, shall be surfaced with gravel or paved and pitched to prevent ponding.
- G. Location. Access drives shall be located opposite median crossover where present.
- H. Grade. All driveways shall accommodate emergency vehicles. The maximum grade for driveways serving residences constructed after the effective date of this chapter shall be 12%. Any applicant seeking to construct a driveway, any portion of which shall contain a grade in excess of 12%, may seek a variance from the Board of Adjustment and present any plans and information which demonstrate that the steeper grade satisfies access requirements.
- I. Intersection with road. All driveways shall be sloped down from the road edge for at least 20 feet from the road edge so the elevation of the driveway is at least six inches below the level of the road at a point 20 feet from the edge of the road.

## Article VIII. Signs

## § 240-58. Purpose.

The purpose of these requirements is to ensure that the outstanding visual resources of the county are protected and that traffic safety is enhanced by setting requirements for the size, number, placement and lighting of signs.

## § 240-59. Applicability.

- A. Signs restricted. Unless exempted under Subsection **B**, no sign shall hereafter be located, erected, structurally altered, moved or reconstructed except as permitted by this article.
- B. Signs exempted. The following shall be exempt from the requirements of this article:
  - (1) Memorial signs and tablets displayed on public property or in cemeteries.
  - (2) Official traffic and parking signs and informational, legal or directional notices erected by federal, state or local units of government.
  - (3) Guidance signs authorized by the Wisconsin Department of Transportation under Section TRANS 200.03 of the Wisconsin Administrative Code.
  - (4) Official government entity flags.
  - (5) Outdoor murals or other outdoor artwork determined by the Zoning Administrator not to be signs.
  - (6) Temporary signs regulated under § 12.04, Wis. Stats.  
[Amended 4-19-2016 by Ord. No. 15-07]

## § 240-60. General sign requirements.

[Amended 3-27-2001 by Ord. No. 00-14; 4-19-2016 by Ord. No. 15-07]

The following requirements shall apply to all permitted signs, unless exempted in § **240-59B**:

- A. No undulating, swinging, rotating or otherwise moving sign shall be permitted.
- B. No sign shall obstruct clear visibility of traffic along any public highway or at the intersection of any highways with either driveways or highways.
- C. No signs, except signs erected by a unit of government, shall project over or be located within any public right-of-way.
- D. Signs shall not resemble, imitate or approximate the shape, size, form or color of traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of traffic signs, signals or devices nor be lighted in such a way so as to cause glare or impair driver visibility upon public roads.
- E. Signs shall not be located or maintained in such a way that prevents free ingress or egress from any floor, window or fire escape, and no sign shall be attached to a fire escape.
- F. No sign shall contain or use audio speakers.
- G. No sign shall be placed on or over the roof of any building.
- H. Digital display and illuminated signs.
  - (1) Any spotlights used to illuminate signs shall be shielded such that their light source cannot be seen from adjoining roads or properties.

- (2) No flashing, fluttering, intermittent or full-motion video or otherwise animated sign messages shall be permitted.
- (3) Malfunctions. A digital display sign must be designed to freeze the display in the event of a control malfunction.
- (4) Digital display signs with variable messages must maintain a static display for a minimum of eight seconds. The transition time between one display and the next shall be no longer than two seconds.
- (5) The brightness level of a digital display sign shall not exceed 300 nits between the hours of civil sunset and civil sunrise and 5,000 nits between the hours of civil sunrise and civil sunset.
- (6) Digital display signs and illuminated signs shall only be allowed in Commercial, Light Industrial and Industrial Districts.
- (7) Prior to issuance of a permit for a digital display sign, an applicant shall submit documentation demonstrating that the proposed sign can be automated to comply with the above requirements.

## § 240-61. Specific requirements for particular signs.

[Amended 4-19-2016 by Ord. No. 15-07]

- A. Permitted signs. All applications for permitted signs shall conform to the requirements set forth in § 240-74. The changing or altering of the sign face area on a previously permitted sign shall require a sign permit. The changing of text or logos or the repainting and routine maintenance of a sign shall not be deemed changes or alterations requiring a permit.
  - (1) All freestanding and projecting signs, excluding those signs regulated in accordance with § 240-62, shall require a sign permit as specified in § 240-74.
  - (2) All other signs not listed under Subsection A(1) shall not require a sign permit but shall comply with all other requirements of this article.
- B. Wall signs.
  - (1) The sign face area of a wall sign shall not exceed 15% of the area of the side of the building to which it is attached. If more than one sign is present, the combined sign face area shall not exceed 15% of the area of the side of the building to which they are attached. The requirement shall be expanded to 20% of the area of the side of the building if such side is greater than 250 feet from the road right-of-way which is subject to a scenic easement, such as the Great River Road.
  - (2) Wall signs shall not extend more than six inches from the building's wall surface or beyond the end of the wall.
- C. Freestanding and projecting signs.
  - (1) The maximum size of on-premises freestanding and projecting signs shall be as follows:
    - (a) Signs located in Commercial, Light Industrial and Industrial Districts shall not exceed 32 square feet in sign face area and shall be limited to three per parcel.
    - (b) Signs located in the Primary Agriculture, General Rural, General Rural Flexible or Agriculture-Residential Zoning Districts shall not exceed 24 square feet in sign face area unless a conditional use permits issued in accordance with § 240-76; in such cases, sign face area shall not exceed 32 square feet. Such signs shall be limited to two per parcel.
    - (c) Signs which are located in Rural Residential 8, Rural Residential 12 or Rural Residential 20 Zoning Districts shall not exceed 24 square feet in sign face area and shall be limited

to one per parcel.

- (2) Off-premises signs shall be allowed only in the Commercial, Light Industrial and Industrial Districts and shall not exceed 32 square feet in sign face area and shall be limited to two per parcel.
- (3) Signs shall be located at least five feet from all side lot lines.
- (4) No sign shall be located closer to any other sign than a distance equal to 1/2 of the required minimum lot width for new lots in the zoning district in which the sign is located.
- (5) The top of a projecting sign shall not extend above the roof on the building to which it is attached and shall not extend more than five feet from the wall to which it is attached.

## § 240-62. Temporary sign requirements.

[Amended 4-19-2016 by Ord. No. 15-07]

### A. Basic requirements.

- (1) Temporary signs shall not be illuminated.
- (2) No temporary signs shall be located in the public right-of-way or on public property unless erected by the federal, state, or local government unit.
- (3) Temporary signs may not exceed 24 square feet in sign face area.
- (4) Temporary signs shall be placed and removed in a time appropriate manner in accordance with the designated purpose of the sign.

### B. Temporary signs that are found by the Zoning Administrator to be erected in violation of this chapter or signs that are erected in a manner which poses a threat to public health and safety may be removed 24 hours following notification of the property owner.

## § 240-63. Nonconforming signs.

### A. Except as specified in Subsection **B**, nonconforming signs may continue, but structural alterations or repairs are prohibited, unless the sign is brought into conformity with this chapter.

### B. Removal of signs; no increase in surface area square footage.

- (1) Signs that are nonconforming because they are in a public right-of-way; are flashing, fluttering, or moving signs; contain obscene language, symbols, or pictures; or which remain beyond a time limit specified by this chapter or by the sign permits shall be removed or brought into compliance. If such sign is not removed or brought into compliance, the owner or lessee of the property upon which the sign is located shall be subject to prosecution and penalties as provided in Article **XII**, Enforcement.
- (2) Nonconforming on-premise signs located in commercial or industrial districts may be repaired or replaced, but repair or replacement shall not result in an increase in surface area square footage.

[Added 3-27-2001 by Ord. No. 00-14]

## § 240-64. Abandoned signs.

### A. Abandoned signs shall be removed by the owner or lessee of the property upon which the sign is located, unless the sign's message is changed in compliance with this chapter. Such removal or



change of message shall be completed within one year of the date upon which it becomes an abandoned sign.

- B. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner 60 days' written notice to remove said sign or change its message in compliance with this chapter. Upon failure to comply with this notice, the owner or lessee of the property upon which the sign is located shall be subject to prosecution and penalties as provided in Article **XII**, Enforcement.

## Article IX. Nonconforming Uses, Structures and Lots

### § 240-65. Previously lawful condition.

Within the districts established and mapped by this chapter, or amendments thereto, there may exist uses of lands or buildings, structures or lots which were lawful before this chapter, or amendments thereto, became effective but which do not conform to the regulations herein. As set forth in § 59.69(10), Wis. Stats., such nonconforming conditions may be continued, subject to the requirements of this article.

### § 240-66. Nonconforming uses.

A. Nonconforming use of land.

- (1) For all nonstructural uses of land, except nonmetallic mining operations, expansions shall be authorized only by a conditional use permit.
- (2) Expansion of a nonconforming nonmetallic mining operation shall be permitted up to the lot lines existing on the effective date of this chapter. Greater expansion may be authorized by a conditional use permit.  
[Amended 4-17-2012 by Ord. No. 12-02]

B. Nonconforming use of buildings or other structures. The following shall apply to all buildings or structures which house a nonconforming use:

- (1) Structural alterations or structural repairs of an existing building or structure which houses a nonconforming use shall be authorized by a land use permit.
- (2) Additions to an existing building or an existing structure which houses a nonconforming use shall be authorized only by a conditional use permit. Such additions shall comply with all applicable setbacks and other dimensional requirements of this chapter, unless variances are granted as provided in § **240-78**.
- (3) If a structure which houses a nonconforming use is destroyed by fire, explosion, flooding, storm damage or other disaster, such structure may be restored and the nonconforming use may be restored therein upon issuance of a land use permit. Such restoration shall not exceed the original building floor area and volume, unless a conditional use permit is authorized, as provided in Subsection **B(2)**. If the original structure which housed the nonconforming use is also a nonconforming structure, the provisions of § **240-67** shall also apply.

C. Change of use. A nonconforming use shall not be changed to any use other than a use permitted in the zoning district in which it is located.

- D. Discontinuance. Where any such nonconforming use is discontinued for a period of 12 consecutive months, any future use of the building, structure or land shall conform to the regulations of the district in which it is located. Nonmetallic mining operations are discontinued when the activity complies with the definition of "abandonment of nonmetallic mining operations."  
[Amended 4-17-2012 by Ord. No. 12-02]

## § 240-67. Nonconforming structures.

### A. Alterations and additions.

- (1) Structural alterations or structural repairs of nonconforming structures shall meet all the provisions of this chapter, except that such alterations or repairs need not comply with the setback or yard provisions of this chapter, provided they do not result in an increase in floor area nor change the footprint of the structure.
- (2) Additions to or extensions of nonconforming structures are permitted, provided that such additions or extensions comply with all the provisions of this chapter or a conditional use permit is granted as provided in § 240-76. Additions or extensions of nonconforming structures along private roads where such structure and road existed prior to the effective date of this chapter are permitted, provided that such additions or extensions do not extend further toward the road than the existing structure.  
[Amended 6-24-2003 by Ord. No. 03-10]
- (3) A conforming use in a nonconforming structure may be changed to another conforming use without complying with the setback or yard requirements of these regulations, provided the new conforming use does not result in an increase in floor area nor change the footprint of the structure, and provided that all parking and other site requirements are met.
- (4) Highway projects. When a structure becomes a nonconforming structure as to setback from a highway because the highway was widened or relocated or changed in jurisdiction by the County, a town or the Wisconsin Department of Transportation, such a structure shall not require a variance and shall not be considered a nonconforming structure in regards to setback from a highway. However, no such structure shall thereafter be enlarged or rebuilt in such a manner that it will be closer to the right-of-way of the highway.

### B. Repairs and restoration.

[Amended 4-22-2008 by Ord. No. 07-09]

- (1) A nonconforming structure that is damaged or destroyed by fire, explosion, flooding, storm damage or similar calamity may be repaired or restored, provided that either:
  - (a) The repair or restoration would bring the structure into compliance with this chapter; or
  - (b) The repair or restoration of the nonconforming portion of the structure occurs fully within the building footprint of the structure before damage and there is no increase in the floor area of the nonconforming portion of the structure.
- (2) Except for historic buildings, no repairs or restoration of nonconforming structures shall be located within any public right-of-way.<sup>[1]</sup>

[1] *Editor's Note: Former Subsection B(3), which immediately followed and set forth requirements for the maintenance and repair of nonconforming boathouses which extend beyond the ordinary high-water mark, was repealed 9-27-2016 by Ord. No. 16-03.*

### C. Nonconforming signs. All nonconforming signs shall be subject to the provisions contained in § 240-63.

## § 240-68. Nonconforming lots.

- A. Existing lots of record which do not contain sufficient area and/or width to meet the criteria in § 240-24E(2) shall be considered nonconforming lots. If a nonconforming lot is in common ownership with abutting lands, the contiguous lots shall be considered a single parcel, unless the parcel is redivided to conform to the dimensional requirements for new lots in the applicable zoning district.

- B. A nonconforming lot may be used for any use permitted within the zoning district in which the lot is located but shall not be a building site, unless a variance is granted as provided in § **240-78**. Required setbacks and yards shall be determined by the Board of Adjustment.

## Article X. Administration

### § 240-69. Land Management Committee.

[Amended by Ord. No. 97-19]

- A. The Land Management Committee, or its successor, created by the Pierce County Board of Supervisors, shall be the designated county zoning agency pursuant to § 59.69(2), Wis Stats.
- B. The Land Management Committee shall adopt and follow any governing rules of procedure as specified in § 59.69(2), Wis. Stats., and shall comply with the Wisconsin Open Meeting Law as specified in §§ 19.81 through 19.98, Wis. Stats.
- C. Duties and powers. In administering this chapter, the duties and powers of the Land Management Committee shall be as follows. The Land Management Committee shall:
- (1) Supervise the administration of this chapter.
  - (2) Exercise those duties and powers specified in § 59.69, Wis. Stats.
  - (3) Hold public hearings as required by this chapter, by Wisconsin statutes or by its own motions.
  - (4) Submit recommendations to the County Board of Supervisors for or against proposed zoning text and map amendments and planned residential developments.
  - (5) Issue or deny conditional use permits and establish any conditions for such permits.
  - (6) Approve or deny development plans for planned residential developments.
  - (7) Review and approve site plans pursuant to § **240-75**.
  - (8) Perform any other duties determined by the County Board of Supervisors.
- D. Financial sureties.
- (1) The Land Management Committee may require that a performance bond or letter of credit be provided for the benefit of the county and filed with the county so as to ensure compliance with the terms of this chapter or required permit.
  - (2) Failure to provide or maintain such bond or letter of credit shall invalidate any permit.

### § 240-70. Board of Adjustment.

[Amended by Ord. No. 97-19]

- A. Establishment. There is hereby established a Board of Adjustment for the County of Pierce as authorized by § 59.694, Wis. Stats.
- B. Membership.
- (1) Size and appointment. The Board of Adjustment shall consist of five regular members and two alternates, with one being a first alternate, and the other being a second alternate, all appointed by the Chair of the County Board of Supervisors with the approval of the County Board of Supervisors.

[Amended 11-8-2005 by Ord. No. 05-14]

- (2) Eligibility. Members of the Board of Adjustment shall reside in the unincorporated areas of Pierce County. No two members of the Board of Adjustment shall reside in the same town.
- (3) Terms of office. The term of office shall be three years. However, these terms of office shall be staggered such that no more than three members' terms of office are expired in any one year. Each term shall begin July 1.  
[Amended 11-8-2005 by Ord. No. 05-14]
- (4) Officers. The Board of Adjustment shall choose its own Chairperson, Vice Chairperson and Secretary.
- (5) Removal. Members may be removed by the Chairperson of the County Board of Supervisors.

C. Operation and rules.

- (1) The Board of Adjustment shall adopt rules for the conduct of its business which shall be in accordance with the provisions of this chapter and § 59.694, Wis. Stats.
- (2) Call to meetings. The Board of Adjustment shall meet at the call of the Chair and at such other time as the Board of Adjustment may determine, at a fixed time and place.
- (3) Open meetings. All meetings of the Board of Adjustment shall be open to the public, unless otherwise allowed by Wisconsin law.  
[Amended 4-17-2001 by Ord. No. 00-15]
- (4) Minutes. 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 public record.
- (5) In the case of all appeals, the Board of Adjustment may call upon the Administrator/Planner of the Department of Land Management for all information pertinent to the decision appealed.
- (6) Quorum. The quorum for any meeting shall consist of three members.
- (7) The Chair may administer oaths and compel the attendance of witnesses.

D. Powers. The Board of Adjustment shall have the following powers:

- (1) Appeals. To hear and decide appeals, pursuant to § 59.694, Wis. Stats., where it is alleged that there is an error or errors in any order, requirement, decision or determination made by the Administrator/Planner or Zoning Administrator. In exercising the above-mentioned powers, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination which is the subject of the appeal and to that end shall have all the powers of the officer from whom the appeal is taken.
- (2) Variances. To hear and 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 will be observed and substantial justice done. Such variance shall not have the effect of permitting in any district a use that is prohibited in that district.
- (3) To grant variances for renewable energy resource systems as provided in § 59.694(7)(d), Wis. Stats.

## § 240-71. Administrator/Planner.

In administering this chapter, the Administrator/Planner or such other person designated by the Land Management Committee shall possess the following duties and powers. He or she shall:

- A. Oversee the Zoning Administrator in carrying out the assigned responsibilities of this chapter.

- B. Make necessary studies relevant to deliberations regarding conditional use permits, as directed by the Land Management Committee.
- C. Recommend to the Land Management Committee amendments necessary to make this chapter more effective.

## § 240-72. Zoning Administrator.

[Amended by Ord. No. 97-19]

The Zoning Administrator shall possess the following duties and powers. The Zoning Administrator shall:

- A. Administer and enforce this chapter as the authorized representative of the Land Management Committee.
- B. Provide to the public the necessary permit application forms and variance and appeals forms and assist the public in preparing permit applications and variance and appeal petitions.
- C. Conduct all necessary on-site inspections and investigations of structures, lands and waters to certify compliance with this chapter.
- D. Issue or deny land use permits and sign permits.
- E. Suspend or revoke land use permits and sign permits and/or issue cease and desist orders upon noncompliance with the terms of the permit and/or this chapter.
- F. Issue, deny or revoke certificates of compliance.
- G. Investigate alleged zoning violations and give notice of all violations of this chapter to the owner, resident, agent or occupant of the premises.
- H. Issue citations for uncorrected violations of this chapter and/or assist the Corporation Counsel in initiating enforcement proceedings.
- I. Gain entry to premises, buildings and structures during reasonable hours for the purpose of investigating applications for permits and for the purpose of determining compliance with this chapter or with any issued permit. If entry is refused after presentation of proper identification, a special inspection warrant may be procured in accordance with § 66.0119, Wis. Stats.
- J. Record all permits issued, inspections made, work approved and other official actions.
- K. Assist in giving all legal notices required by state statutes or this chapter.
- L. When necessary, provide technical and clerical assistance during hearings conducted by the Board of Adjustment or the Land Management Committee.
- M. Make referrals and recommendations to the Land Management Committee and Board of Adjustment in accordance with this chapter.

## Article XI. Permits, Certificates, Variances and Appeals

### § 240-73. Land use permits.

- A. Applicability.
  - (1) Land use permits, certifying that any such use, structure or site complies with the provisions of this chapter, shall be required in the following instances, unless specifically exempted therefrom by this chapter:

- (a) Construction, reconstruction, location, relocation, erection, extension, enlargement, conversion or structural alteration of any building, structure or part thereof, except signs requiring a sign permit and structures which are less than six inches in height above grade elevation.
    - (b) Establishment of any accessory or principal use, except uses permitted as conditional uses.
  - (2) A land use permit shall not be required for structures and activities waterward of the ordinary high-water mark which have minimal land use impacts, such as the establishment of bulkhead lines; placement of sand blankets, fish cribs, shore protection (rip rap), stream fords and private boat landings for the personal use of the riparian owner; waterfowl management practices; weed cutting; construction of small private wharfs or private piers for the personal use of the riparian owner; dredging and waterway enlargements; stream straightening; and placement of individual mooring buoys.
- B. Applications.
- (1) An application for a land use permit shall be submitted to the Zoning Administrator on forms furnished by the Pierce County Department of Land Management and shall include the following information:
    - (a) Name and address of the property owner.
    - (b) Signature of the property owner or agent.
    - (c) Proof of ownership of the parcel.
    - (d) Tax parcel number, deed, legal description or other identifier of the subject property.
    - (e) An accurate plot plan, drawn at a scale which produces a clearly legible drawing, showing the following:
      - [1] Boundaries, dimensions and area of the subject site.
      - [2] The spatial relationship of the subject site to abutting public highways and rights-of-way, private roads, easements and navigable waters.
      - [3] The location and dimensions of any existing or proposed structures or additions and their relationship to abutting public roads and rights-of way, private roads, property lines, existing and proposed wells and sanitary waste disposal systems and the ordinary high-water mark of navigable waters.
      - [4] Location of proposed or existing road access points, parking and loading areas and driveways.
    - (f) Additional information as may be required by the Zoning Administrator in order to determine the full compliance with the requirements of this chapter.
    - (g) Water supply and sewage disposal. Satisfactory evidence that a safe and adequate supply of water and approved sewage disposal facilities will be provided, in accordance with the requirements of the Pierce County Sanitary Ordinance, shall be submitted.
  - (2) Fee. All permit applications shall be accompanied by a fee established by the Pierce County Board of Supervisors.
  - (3) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by Pierce County have been paid in full.
- C. Permit issuance or denial. Upon the Zoning Administrator's determination that the proposed use or structure complies with the provisions of this chapter, a land use permit shall be issued. The permit shall authorize the applicant to proceed subject to all provisions of this chapter and any conditions

attached to the permit. An application for a use or structure not in conformity with the provisions of this chapter shall be denied a land use permit and the reasons for denial shall be stated. No permit shall be issued for uses or structures involving human occupancy without documentation that provision has been made for safe and adequate water supply and disposal of sewage.

D. Expiration.

- (1) Land use permits to establish a use shall expire 12 months from the date of issuance if no action has commenced to establish the use. Any change of land use after the expiration of a land use permit shall be considered a violation of this chapter.
- (2) Except as Subsection **E** applies, land use permits for construction of a structure shall expire 12 months from the date of issuance. Any exterior construction after the expiration of a land use permit shall be considered a violation of this chapter.

E. Renewal. If construction has commenced prior to the expiration of a land use permit but is not completed prior to such expiration, a twelve-month renewal land use permit shall be issued by the Zoning Administrator upon submittal of a renewal application and fee. Additional renewals shall be granted by the Zoning Administrator upon a finding that progress had been made during the previous year toward completion of the structure. If a twelve-month period passes without evidence of progress towards completion, the Zoning Administrator shall advise the Land Management Committee of the same, and the Land Management Committee may call a public hearing on the matter and may impose a completion schedule. For purposes of this chapter, a structure shall be deemed completed when the roof, exterior walls, doors, windows and subfloors are in place and finished and the sanitary waste disposal system has been installed.

F. Termination. If a use or structure does not comply with the issued land use permit or this chapter, the permit shall be terminated by the Zoning Administrator. If a use permitted by a land use permit ceases for a period of more than 12 months, the land use permit shall terminate, and all future activity shall require a new land use permit.

## § 240-74. Sign permits.

A. Applicability. This section only applies to those signs requiring a sign permit, as specified in § **240-61**, that are erected, moved, structurally altered or reconstructed.  
[Amended 4-19-2016 by Ord. No. 15-07]

B. Applications.

- (1) All applications for sign permits shall be made to the Zoning Administrator on forms furnished by the Pierce County Department of Land Management and shall include the following:
  - (a) Name, address and signature of the applicant.
  - (b) Name, address and signature of the property owner, along with proof of ownership, of the site for the proposed sign, if different from the applicant.
  - (c) Type, description and dimensions of the proposed sign.
  - (d) Location of the building, structure or lot to which or upon which the sign is to be attached or erected.
  - (e) A plan, drawn at a scale which produces a clearly legible drawing, showing the following:
    - [1] The distance from the proposed sign to abutting public highways and rights-of-way, private roads and navigable water.
    - [2] The distance from the proposed sign to existing structures and adjacent freestanding or projecting signs.

- (2) Fee. All sign permit applications shall be accompanied by a fee established by the County Board of Supervisors.
  - (3) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by Pierce County have been paid in full.
- C. Permit issuance or denial. Applications for sign permits shall be reviewed by the Zoning Administrator for compliance with the requirements of this chapter. If compliance is found, the sign permit shall be issued. If compliance is not found, the sign permit shall be denied and the reasons for denial stated.
- D. Expiration. All sign permits shall expire 12 months from the date of issuance if the sign has not been erected. No sign shall be erected, moved, reconstructed or altered after expiration of a sign permit unless a new sign permit is obtained.
- E. Termination. If a sign does not comply with the issued sign permit or this chapter, the sign permit shall be terminated by the Zoning Administrator.

## § 240-75. Site plan review.

[Amended by Ord. No. 97-19]

- A. Review and approval.
- (1) Permits for new construction or additions to existing structures and buildings for commercial, industrial, institutional or multifamily uses shall require site plan approval as set forth in this section. The purpose of such approval is to assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County.
  - (2) The Land Management Committee or its designee shall review the site, existing and proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems and proposed operations.
- B. Fee. All site plans shall be accompanied by a fee as established by resolution of the County Board.
- C. Site plan requirements. All site plans shall contain the following information:
- (1) Identification.
    - (a) Name of project.
    - (b) Owner's and/or developer's name, address and telephone number.
    - (c) Architect and/or engineer's name, address and telephone number.
    - (d) Address of project.
    - (e) Date site plan was prepared.
  - (2) Graphic representation.
    - (a) Three copies of the site plan shall be submitted.
    - (b) Site plan scale shall be no less than 50 feet to the inch and shall show date, North arrow and graphic scale.
  - (3) Site plan information.
    - (a) Lot boundaries, including legal description, and required setback distances.



- (b) Location of all public and private roads, Official Map streets and easements.
  - (c) Location of all watercourses, drainage ditches, shoreland-wetlands, floodplains and required setbacks.
  - (d) Location of all existing and proposed public and private utilities, wells, drainage structures and lighting.
  - (e) Existing and proposed structures and buildings, structures to be removed the proposed use of all structures and their dimensions.
  - (f) Floor plans and elevations, including dimensions, and exterior plans showing the design and character of each structure and building.
  - (g) Traffic aspects of existing and proposed driveways and parking lots, including parking stall sizes and layout, handicap stalls and ramps, loading zones, driveway widths and traffic direction, sidewalks and pedestrian walkways and similar improvements.
  - (h) Existing and proposed vegetation, areas of permanent open space, landscaping, fences, ground cover, areas of filling and grading in excess of six inches and contours.
  - (i) Location of signs.
  - (j) Operation plans, construction schedule and construction phases.
  - (k) Other pertinent information as may be requested by the Land Management Committee or its designee. Items from the list of required information may be waived by the reviewer.
- D. Review and findings. The Land Management Committee or its designee shall review the site plan following submittal of complete and acceptable site plan materials. The Land Management Committee or its designee shall not approve a site plan unless it is determined that the proposed site plan is in conformance with the intent and purpose of this chapter and is consistent with the following scope of review. No land shall be used or structure erected where the land is held unsuitable for such use or structure by the site plan reviewer by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature or condition likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of the county. Any comments or objections to the site plan or general suitability of the site shall be communicated to the applicant, who shall have an opportunity to respond and amend the site plan. The review shall include:
- (1) The relationship of the site plan to adopted land use plans and policies.
  - (2) Parking, loading, traffic generation and circulation layout so as to:
    - (a) Minimize hazardous traffic movements.
    - (b) Achieve efficient traffic flow in accordance with standards in the Institute of Traffic Engineers Transportation and Traffic Engineering Handbook.
    - (c) Provide for the optimum number of parking spaces.
    - (d) Provide for optimum loading and unloading in the case of commercial and industrial uses.
    - (e) Provide for optimum access to public streets and highways.
    - (f) Provide for pedestrian safety.
  - (3) Provisions for surface and subsurface drainage and for connections to water and sewer lines so as not to overload existing public utilities nor increase the danger of erosion, flooding, landslide or other endangerment of adjacent or surrounding properties.
  - (4) The use of landscaping so as to:

- (a) Maintain existing mature trees and shrubs to the maximum extent as is practical.
  - (b) Buffer adjacent uses which may be incompatible.
  - (c) Screen unsightly activities from public view.
  - (d) Break up large expanses of asphalt and buildings with plant material.
  - (e) Provide an aesthetically pleasing landscaping design.
  - (f) Make optimum use of open spaces.
  - (g) Provide plant materials and landscaping designs that can withstand the county's climate.
- (5) Location of principal structures, accessory structures, lighting, freestanding signs, refuse containers, mechanical equipment, etc., so that their locations do not impede safe and efficient traffic flow, do not adversely impact the development of adjacent property or the character of the surrounding neighborhood and do create an attractive grouping, spacing and placement of buildings and structures in relation to the site and its environs.
- (6) The operations of the proposed use to avoid any negative activity effect on adjacent properties.
- E. Sureties. The Land Management Committee may impose time schedules for completion of buildings, parking areas, open space uses, drainage and erosion control systems and landscaping. The Land Management Committee may require appropriate sureties, including but not limited to cash bonds, performance bonds, maintenance bonds and letters of credit, to guarantee that requirements will be completed on schedule. Failure to complete required improvements within specified time limits shall constitute a zoning violation.
- F. Appeals. Any person or persons aggrieved by any decision of the Land Management Committee's designee related to site plan review may appeal the decision to the Land Management Committee. Such appeal shall be filed with the Zoning Administrator within 30 days of the decision.

## § 240-76. Conditional use permits.

[Amended by Ord. No. 97-19]

- A. Applicability. A conditional use permit shall be required for the establishment of each use permitted as a conditional use and for an addition to or expansion of a nonconforming structure, or expansion or intensification of, a nonconforming use. Expansion of a use permitted as a conditional use shall also require a conditional use permit, except that the minor expansion of a building housing a use permitted as a conditional use which would not increase the scale or intensity of that use shall only require a land use permit.
- B. Application.
- (1) An application for a conditional use permit shall be submitted to the Zoning Administrator upon forms furnished by the Pierce County Department of Land Management. The application shall contain the following information:
- (a) All the information required for a land use permit listed in § **240-73**.
  - (b) Upon written request by the Zoning Administrator, such additional information as may be required by the Zoning Administrator so that the Land Management Committee can determine whether or not the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to public health, public safety or the character of the surrounding area. The written request shall contain an explanation of why the additional information is needed.

- (c) Water supply and sewage disposal. Where the proposed use involves human occupancy, satisfactory evidence that a safe and adequate supply of water and approved sewage disposal facilities will be provided, in accordance with the requirements of the Pierce County Sanitary Ordinance, shall be submitted.
- (2) Fee. All conditional use permit applications shall be accompanied by a fee established by the County Board of Supervisors.
- (3) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by Pierce County have been paid in full.
- C. Public hearing. A public hearing shall be held by the Land Management Committee after a public notice has been given as provided in § **240-81**. At the public hearing, any party may appear in person or be represented by an agent.
- D. Determination. Following review, investigation and public hearing, the Land Management Committee shall render a decision in writing.
  - (1) If the application is approved, such decision shall include an accurate and complete description of the use as permitted, including all the conditions attached thereto.
  - (2) If the application is denied, the reasons for denial shall be stated.
- E. Basis of approval.
  - (1) The Land Management Committee shall review each conditional use permit application for compliance with all requirements applicable to that specific use and to all other relevant provisions of this chapter. In approving conditional uses, the Land Management Committee also shall determine that the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to the public health, public safety or character of the surrounding area.
  - (2) To aid in the review of the proposed project against the above criteria, the Land Management Committee may evaluate the following specific criteria but shall not be limited thereto:
    - (a) Whether the proposed project will adversely affect property in the area.
    - (b) Whether the proposed use is similar to other uses in the area.
    - (c) Whether the proposed project is consistent with adopted Pierce County plans or any officially adopted town plan.
    - (d) Provision of an approved sanitary waste disposal system.
    - (e) Provision for a potable water supply.
    - (f) Provisions for solid waste disposal.
    - (g) Whether the proposed use creates noise, odor or dust.
    - (h) Provision of safe vehicular and pedestrian access.
    - (i) Whether the proposed project adversely impacts neighborhood traffic flow and congestion.
    - (j) Adequacy of emergency services and their ability to service the site.
    - (k) Provision for proper surface water drainage.
    - (l) Whether proposed buildings contribute to visual harmony with existing buildings in the neighborhood, particularly as related to scale and design.
    - (m) Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.

- (n) Whether the proposed project leads to a change in the natural character of the area through the removal of natural vegetation or altering of the topography.
  - (o) Whether the proposed project would adversely affect the natural beauty of the area.
  - (p) Whether the proposed project would adversely affect any historic or archaeological sites.
- (3) The applicant's failure to satisfy the criteria listed in Subsection **E(2)** or any other applicable requirement in this chapter may be deemed grounds to deny the conditional use permit. At all times the burden of proof to demonstrate satisfaction of these criteria remains with the applicant.
- (4) Applications for conditional use permits in the Exclusive Agriculture District shall comply with any restrictions or limitations contained in Chapter 91, Wis. Stats. Prior to approving any conditional uses in the Exclusive Agriculture District, the Land Management Committee shall make findings that the conditional use is necessary, in light of alternative locations for such use, and the conditional use is consistent with agricultural use, as required under § 91.75, Wis. Stats.  
[Amended by Ord. No. 99-11]
- F. Conditions and restrictions. The Land Management Committee may, in approving an application for a conditional use permit, impose such restrictions and conditions that it determines are required to prevent or minimize adverse effects from the proposed use or development on other properties in the neighborhood and on the general health, safety and welfare of the county. Such conditions may include financial sureties. The Land Management Committee may limit the use of land to one specific use permitted in the zoning district for which the conditional use permit is sought.
- G. Expiration. All conditional use permits shall expire 12 months from the date of issuance where no action has commenced to establish the authorized use. If a time limit has been imposed as a condition for the permit, the permit shall expire at the end of the time limit.
- H. Notification.
- (1) Pursuant to § 91.75(5), Wis. Stats., the Pierce County Department of Land Management shall notify the Wisconsin Department of Agriculture, Trade and Consumer Protection of all conditional uses approved in the Exclusive Agricultural District.<sup>[1]</sup>
- [1] *Editor's Note: Former Subsection H(2), which immediately followed and required the provision of a copy of any conditional use decision that affected shorelands to the Department of Natural Resources, was repealed 9-27-2016 by Ord. No. 16-03.*
- I. Termination. If an established conditional use is not conducted in conformity with the permit or this chapter, the conditional use permit may be terminated by action of the Land Management Committee. If an established use permitted as a conditional use ceases for a period of more than 12 months, the conditional use permit shall terminate, and all future activity shall require a new conditional use permit.  
[Amended 4-22-2008 by Ord. No. 07-09]
- J. Resubmission. A conditional use permit application that has been heard and decided shall not be eligible to be resubmitted during the six months following the decision. The six-month period may be waived by the Land Management Committee, provided that the applicant submits a written report identifying how the new application differs materially from the previous application or identifying substantial new evidence that will be offered, and provided that the Land Management Committee votes, by simple majority, that the changes or new evidence would be of such significance that the Committee might consider changing the previous decision.
- K. Appeal. Persons aggrieved by conditional use permit decisions issued by the Land Management Committee may, within 30 days of the filing of each such decision in the office of the Zoning Administrator, file a certiorari review action with the Pierce County Circuit Court.

## § 240-77. Certificate of compliance.

No land shall be occupied or used and no building or structure hereafter erected, altered or moved shall be occupied until a certificate of compliance is issued by the Zoning Administrator documenting that the use, building or structure conforms to the provisions of this chapter.

## § 240-78. Variances.

- A. Petition. A petition for variance shall be filed by the property owner, or the owner's agent, using forms furnished by the Pierce County Department of Land Management. Such petition shall include the following:
- (1) Name and address of the property owner and petitioner (if different).
  - (2) Signature of petitioner.
  - (3) Location of property involved in the petition.
  - (4) Proposed use or structure in question, including a site plan showing the preferred arrangement for which the variance is sought.
  - (5) Section(s) of this chapter from which a variance is requested.
  - (6) Details as to the narrowness, shallowness, shape, topography or other characteristics of the land or the physical conditions applying to the building, structure use or intended use which make it not merely inconvenient but extremely difficult, if not impossible, to comply with the provisions of this chapter.
  - (7) A statement that the conditions detailed above are unique to this property and are not generally existing on other properties in the same zoning district.
  - (8) A statement that the unnecessary hardship was not caused by the applicant nor by any persons still having an interest in the property.
  - (9) Fee. A petition for a variance shall be accompanied by a fee established by the County Board of Supervisors.
- B. Processing.
- (1) Public hearing. The Board of Adjustment shall hold a public hearing in accordance with § 59.694, Wis. Stats., and after a public notice has been given as provided in § **240-81A**. At the hearing, any party may appear in person or by agent or by attorney.
  - (2) Decision. Within a reasonable time, the Board of Adjustment shall render a decision to either grant or deny the request for variance.
    - (a) A variance granted shall be the minimum to permit a use of the property and may contain conditions or guarantees attached thereto by the Board of Adjustment.
    - (b) A variance denied shall be accompanied by the reasons for denial.
- C. Standards for variance. The Board of Adjustment shall consider the following standards for granting a variance. The burden of proof at all times remains with the applicant to establish that the proposed variance meets the following standards:
- (1) Unnecessary hardship. That there are present actual physical conditions applying to the lot, parcel, building, structure, use or intended use on that parcel which are creating the unnecessary hardship in the application of this chapter, as distinguished from a mere inconvenience to the owner if the strict letter of the regulations is required.
  - (2) Unique condition. That the conditions described in Subsection **C(1)** are unique, exceptional, extraordinary or unusual circumstances applying only or primarily to the property under consideration and are not of such a general or recurrent nature elsewhere in the same zoning

district as to suggest or establish the basis for ordinance changes or amendments or of having that effect if relied upon as the basis for granting a variance.

- (3) Conditions not self-created. That the condition creating the hardship or difficulty was not caused by the petitioner nor by any person still having an interest in the property.
  - (4) Public interest. That in granting the variance there will not be a substantial detriment to neighboring property and the grant of variance will not be contrary to the purpose of this chapter and the public interest.
  - (5) Effect on uses. No variance shall have the effect of allowing in any district a use not permitted in that district.
- D. Department of Natural Resources notification. Pursuant to Section NR 115.05(6)(h) of the Wisconsin Administrative Code, a copy of any variance shall be provided to the district office of the Department of Natural Resources within 10 days of the date such decision is rendered.
- E. Resubmission. A variance petition that has been heard and decided shall not be eligible to be resubmitted during the six months following the decision. The six-month period may be waived by the Board of Adjustment provided that the petitioner submits a written report identifying how the new petition differs materially from the previous petition or identifying substantial new evidence that will be offered and provided that the Board of Adjustment votes by simple majority that the changes or new evidence would be of such significance that the Board might consider changing the previous decision.

## § 240-79. Appeals.

### A. General provisions.

- (1) Where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator or Department Administrator, an appeal may be taken to the Board of Adjustment by any person aggrieved or by any officer, department, board or bureau of the municipality affected.
- (2) Such appeals shall be filed with the Department of Land Management within 30 days after the date of written notice of the decision or order of the Zoning Administrator or Department Administrator.
- (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, 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 other 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.

### B. Processing an appeal.

- (1) Petitions for appeals shall include:
  - (a) Name, address and signature of the appellant.
  - (b) Location of property affected by the appeal.
  - (c) The decision being appealed and the grounds claimed for the appeal. The burden of proof at all times remains with the appellant.
  - (d) Such additional information as may be required by the Board of Adjustment.

- (2) Fee. An appeal shall be accompanied by a fee established by the County Board of Supervisors.
- (3) The Pierce County Department of Land Management shall forthwith transmit to the Board of Adjustment the appeal and all documents constituting the record upon which the action appealed from was taken.
- (4) Public hearing. The Board of Adjustment shall hold a public hearing in accordance with § 59.694, Wis. Stats., and after a public notice has been given as provided in § **240-81A**. At the hearing any party may appear in person or by agent or attorney.
- (5) Decision. The Board of Adjustment decision of the appeal shall be rendered in writing within 30 days after the public hearing. Such decision shall:
  - (a) State the specific facts which are the basis for the Board's decision.
  - (b) Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed from. The Board may also dismiss the appeal for lack of jurisdiction.<sup>[1]</sup>

[1] *Editor's Note: Former Subsection C, Department of Natural Resources notification, which immediately followed, was repealed 9-27-2016 by Ord. No. 16-03.*

## § 240-80. Amendments.

- A. The County Board of Supervisors may amend this chapter in accordance with § 59.69(5), Wis. Stats., and Chapter NR 115 of the Wisconsin Administrative Code and after a public notice has been given as provided in § **240-81**. At the hearing any party may appear in person or by agent or attorney.
- B. Fee. A petition for an amendment shall be accompanied by a fee established by the County Board of Supervisors. Such fee may be waived as specified in the Department of Land Management rules of procedure.
- C. (Reserved)<sup>[1]</sup>

[1] *Editor's Note: Former Subsection C, Rezoning of wetland, was repealed 9-27-2016 by Ord. No. 16-03.*
- D. Zoning amendments in the Exclusive Agriculture District.
  - (1) Pierce County may approve petitions for rezoning areas zoned for exclusive agriculture use only after findings are made based upon consideration of the following:
    - (a) Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.
    - (b) Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them.
    - (c) The land proposed for rezoning is suitable for development, and development will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas.
  - (2) Pursuant to § 91.77(3), Wis. Stats., the Wisconsin Department of Agriculture, Trade and Consumer Protection shall be notified of all rezonings pertaining to the Exclusive Agriculture District.
- E. (Reserved)<sup>[2]</sup>

[2] *Editor's Note: Former Subsection E, Department of Natural Resources notification, was repealed 9-27-2016 by Ord. No. 16-03.*

- F. Resubmission. A petition for zoning amendment that has been heard and decided shall not be eligible to be resubmitted during the six months following final action by the Pierce County Board of Supervisors. The six-month period may be waived by the Land Management Committee, provided that the petitioner submits a written report identifying how the new zoning amendment petition differs substantially from the previous petition or identifying substantial new evidence that will be offered, and provided that the Land Management Committee votes by simple majority that the changes or new evidence would be of such significance that the Pierce County Board of Supervisors might consider changing the previous decision.
- G. Limitations on use. The Land Management Committee and the Pierce County Board of Supervisors may, in the process of approving a zoning amendment, limit the use of land to one or more specific uses permitted in the zoning district for which the amendment is sought.

## § 240-81. Public hearings.

When public hearings are required by this chapter or by Wisconsin statutes, the following shall apply:

### A. Notice for public hearings.

- (1) Notice of any public hearing which the Land Management Committee or Board of Adjustment is required to hold shall be given by publishing in the county a Class 2 notice in accordance with Chapter 985, Wis. Stats. The notice shall specify the time and place of such hearing.
- (2) If the public hearing involves a petition for a zoning amendment, a copy of the hearing notice shall be mailed by registered mail to the town clerk of each town affected by the proposed amendment at least 10 days prior to the date of such hearing.
- (3) If the public hearing involves a variance or an appeal before the Board of Adjustment, the Board of Adjustment shall give due notice to the parties in interest.<sup>[1]</sup>

[1] *Editor's Note: Former Subsection A(4), which immediately followed and required notification of the Department of Natural Resources for any hearing involving shorelands, was repealed 9-27-2016 by Ord. No. 16-03.*

### B. Public hearing procedures. The Land Management Committee or Board of Adjustment may adopt any formal or informal public hearing procedures.

## Article XII. Enforcement

### § 240-82. Violations.

- A. It shall be unlawful to locate, erect, construct, reconstruct, alter, enlarge, extend, convert or relocate any building, structure or sign or use any building, structure, land or sign in violation of the provisions of this chapter or amendments or supplements thereto lawfully adopted by the County Board of Supervisors. It shall also be unlawful to fail to obtain permits as required by this chapter or to fail to comply with any requirement or condition imposed by the Board of Adjustment or Land Management Committee.
- B. Each and every day of violation as described in Subsection **A** may be deemed a separate offense and violation.
- C. Any person, firm, association or corporation or representative agent failing to comply with the provisions of this chapter may be subject to prosecution under the terms of this chapter.

### § 240-83. Prosecution.



- A. Civil proceedings. Pursuant to § 66.0114, Wis. Stats., an action for violation of this chapter shall be a civil action.
- B. Notification. The Zoning Administrator shall serve any violators with a notice of violation stating the following:
  - (1) The nature of the violation.
  - (2) Corrective measures required to eliminate the violation.
  - (3) That the violator shall be subject to:
    - (a) Civil action to remove or otherwise eliminate the violation; and/or
    - (b) Penalties, upon conviction, as set forth in § **240-85**.
- C. Corporation Counsel. The Zoning Administrator shall report violations to the Pierce County Corporation Counsel. At the Corporation Counsel's discretion, legal action or proceedings may be commenced to prosecute alleged violators pursuant to the proceedings outlined in § 66.0114, Wis. Stats., or pursuant to the issuance of a summons and complaint.
- D. Injunction. Compliance with this chapter may also be enforced by an injunction at the suit of Pierce County or the owner or owners of real estate within the zoning district affected by such regulation.
- E. Penalty. Those actions commenced on behalf of Pierce County may, in addition, seek a forfeiture or penalty as outlined herein.
- F. Special inspection warrants. The provisions of § 66.0119, Wis. Stats., shall govern the issuance of all special inspection warrants.

## § 240-84. Orders and citations.

Pierce County zoning officials shall have the authority to:

- A. Issue orders and directives to any person subject to the provision of these regulations to cease any act, conduct or use which is deemed to be a violation of these regulations or correct within a specified period of days any violation of these regulations; and
- B. Issue, with or without an order or directive, a citation and notice to appear in a court of competent jurisdiction for any violation of these regulations.

## § 240-85. Penalties.

Any person, firm, association or corporation or representative agent who fails to comply with the provisions of this chapter or any order of the Zoning Administrator issued in accordance with this chapter shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500 and the cost of prosecution for each violation, including court costs and reasonable attorney fees, and in default of payment of such forfeiture and costs shall be imprisoned until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate violation.

## § 240-86. After-the-fact conditional use applications and variance petitions.

- A. After-the-fact conditional use situation. If a building or structure or premises is used to establish a use which by this chapter requires issuance of a conditional use permit without a conditional use permit first being obtained, the responsible party may attempt to correct the violation by applying for a conditional use permit for the unauthorized use.

- (1) Procedure.
    - (a) Upon notification of the violation, the responsible party may apply for a conditional use permit as provided in § **240-76B**.
    - (b) Upon submittal of a complete application, the application shall be processed as provided in § **240-76**.
  - (2) During the pendency of the conditional use permit application, the responsible party shall not carry on any activities in furtherance of the unauthorized use.
- B. After-the-fact variance situations. If a building or structure is constructed in violation of any dimensional requirement of this chapter or if a lot is created in violation of minimum lot area and/or width requirements of this chapter, the responsible party may attempt to correct the violation by petitioning for a variance, except that the responsible party shall not be eligible for such correction if a summons and complaint regarding the violation has been filed by the Corporation Counsel prior to submittal of the variance petition.
- (1) Procedure.
    - (a) Upon notification of the violation, the responsible party may submit a written request to the Board of Adjustment asking that the Board of Adjustment consider a variance petition regarding the violation.
    - (b) As soon as can be conveniently scheduled, the Board of Adjustment shall decide whether or not to consider such variance petition. In deliberating on the issue, the Board of Adjustment shall consider a recommendation which the Zoning Administrator shall provide.
    - (c) If the Board of Adjustment refuses to accept the request, appropriate enforcement actions shall be applied.
    - (d) If the Board of Adjustment accepts the request, the responsible party may submit a variance petition as provided in § **240-78A**.
  - (2) During the pendency of a variance petition, the responsible party shall not carry on any activities in furtherance of the unauthorized act.

## Article XIII. Word Usage and Definitions

### § 240-87. Word usage.

In the interpretation of this chapter, the provisions and rules of this article shall be observed and applied, except when the context clearly requires otherwise:

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- C. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- D. The word "shall" is mandatory.
- E. The word "may" is permissive.

### § 240-88. Definitions.

[Amended 10-26-1999 by Ord. No. 99-11; 3-27-2001 by Ord. No. 00-14; 9-25-2001 by Ord. No. 01-02; 10-19-2004 by Ord. No. 04-14; 4-22-2008 by Ord. No. 07-09; 6-23-2009 by Ord. No. 09-01]

When used in this chapter, the following terms shall have the meanings herein assigned to them. Words used in this chapter, but not defined therein, shall carry the meanings as defined in Webster's Unabridged Third International Dictionary or its successor volumes.

### **ABANDONMENT OF NONMETALLIC MINING OPERATIONS**

The cessation of nonmetallic mining operations or activities for more than 365 consecutive days, where the cessation is not specifically set forth in an operator's application, operation or reclamation plan or permit or is not specifically approved by the Land Management Committee upon written request. Abandonment of operations does not include the cessation of activities due to labor strikes or natural disasters.

[Amended 4-17-2012 by Ord. No. 12-02]

### **ACCESSORY BUILDING**

See "building, accessory."

### **ACCESSORY RESIDENCE**

- A. A dwelling unit that is accessory to a nonresidential use on the same lot, is the only dwelling unit on the lot, and provides living quarters for the owner, proprietor, commercial tenant, employee or caretaker of the nonresidential use.
- B. A dwelling unit located in an accessory building located on a residential parcel.

### **ACCESSORY STRUCTURE**

See "structure, accessory."

### **ACCESSORY USE**

See "use, accessory."

### **ADMINISTRATOR/PLANNER**

An authorized representative of the Land Management Committee appointed by the County of Pierce to supervise the operation of the Planning Department and to carry out, or to delegate carrying out, the assigned responsibilities of this chapter.

### **ADULT-ORIENTED ENTERTAINMENT BUSINESS**

Any business whose primary business activity is characterized by emphasis on matters depicting, describing, or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, such as an adult bookstore, adult theater, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult health/sports club, adult steam room/bathhouse facility.

[Added 8-27-2013 by Ord. No. 13-07]

### **AGRICULTURAL BUSINESS OPERATION**

A site-specific business reliant on the property's active agriculture which may include multiple related uses managed as one operation.

[Added 6-26-2012 by Ord. No. 12-07]

### **AGRICULTURE, GENERAL**

Agricultural uses with higher amounts of input and output compared to cultivation agriculture, including but not limited to animal husbandry; grazing; dairying; apiculture; etc.

[Amended 6-23-2019 by Ord. No. 19-01]

### **AGRITOURISM**

Activities conducted at a working agricultural operation and offered to the public or to invited groups for the purpose of recreation, education, or active involvement in the operation.

[Added 6-26-2012 by Ord. No. 12-07]

**AIRPORT**

The use of any area of land or water which is used or intended for use by four or more aircraft for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

**AIRSTRIP**

The use of any area of land or water which is used or intended for use by three or fewer aircraft based at such airstrip for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

**ANIMAL HUSBANDRY**

The raising of livestock.

[Added 6-23-2019 by Ord. No. 19-01]

**ART**

The conscious use of skill, taste and creative imagination in the production of objects whose primary or sole value is intended to be aesthetic. Art is distinct from other forms of production by its application of a personal, unanalyzable creative power, not only expertness in workmanship.<sup>[1]</sup>

**BED-AND-BREAKFAST ESTABLISHMENT**

Any place of lodging that provides eight or fewer rooms for rent to transient guests, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.

**BLUFFLINE**

A line along the top of a slope of at least 20%, connecting the points at which the slope, proceeding away from the bottom of the slope, becomes less than 12%.

**BOARDINGHOUSE**

A place in which lodging, with or without meals, is offered for compensation to nontransient guests, that provides eight or fewer rooms for rent, is the owner's personal residence and is occupied by the owner at the time of rental.

**BOATHOUSE**

An accessory building which includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts and is accessible by boats from navigable water, is designed, constructed and used solely for the purpose of storing or protecting boats and other water-related recreational materials for noncommercial purposes and used in conjunction with a residence. A boathouse must be placed two feet above the ordinary high-water mark of navigable waters.

**BUILDING**

An enclosed structure built, maintained or intended to be used for the protection, shelter or enclosure of persons, animals or property and which is affixed to the ground.

**BUILDING, ACCESSORY**

A building, not attached to a principal building by means of a common wall, common roof or an aboveground roofed passageway, which is:

- A. Subordinate to and serves a principal structure or a principal use.
- B. Located on the same lot as the principal structure or use served.
- C. Customarily incidental to the principal structure or use.

**BUILDING, PRINCIPAL**

A building which houses a principal use of a lot, including any functional appurtenances, such as decks, stairways and balconies, which are attached to, or located within three feet of, said building.

### **BUILDING SITE**

A lot on which buildings or structures that are permitted in the applicable zoning district may be placed.

### **BUILDING ZONE**

The area of a lot between the required road setback line (or front yard line) and rear yard line (or navigable water setback line).

### **CAMPGROUND**

Any parcel or tract of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units or by one to three camping units if the parcel or tract of land is represented as a campground and may include multiple related uses managed as one operation.

[Amended 6-26-2012 by Ord. No. 12-07]

### **CAMPING**

The placement of a temporary shelter used as or designed to be used for sleeping purposes. Examples of shelters used for camping include tents, trailers, motor homes, recreational vehicles, tarpaulins, bedrolls and sleeping bags.<sup>[2]</sup>

### **CAMPING UNIT**

Any single temporary shelter, except sleeping bags, bedrolls and hammocks, used for camping by a camping party.

### **CAMPSITE**

A segment of a campground which is designated for camping by a camping party.

### **CEMETERY**

Land used for the burial of dead humans and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

### **CERTIFICATE OF COMPLIANCE**

An official written document, issued by the Zoning Administrator, which certifies that the use or structure complies with all applicable provisions of this chapter and the land use permit, sign permit or conditional use permit issued for that use or structure.

### **CHANGE OF USE**

Conversion of a principal use of a lot from one use category, as listed in § 240-17, to another use category.

### **CLEAN FILL**

Clean soil, brick, building stone, concrete, reinforced concrete, broken pavement and unpainted or untreated wood.

### **CLEAN FILL SITE**

A site used only to dispose of clean fill.<sup>[3]</sup>

### **COMMERCIAL RIDING STABLE**

See "riding stable, commercial."

### **COMMUNITY LIVING ARRANGEMENTS**

A facility defined as such in § 46.03(22), Wis. Stats.

### **CONDITIONAL USE**

See "use permitted as a conditional use."

### **CONDITIONAL USE PERMIT**

A permit, issued by the Land Management Committee, stating that a use permitted as a conditional use may be established, expanded or enlarged subject to any conditions placed on the authorization and the provision of this chapter.

### **CONTRACTOR'S ESTABLISHMENT**

See "trade or contractor's establishment."

### **CULTIVATION AGRICULTURE**

Low impact agricultural uses that involve the cultivating of soil and harvesting of crops, including horticulture; floriculture; grain production; forest crop; and specialty crop production such as viticulture; maple syrup; mint and willow; and truck farming.

[Added 6-23-2019 by Ord. No. 19-01]

### **DECK**

An unenclosed, unroofed exterior platform structure, with or without railings, which is elevated above preconstruction grade and is typically of wood construction, either attached to a building or freestanding.

### **DEPARTMENT OF NATURAL RESOURCES**

The Wisconsin Department of Natural Resources.

### **DIRECT MARKET AGRICULTURE**

A use involving the sale of agricultural products which are produced on site and sold directly to consumers, including uses such as roadside stands, pick-your-own fruits and vegetables and Christmas tree farms.

[Added 6-26-2012 by Ord. No. 12-07]

### **DOMESTIC FOWL**

Any domestic breed of chicken or duck. No other species of bird shall fall under this definition.

[Added 6-23-2019 by Ord. No. 19-01]

### **DRIVEWAY**

A means of access to or from a property, site or use or a means of circulation within a parking area.

### **DUPLEX**

Two attached dwelling units on a single lot regardless of the form of ownership of the units.

### **DWELLING UNIT**

A building or portion thereof which provides or is intended to provide living quarters exclusively for one family.

### **DWELLING UNIT, SINGLE-FAMILY**

A freestanding building which provides or is intended to provide living quarters exclusively for one family, except dwelling units that meet the definition of "manufactured home."

### **EFFECTIVE DATE OF THIS CHAPTER**

The date that this chapter takes effect on a given parcel of land as provided in § 240-6 or the date that an amendment to this chapter becomes effective.

### **ENCLOSED STRUCTURE**

A structure consisting of a solid roof, a permanent foundation, a floor and solid walls extending from the floor to the roof. Solid doors, windows or other glazing is allowed in the wall segments. Open breezeways or screen walls do not qualify as enclosed structures.

### **EQUIPMENT COMPOUND**

An area surrounding or adjacent to the base of an existing support structure within which are located wireless communication service facilities.

[Added 8-18-2015 by Ord. No. 15-02]

#### **FALL ZONE**

The area over which a support structure is designed to collapse.

[Added 8-18-2015 by Ord. No. 15-02]

#### **FAMILY**

A person or group of persons living together as a single housekeeping unit.<sup>[4]</sup>

#### **FAMILY DAY-CARE HOME**

A dwelling unit where supervision and care and/or instruction for not more than eight children under the age of seven is provided for periods of less than 24 hours per day and which is licensed by the Wisconsin Department of Health and Family Services.

#### **FARM AND HOME-BASED BUSINESS**

A business, profession, occupation or trade for gain or support which is conducted on the same lot as a residence or farmstead.

#### **FARMERS MARKET**

A use which principally involves the retail sale of farm and garden products from local area farmers.

[Amended 6-26-2012 by Ord. No. 12-07]

#### **FENCE**

A barrier intended to prevent escape or intrusion or to mark a boundary. "Fence" does not include a railing serving a deck, porch, balcony or similar items.

#### **FLOODPLAIN**

The land which has been or may be hereafter covered by floodwater during a regional flood, including the floodway and the flood-fringe as defined in Chapter NR 116, Wisconsin Administrative Code. Floodplains are designated as A Zones on the Flood Insurance Rate Maps for Pierce County.

#### **FLOOR AREA**

The sum of the gross horizontal areas of the several floors of the building, measured from the outer lines of the exterior walls of the building, except that the floor area of the dwelling does not include space not usable for living quarters, such as attics, unfinished basement rooms, garages, breezeways and unenclosed porches or terraces. (See also "primary floor area.")

#### **FOOTPRINT, BUILDING**

A single horizontal plane bounded by the exterior walls of a building.

#### **GARAGE**

An accessory structure (except for public highway garages) primarily intended for and used for the enclosed storage or shelter of motor vehicles.

#### **GENERAL AGRICULTURE**

See "agriculture, general."

#### **GENERAL RETAIL AND SERVICES**

Establishments that provide goods and/or services to the consumer.

[Added 6-26-2012 by Ord. No. 12-07]

#### **GRADE ELEVATION**

The average elevation around the base of a building or a structure where such building or structure meets the surface of the ground.

**HISTORIC BUILDING**

A building which is one of the following:

- A. Listed on, or nominated by the State Historical Society for listing on, the National Register for Historic Places in Wisconsin;
- B. Included in a district which is listed on, or nominated by the State Historical Society for listing on, the National Register for Historic Places in Wisconsin and which has been determined by the State Historical Society to contribute to the historic significance of the district;
- C. Listed on a certified municipal register of historic property; or
- D. Included in a district which is listed on a certified municipal register of historic property and which has been determined by the municipality to contribute to the historic significance of the district.

**HOME BUSINESS**

A business conducted on the same lot as, and in conjunction with, a residence.

**HOME OCCUPATION**

A business, profession, occupation or trade which is conducted for gain or support, located entirely within a principal dwelling unit, operated by at least one person residing in the dwelling unit and is accessory, incidental and secondary to the use of the building as a residence and does not change the essential residential character or appearance of the dwelling unit.

**HYDRAULIC DREDGED MATERIAL STORAGE**

The placement of dredged material which had large amounts of water added for transfer.  
[Added 4-17-2012 by Ord. No. 12-02]

**IMPERVIOUS SURFACE**

Surfaces which do not absorb precipitation, including buildings, structures, parking areas, driveways, roads, sidewalks and any areas in concrete, asphalt or packed stone.

**IMPERVIOUS SURFACE RATIO**

A measure of the intensity of use of a parcel of land determined by dividing the total area of all impervious surfaces within the site by the total area of the site.

**INDOOR MAINTENANCE**

Businesses which offer maintenance, including repair of goods and equipment. Examples of such uses include automobile body shops, small-engine repair shops, boat repair and service and electronics maintenance and repair.

**INDUSTRY, HEAVY**

Uses such as manufacturing, assembling, fabrication, processing, bulk handling, storage, and trucking which are likely to generate significant levels of traffic, noise, pollution, vibration, dust, fumes, odors, pesticides, herbicides, or other hazardous materials, fire or explosion hazards, or other undesirable conditions which are unsuitable for any other district.  
[Amended 4-17-2012 by Ord. No. 12-02]

**INDUSTRY, LIGHT**

Nonnuisance, low-impact industrial uses compatible with surrounding commercial, residential or public uses which have a minimal impact on traffic, conducted indoors and without significant noise, odor, dust and glare which do not contribute to the degradation of the land, water and air.<sup>[5]</sup>  
[Amended 4-17-2012 by Ord. No. 12-02]

**KENNEL**

Any establishment wherein or whereon eight or more dogs over the age of five months are kept.

**LAND MANAGEMENT COMMITTEE**



The committee designated by the Pierce County Board of Supervisors to fulfill the responsibilities as stated in this chapter.

### **LAND USE PERMIT**

A permit, issued by the Zoning Administrator, stating that a use or a structure, except a sign or use permitted as a conditional use, may be established, expanded or enlarged subject to any conditions placed on the permit and the provisions of this chapter.

### **LIVESTOCK**

Domesticated animals used in an agricultural setting to produce income, labor, or commodities such as meat, eggs, milk, leather, wool or other animal byproducts. For the purposes of this chapter, horses shall be regulated under outdoor recreational uses.

[Amended 6-23-2019 by Ord. No. 19-01]

### **LIVING QUARTERS**

A building or a portion of a building which provides, as a minimum, an area equipped or furnished for sleeping purposes. "Living quarters" also includes those finished portions of a building in which normal residential activities occur.

### **LODGING**

A use which provides commercial transient lodging in individual rooms, suites of rooms or units. Examples of such uses include motels, hotels, inns, cottages and cabins.

[Amended 6-26-2012 by Ord. No. 12-07]

### **LOT**

A continuous parcel of land, not divided by a public right-of-way, occupied or intended to be occupied by a principal structure or use, and the accessory structures or uses permitted thereto, and sufficient in size to meet the lot width and lot area provisions of this chapter.

### **LOT AREA**

The area of a horizontal plane bounded by the front, side and rear lot lines of a lot, but not including the area of any land below the ordinary high-water mark of navigable waters nor any land in a public right-of-way or private access easement.

### **LOT LINE**

A line bounding a lot which divides one lot from another lot or from a street or road.

### **LOT LINE, FRONT**

The lot line nearest to the center line of the public or private road from which the lot takes access.

### **LOT LINE, REAR**

In the case of rectangular or most trapezoidal-shaped lots, that lot line which is generally parallel to and most distant from the front lot line of the lot. In the case of an irregular or triangular lot, a line 20 feet in length, entirely within the lot, parallel to, and at the maximum possible distance from, the front lot line.

### **LOT LINE, SIDE**

Any lot line other than a front or rear lot line.

### **LOT OF RECORD**

Any lot, the description of which is properly recorded with the Pierce County Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances and regulations.

### **LOT WIDTH**

The horizontal distance of a line which connects two side lot lines, runs through the building zone of the lot and is perpendicular to the line bisecting the angle formed by the side lot lines. For lots with parallel side lot lines, the lot width is the perpendicular distance between the side lot lines.

**MANUFACTURED HOME**

A dwelling unit which is, or was as originally constructed, designed to be transported after fabrication on its own wheels, or by a motor-powered vehicle, arriving at a site where it is to be occupied as a residence (whether occupied or not) complete and ready for occupancy (with or without major appliances and furniture), except for minor and incidental unpacking and hookup operations, and designed, equipped and used primarily for sleeping, eating and living quarters or is intended to be so used, and includes any additions, attachments, annexes, foundations and appurtenances. Structures which are delivered to the site in halves or other modular arrangements (consisting of complete wall sections or large units fabricated off-premises by the manufacturer of the basic unit and designed and intended to be attached to the basic unit) and which when joined together exceed 18 feet in width throughout, meet minimum floor area requirements of this chapter, have a length to width ratio of not more than 2.5 to 1 (with length measured along the center of the longest roof axis and width measured perpendicular to the above at the completed unit's most narrow span) and which are placed upon a permanent foundation are considered single-family residences or single-family dwelling units.

**MANUFACTURED HOME PARK**

Any plot or plots of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for more than two manufactured homes on a year-round basis and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the manufactured home park and its facilities. Manufactured home parks shall not include automobile or manufactured home sale lots on which unoccupied manufactured homes are parked for the purposes of inspection and sale.

**METEOROLOGICAL TOWER**

Towers that are used to monitor or transmit wind speed and wind flow characteristics for a period of time for either instantaneous wind information or to characterize the wind resource at a given location to assist in the siting of a WES and includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment, data logger, instrument wiring, and telemetry devices.

**MINING, ACCESSORY USE**

Uses and activities which are customarily incidental, appropriate and subordinate to mining, such as stockpiling, sorting, screening, washing and crushing when conducted on property that is not contiguous to the extraction site or batching, recycling of concrete, asphalt, and related construction materials, maintenance facilities, and contractor's service and storage yards, and concrete products manufacturing that make use of the products produced from the subject mining site, as well as asphalt plants. The stockpiling of materials by a public agency for construction, reconstruction, maintenance or repair of public transportation amenities at public owned sites or within the property boundary of the transportation amenity is not considered an accessory use.

[Amended 4-17-2012 by Ord. No. 12-02]

**MINI-STORAGE**

Indoor storage of customer's items within partitioned buildings with individual access to each partitioned area.

**MOBILE RECREATIONAL VEHICLE**

A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use, and which does not comply with the definition of "manufactured home."

[Added 6-26-2012 by Ord. No. 12-07]

**MODEL HOME**

A single-family dwelling unit which is used as a model for inspection by prospective home buyers and is unoccupied as a residence but is intended for eventual use as a single-family residence and which may or may not contain a home sales office.

**MULTIPLE-FAMILY DWELLING**

A building containing three or more dwelling units.

**NACELLE**

Contains the key components of the wind turbine, including the gearbox, yaw system, and electrical generator.

**NATURE-BASED OPERATION**

A site-specific operation reliant on the property's natural environment and characteristics and may include multiple related uses managed as one operation.

[Added 6-26-2012 by Ord. No. 12-07]

**NAVIGABLE WATER**

The Mississippi River, St. Croix River, all natural inland lakes, all streams, ponds, sloughs, flowages and other waters within Pierce County which are navigable under the laws of the State of Wisconsin. Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench vs. Public Service Commission, 256 Wis. 492 (1952), and DeGaynor and Co., Inc., vs. Department of Natural Resources, 70 Wis. 2d 936 (1975)]. For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state though it may be dry during other seasons.

**NONCONFORMING LOT**

A lot which, in its most recent configuration, does not contain sufficient area and/or width to meet the criteria of § 240-23 or 240-24E.

**NONCONFORMING SIGN**

Any sign, legally established prior to the effective date of this chapter or subsequent amendments thereto, which does not fully comply with the requirements imposed by this chapter.

**NONCONFORMING STRUCTURE**

Any building or structure, other than a sign, legally established prior to the effective date of this chapter or subsequent amendments thereto, which does not fully comply with the requirements imposed by the individual sections of this chapter that pertain to the size, height, location, setback and similar characteristics of structures.

**NONCONFORMING USE**

Any use of structures, land or water which was lawfully established at the time of the effective date of this chapter or subsequent amendments thereto which does not fully comply with the use requirements imposed by this chapter.

**NONMETALLIC MINING or NONMETALLIC MINING OPERATION**

Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand, gravel and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc; topsoil-related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals; and related processes such as stockpiling, sorting, screening, crushing, screening, scalping, dewatering and blending. "Nonmetallic mining" or "nonmetallic mining operation" does not include or allow the following activities or uses, by way of illustration, which include, but are not limited to, manufacture of concrete building blocks or other similar products, asphalt or hot blacktop mixing and production of ready-mix concrete. Nonmetallic mining does not include the following activities:

[Amended 4-17-2012 by Ord. No. 12-02]

A. Excavations or grading by a person solely for domestic use at his or her residence.

- B. Excavations or grading conducted for highway construction purposes within the highway right-of-way.
- C. Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
- D. Excavations for the foundation of structures, provided that such excavation does not exceed a volume of material 1.5 times the volume of the polyhedron bounded by the natural grade, the bottom of the footings and the exterior of the foundation walls.
- E. Minor land disturbances such as installation of utilities, walks and driveways, sanitary waste disposal systems or fuel storage tanks.
- F. Any mining operation, the reclamation of which is required in a permit obtained under §§ 293.01 to 293.93, Wis. Stats.
- G. Any activities conducted at a soil or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under §§ 289.05 to 289.33, Wis. Stats., or a hazardous waste disposal facility under §§ 291.001 to 291.97, Wis. Stats.; provided, however, that said section applies to activities related to solid or hazardous waste disposal which are conducted at a nonmetallic mining site separate from the solid or hazardous waste disposal facility, such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.
- H. Any nonmetallic mining site or portion of a site which is subject to permit and reclamation requirements of the Department of Natural Resources under §§ 30.19, 30.195 and 30.20, Wis. Stats.

#### **NONMETALLIC MINING REFUSE**

Waste soil, rock, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mining operation. This term does not include merchantable by-products resulting directly from or displaced by the nonmetallic mining operation.

#### **NONMETALLIC MINING SITE**

The location where a nonmetallic mining operation is conducted or is proposed to be conducted, including all surface areas from which minerals are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited and areas disturbed by the nonmetallic mining operation by activities such as the construction or improvement of roads or haulageways.

#### **NUDITY**

The showing of the human male or female genitals or pubic area with less than a fully opaque covering or the depiction of covered male genitals in a discernably turgid state and/or the appearance of bare buttocks, anus or female breast.

[Added 8-27-2013 by Ord. No. 13-07]

#### **NURSERY**

A facility or facilities used primarily to raise trees, shrubs, flowers, produce and other plants for sale, of which at least 50% are grown on site. Landscaping and horticultural services may be offered along with the sale of garden products such as rakes, shovels, and pots. The sales of garden products shall not occupy more than 25% of the sales area.

[Added 6-26-2012 by Ord. No. 12-07]

#### **OCCUPANCY UNIT**

A room, or interconnected rooms, consisting of living quarters physically separated from any other unit in the same building. The unit may include facilities for cooking and eating and other facilities convenient to human living.

#### **OFFICES**

Exclusively indoor uses for the handling of information or administrative services. Such uses do not typically provide services directly to customers on a walk-in or on-appointment basis.

#### **OPEN FENCE**

A fence whose entire length is not greater than 50% opaque and whose individual elements or sections are also not greater than 50% opaque.

#### **OPEN SPACE**

Area on a lot that is open to the sky, contains no structures, parking, driveways or other impervious surfaces and contains no nonmetallic mining uses. (See also "preserved open space.")

#### **ORCHARD**

An establishment, located on a lot devoted to the cultivation of fruit trees, that includes the sale of goods containing produce primarily grown on site and items to attract customers and promote the sale of agricultural products such as baked goods, ice cream, crafts and other retail items identified in the conditional use permit.

[Added 6-26-2012 by Ord. No. 12-07]

#### **ORDINARY HIGH-WATER MARK**

The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinct mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. Where the bank or shore at any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high-water mark.

#### **OUTDOOR RECREATION, PRIVATE**

Land uses which offer recreation activities primarily outdoors, including such uses as private parks, sportsmen's clubs, golf courses and ski hills, and which are operated for members or on a commercial basis for members of the public and may include multiple related uses managed as one operation.

[Amended 6-26-2012 by Ord. No. 12-07]

#### **OUTDOOR RECREATION, PUBLIC**

Land uses operated by governmental units which offer recreation activities primarily outdoors.

#### **PARCEL**

A lot, or contiguous group of lots, in single ownership or under single control, usually considered a unit for purposes of development.

[Added 4-19-2016 by Ord. No. 15-07]

#### **PLANNED RESIDENTIAL DEVELOPMENT**

An area of land, controlled by a developer, to be developed as a single entity for more than one dwelling unit, the plan for which does not necessarily comply with the various dimensional and locational requirements for the zoning district in which it is located but in which each dwelling unit is located on its own lot.

#### **PRESERVED OPEN SPACE**

Open space which has been permanently preserved in conjunction with a planned residential development or manufactured home park.

#### **PRIMARY FLOOR AREA**

The floor area of a building for purposes of determining required parking ratios for certain uses, such area to include only that portion of the total floor area devoted to customer service, sales and office space and not to include warehouses, utility, hallways and other accessory space, except as they generate parking demand.

**PRINCIPAL BUILDING**

See "building, principal."

**PRINCIPAL STRUCTURE**

See "structure, principal."

**PRINCIPAL USE**

See "use, principal."

**PRIVATE RIDING STABLE**

See "riding stable, private."

**REAR LOT LINE**

See "lot line, rear."

**REAR YARD**

See "yard, rear."

**RECLAMATION**

The rehabilitation of a nonmetallic mining site, including but not necessarily limited to removal of nonmetallic mining refuse, grading of the site, replacement of topsoil, stabilization of soil conditions, establishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution, construction of fences and, if practical, restoration of plant, fish and wildlife habitat.

**RECREATION CAMP**

See "institutional recreation camp."

**RECYCLING COLLECTION POINT**

A site in which recyclable materials, such as paper, cardboard, glass, metal, and plastic, are collected and temporarily held until transferred.

[Added 4-17-2012 by Ord. No. 12-02]

**RECYCLING FACILITY**

A facility in which recyclable materials are recycled, reprocessed and treated to return such products to a condition in which they may again be used for production.

[Added 4-17-2012 by Ord. No. 12-02]

**REGIONAL FLOOD**

A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics once in every 100 years.

**RESIDENCE**

The use of premises for the act or fact of dwelling.

**RESIDENCE, SINGLE-FAMILY**

The use of premises for the act or fact of dwelling in a single-family dwelling unit.

**RESIDENTIAL DENSITY**

The ratio of dwelling units to acres for a particular tract of land.

**RESIDENTIAL PARK**

Land within a residential development used for recreational purposes.

[Added 6-26-2012 by Ord. No. 12-07]

**RESIDENTIAL USE**

Any listed under "residential uses" in § 240-17.<sup>[6]</sup>

**RESORT**

A facility for transient guests where the primary attraction is generally on-site recreational features or activities and may include multiple related uses managed as one operation.

[Added 6-26-2012 by Ord. No. 12-07]

**RETREAT CENTER**

A facility or facilities used for professional, educational, organizational, or religious meetings, conferences, or seminars and which may provide meals, housing, and recreation for participants and may include multiple related uses managed as one operation.

[Amended 6-26-2012 by Ord. No. 12-07]

**RIDING STABLE, COMMERCIAL**

Any establishment where seven or more adult horses are kept for riding or recreation or where any number of horses are stabled for compensation, sale or show.

**RIDING STABLE, PRIVATE**

Any establishment where six or fewer adult horses are kept for riding or private recreation.

**ROAD, PRIVATE**

A recorded, described easement for access which serves two or more building lots but does not include a shared driveway.<sup>[7]</sup>

**ROTOR DIAMETER**

The diameter of the circle described by the moving rotor blades.

**SALVAGE YARD**

Any land or structure where waste or scrap materials, including but not limited to scrap iron and other metals, paper, rags, rubber tires, glass and inoperable vehicles or appliances, are either bought, sold, exchanged, baled, packed, disassembled or hauled for compensation.

**SAWMILLS**

A facility where wood is sawed, split, shaved, stripped, chipped, or otherwise processed to produce wood products to be sold.

[Added 4-17-2012 by Ord. No. 12-02]

**SEARCH RING**

A shape drawn on a map to indicate the general area within which a wireless communication service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

[Added 8-18-2015 by Ord. No. 15-02]

**SETBACK**

The minimum horizontal distance from the center line of a road or from the edge of the right-of-way of a road or from the ordinary high-water mark to a structure or use.

**SEXUAL CONDUCT**

Acts of masturbation, sexual intercourse, or physical contact with a person's unclothed genitals, pubic area, buttocks, or, if female, breast.

[Added 8-27-2013 by Ord. No. 13-07]

**SEXUAL EXCITEMENT**

The condition of human male or female genitals when in a state of sexual stimulation or arousal.

[Added 8-27-2013 by Ord. No. 13-07]

**SHORELANDS**

Those lands which are located within 1,000 feet of the ordinary high-water mark of a navigable lake, pond or flowage or within 300 feet of the ordinary high-water mark of a navigable river or

stream or to the landward side of the floodplain of the river or stream, whichever distance is greater.

### **SHRUBBERY**

Woody vegetation which is less than a height of 15 feet and is generally incapable of attaining such height.

### **SIDE YARD**

See "yard, side."

### **SIGN**

Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of or identify a person or entity or to communicate information of any kind to the public and which is intended to be visible from any road or from navigable water.

### **SIGN, ABANDONED**

A sign which advertises a use that has ceased or relates to an individual, firm or association, profession, business, commodity or product that no longer exists or relates to an activity or purpose that is no longer applicable.<sup>[8]</sup>

### **SIGN, DIGITAL DISPLAY**

A sign, any portion of which displays or has the ability to display electronically illuminated, scrolling or moving text, symbols or other images, utilizing LED, LCD or other digital or electronic technology, commonly known as electronic message or reader boards, electronic marquees, message centers or illuminated moving message displays.

[Added 4-19-2016 by Ord. No. 15-07]

### **SIGN FACE AREA**

The entire surface area of a sign display face upon which copy could be placed or, if no background or frame, the total area of the smallest rectangle or rectangles which can encompass all words, letters, figures, emblems and any other element of the sign's message. When a sign has more than one display face, the combined surface area of all display faces that can be viewed simultaneously shall be considered the sign face area.

### **SIGN, FREESTANDING**

Signs which have their own base of support from the ground and are not attached to a building.

### **SIGN, OFF-PREMISES**

A sign which is not located on the lot on which the individual, firm, association, profession, business, commodity or product promoted on the sign is located.

### **SIGN, ON-PREMISES**

A sign located on the same lot on which the individual, firm, association, profession, business, commodity or product promoted on the sign is located.<sup>[9]</sup>

### **SIGN PERMIT**

A permit, issued by the Zoning Administrator, stating that a sign may be established, located or altered subject to any conditions placed on the authorization and the provisions of this chapter.

### **SIGN, PROJECTING**

A sign, generally oriented perpendicular to the face of a building wall, which is attached to a building and which extends more than six inches from a building wall, typically having two viewable sides.

### **SIGN, TEMPORARY**



A sign erected only for a limited period of time in accordance with a use unrelated to the existing principal or accessory use of the property, such as real estate or garage sale signs.

[Added 4-19-2015 by Ord. No. 15-07]

### **SIGN, WALL**

A sign painted on a building wall and all other signs, oriented parallel to the face of a building wall, which are attached to a building wall and where no part of the structure of the sign extends more than six inches out from a wall, as measured near the points of attachment to the building, nor above the roof of the building, nor beyond the end of a wall.

### **SINGLE-FAMILY DWELLING UNIT**

See "dwelling unit, single-family."

### **SINGLE-FAMILY RESIDENCE**

See "residence, single-family."

### **SITE PLAN**

A graphic representation of a parcel of land and all of the structures and features, or proposed structures and features, contained thereon.

### **SLOPE**

The relationship of the change in vertical distance to the change in horizontal distance, expressed as a percentage.

### **SOLAR COLLECTOR**

A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

### **SOLAR ENERGY SYSTEM, LARGE**

Equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy which is intended for off-site consumption.

### **SOLAR ENERGY SYSTEM, SMALL**

Equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy which is incidental and subordinate to a permitted use on the same parcel or on a contiguous parcel of common ownership and is intended to supply thermal energy or electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

### **SOLID WASTE FACILITY**

A facility or land for solid waste treatment, solid waste storage or solid waste disposal, and includes commercial, industrial, municipal, state and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, incinerators, land disposal sites, transfer stations, storage facilities, collection and transportation services and processing, treatment and recovery facilities. "Solid waste facility" does not include a salvage yard.<sup>[10]</sup>

### **STRUCTURAL ALTERATIONS**

Any change in the supporting members of the exterior portions of a building or structure, such as foundations, load-bearing wall columns, sills and rafters, or any change in the dimensions or configuration of the roof or exterior walls.

### **STRUCTURAL REPAIRS**

Any repair of the supporting members of the exterior portions of a building or structure, such as foundations, load-bearing wall columns, sills and rafters.

### **STRUCTURE**

Anything constructed, erected or manufactured, the use of which requires a more or less permanent location on or in the ground.

### **STRUCTURE, ACCESSORY**

A building or other structure which is customary, incidental and subordinate to a permitted principal use of a lot and located on the same lot as the principal use and does not meet the definition of a principal structure.

### **STRUCTURE, PERMANENT**

A structure placed on or in the ground or attached to another structure in a fixed position and intended to remain in place for a period of more than nine months.

### **STRUCTURE, PRINCIPAL**

A building or other structure which houses a principal use of a lot, including any functional appurtenances, such as decks, stairways and balconies, which are attached to, or located within three feet of, said building or structure.

### **SUBSTANTIAL MODIFICATION**

The modification of a support structure, including the mounting of an antenna on such a structure, that does any of the following:

[Added 8-18-2015 by Ord. No. 15-02]

- A. For structures with an overall height of 200 feet or less, increase the overall height of the structure by more than 20 feet.
- B. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10% or more.
- C. Measured at the level of appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.
- D. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

### **SUPPORT STRUCTURE**

An existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building or other structure.

[Added 8-18-2015 by Ord. No. 15-02]

### **TEMPORARY ACCESSORY UNIT**

A temporary dwelling unit installed on the same lot as a single-family residence and used to provide independent but supervised housing for a disabled or infirm dependent(s).

### **TOPSOIL**

Soil material (normally the A horizon and upper part of the B horizon of a soil profile) which is acceptable for respreading on the surface of regraded areas to provide a medium which sustains a dense plant growth capable of preventing wind and water erosion of the topsoil and other materials beneath.

### **TOTAL HEIGHT, ENERGY SYSTEM**

The highest point, above ground level, reached by any part of the energy system.<sup>[11]</sup>

### **TRANSIENT**

A person who travels from place to place away from his or her permanent address for vacation, pleasure, recreation, culture or business.

### **TREE**

Woody vegetation that is, or is capable of attaining, a height of at least 15 feet.

**UNINCORPORATED AREA**

All lands and waters located within Pierce County which are located outside the municipal boundaries of a village or city.

**UNNECESSARY HARDSHIP**

Circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the zoning ordinances.

**USE**

The purpose or activity for which a parcel of land, or structure(s) thereon, is designed, arranged, intended, occupied or maintained.

**USE, ACCESSORY**

A use subordinate to and customarily incidental to a permitted principal use of a lot and located on the same lot as the principal use.

**USE PERMITTED AS A CONDITIONAL USE**

A use whose nature, character or circumstance is so unique or so dependent upon specific conditions that predetermination of permissibility by right is not practical but which may be permitted on a case-by-case basis subject to the conditional use permit procedure.

**USE, PRINCIPAL**

The basic use of a lot or structure or one of the basic uses of a lot or structure where more than one basic use exists on a lot. Principal uses are those listed as such in § 240-17.<sup>[12]</sup>

**USE, UNSPECIFIED TEMPORARY**

A use which is conducted for not more than seven consecutive days nor more than 10 days in any one-year period.

**UTILITY FACILITIES**

Any structure or equipment, except for communications towers, used or designed for the production, transmission, delivery or furnishing of heat, light, water, power, sewer services or telecommunications either directly or indirectly to or for the public.

**VARIANCE**

An authorization, granted by the Board of Adjustment, to depart from the literal requirements of this chapter.

**WALKWAY**

An unenclosed, unroofed exterior platform structure, with or without railings, not exceeding 48 inches wide.

**WAREHOUSE AND STORAGE**

The holding of packaged or wholly or partially finished materials, foods or products within enclosed buildings which will not create significant impacts to surrounding uses. Examples of such use includes wholesale establishments primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers. The use does not include those uses which are consistent with the definition of "mini storage."

[Added 4-17-2012 by Ord. No. 12-02]

**WETLAND**

Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

**WIND ENERGY SYSTEM**

Equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other component used in the system.

**WIND ENERGY SYSTEM, BUILDING-MOUNTED**

A wind energy system located on a building.

**WIND ENERGY SYSTEM, LARGE**

A WES intended to generate power for off-site consumption consisting of one or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a rated capacity of more than 100 kilowatts or a total height of 200 feet or greater.

**WIND ENERGY SYSTEM, SMALL**

A WES that has not more than 100 kilowatts in total nameplate generating capacity and a total height less than 200 feet which is incidental and subordinate to a permitted use on the same parcel or on a contiguous parcel of common ownership and is intended to supply electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

**WIND GENERATOR**

Blades and associated mechanical and electrical conversion components mounted on top of the tower.

**WIND TOWER**

Vertical structures that supports a wind generator and any associated generation equipment.

**WINERY**

An establishment located on land with a producing vineyard or similar growing area for the production of wine, as defined by the State of Wisconsin, that includes a room for the tasting of wine, nonalcoholic fruit juices or incidental food items or the retail sales of winery products, products by the bottle for off-premises consumption or other retail items identified in the conditional use permit.

[Added 6-26-2012 by Ord. No. 12-07]

**WIRELESS COMMUNICATIONS SERVICE FACILITY or FACILITIES (WCSF)**

All equipment, buildings and structures with which a wireless communications service carrier or provider broadcasts and receives the radio frequency waves which carry its services and all locations of said equipment, buildings and structures.

[Amended 8-18-2015 by Ord. No. 15-02]

**WOODLAND**

Land covered with trees, not including orchard or nursery trees.

**YARD**

A required area on a lot, unoccupied by buildings and open to the sky, extending along a lot line to a specified depth or width.

**YARD, FRONT**

A yard extending along an entire front lot line from the front lot line to the depth or width specified in the yard requirements for the applicable district.

**YARD, REAR**

A yard extending along an entire rear lot line from the rear lot line to the depth or width as specified in the yard requirements for the applicable district.

**YARD, SIDE**

A yard extending along an entire side lot line from the side lot line to the depth or width specified in the yard requirements for the applicable district.

### ZONING ADMINISTRATOR

An authorized representative of the Land Management Committee appointed by the County of Pierce for the purpose of carrying out the terms of this chapter.

### ZONING MAP

The series of maps showing the location and boundaries of the zoning districts established by this chapter.

- [1] *Editor's Note: The definition of "art gallery," which immediately followed this definition, was repealed 6-26-2012 by Ord. No. 12-07.*
- [2] *Editor's Note: The former definition of "camping party," which immediately followed this definition, was repealed 6-26-2012 by Ord. No. 12-07.*
- [3] *Editor's Note: The former definition of "commercial communications towers, antennas and transmitters," which immediately followed this definition, was repealed 8-18-2015 by Ord. No. 15-02.*
- [4] *Editor's Note: The definition of "family, camping," which immediately followed this definition, was repealed 6-26-2012 by Ord. No. 12-07.*
- [5] *Editor's Note: The definition of "institutional recreation camp," which immediately followed this definition, was repealed 6-26-2012 by Ord. No. 12-07.*
- [6] *Editor's Note: See the Table of Uses, which is included at the end of this chapter.*
- [7] *Editor's Note: The definition of "roadside stand," which immediately followed this definition, was repealed 6-26-2012 by Ord. No. 12-07.*
- [8] *Editor's Note: The former definitions of "sign, advertising" and "sign, directional," which immediately followed this definition, were repealed 4-19-2016 by Ord. No. 15-07.*
- [9] *Editor's Note: The former definition of "sign, opinion," which immediately followed this definition, was repealed 4-19-2016 by Ord. No. 15-07.*
- [10] *Editor's Note: The former definition of "stealth facility," which immediately followed this definition, was repealed 8-18-2015 by Ord. No. 15-02.*
- [11] *Editor's Note: The former definitions of "trade or contractor's establishment," "trailer," and "trailer camp," which immediately followed this definition, were repealed 6-26-2012 by Ord. No. 12-07.*
- [12] *Editor's Note: See the Table of Uses, which is included at the end of this chapter.*