

**RESOLUTION TO AMEND THE POLK COUNTY CODE OF ORDINANCES, CHAPTER 42,
ARTICLES 1 & 2, COMPREHENSIVE**

TO THE POLK COUNTY BOARD OF SUPERVISORS:

WHEREAS, the general zoning provisions apply to the unincorporated lands outside of the shoreland areas in towns with county zoning under Wisconsin Statute Section 59.69; and

WHEREAS, on January 19, 2023, the Polk County Zoning Administrator filed pursuant to Wisconsin Statute Section 59.69(5)(e), a petition to amend the Polk County Code of Ordinances, Chapter 42, Articles 1 & 2, through the enactment of the proposed amendments in Appendix A attached; and

WHEREAS, the Town of Sterling passed Resolution No. 011623 on January 16, 2023, to adopt county zoning and the provisions contained within Chapter 42 of the Polk County Code of Ordinances; and

WHEREAS, the proposed amendment includes the Town of Sterling's new zoning map; and

WHEREAS, the amendments also include revisions to further define limited short term mining activities, support agricultural activities in agricultural districts, and create provisions for adult establishments; and

WHEREAS, a public hearing was held on Wednesday, February 15, 2023, at the Polk County Government Center by the Environmental Services Committee of the Polk County Board of Supervisors as required by the provisions of Wisconsin Statute Section 59.69(5)(e) regarding said proposed amendments; and

WHEREAS, at said public hearing no objections were received about the proposed amendments; and

WHEREAS, the Environmental Services Committee has reviewed said proposed amendments, and recommends the Polk County Board of Supervisors enact said amendments to Chapter 42 of the Polk County Code of Ordinances; and

NOW, THEREFORE, pursuant to Wisconsin Statute Sections 59.69(5)(e), the Polk County Board of Supervisors ordains as follows:

1. The amended Polk County Code of Ordinances, Chapter 42, Article 1 & 2, attached hereto and incorporated herein, is enacted.
2. Pursuant to Wisconsin Statute, the provisions of the amended Code of Ordinances shall supersede any prior ordinance versions.
3. Pursuant to Wisconsin Statute Sections 59.14(1) and 985.01(5), the County Clerk is directed to cause to be published the amendment enacted herein.
4. The amended provisions shall be effective upon passage and publication.

**RESOLUTION TO AMEND THE POLK COUNTY CODE OF ORDINANCES, CHAPTER 42,
ARTICLES 1 & 2, COMPREHENSIVE****RESOLUTION SPONSOR(S):**

| | |
|----------------|---------------------------------|
| X _____ | X <u>Kim O'Connell</u> |
| Brad Olson | |
| X _____ | X _____ |
| Doug Route | Amy Middleton |
| X _____ | X _____ |
| Steve Warndahl | Jay Luke |
| X _____ | X _____ |
| Ryan Wood | Denise L'Allier-Pray |
| X _____ | X _____ |
| Tracy LaBlanc | Russ Arcand |
| X _____ | X _____ |
| Dan Ruck | CJ Simones |
| X _____ | X _____ |
| Barbara McAfee | John Bonneprise |
| X _____ | X _____ |
| Sharon Kelly | Vince Netherland, Administrator |

COMMITTEE(S) REVIEW & RECOMMENDATION**Committee 1:** Environmental Services☒ Recommended☐ Not Recommended☐ Neutral**Committee 2:** Select a Committee.☐ Recommended☐ Not Recommended☐ Neutral**Certification:**

I, Shabana Lundeen, Clerk of Polk County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the ____ day of _____, 2023 by the Polk County Board of Supervisors.

Shabana Lundeen
Shabana Lundeen, Polk County Clerk

VOTE BY ROLL CALL

| Board Members | Aye | Nay | Excu. |
|-------------------------|-----|-----|-------|
| Olson | | | |
| Route | | | |
| Warndahl | | | |
| Wood | | | |
| LaBlanc | | | |
| Ruck | | | |
| McAfee | | | |
| Kelly | | | |
| O'Connell | | | |
| Middleton | | | |
| Luke (Chairperson) | | | |
| L'Allier-Pray | | | |
| Arcand (2nd Vice Chair) | | | |
| Simones | | | |
| Bonneprise (Vice Chair) | | | |

BOARD ACTION

Vote Required: _____

Motion to ApproveAdopted ☒1st Kelly Defeated ☐2nd Middleton

Yes: _____ No: _____ Excu: _____

☒ Approved by unanimous voice vote☐ Approved by majority voice vote☐ Defeated by lack of majority voice vote**RESOLUTION REVIEW COMPLETED BY:**

X Malia T. Malone
Malia Malone, Corporation Counsel

X Vince Netherland
Vince Netherland, Administrator

X Don Wortham
Don Wortham, Finance Director

Fiscal & Legal Impact(s):

Sec. 42-2. Definitions.

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

Accessory building. See *Building, accessory*.

Accessory structure. See *Structure, accessory*.

Adult establishment means any business which offers its patrons services, merchandise, or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to specified sexual activities or specified anatomical areas, including but without limitation adult bookstores, adult motion picture theaters, adult saunas, adult companionship establishments, adult health/bath clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting/massage studios.

Animal unit means a unit of measure used to determine the total number of single animal types or combination of animal types, as specified in Wis. Adm. Code §§ NR 243.11 and 243.05, that are at an animal feeding operation.

Attached structure means a structure connected to another structure by a common wall or roof.

Base farm tract means all land, whether one lot or two or more contiguous lots, that is in a farmland preservation zoning district and that is part of a single farm at the time of adoption of this chapter from which this section is derived, regardless of any subsequent changes in the size of the farm.

Bed and breakfast means any place of lodging that provides eight or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than ten nights in a 12-month period, 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.

Boathouse means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.

Building means a structure having a roof supported by columns or walls.

Building, accessory, means a subordinate building which is incidental to and customarily found in connection with the primary use of the property limited to 35 feet in height.

Building envelope means the three-dimensional space within which a structure is built.

Building footprint means the perimeter square footage of enclosed building space.

Bunkhouse means a residential accessory structure or part of a residential accessory structure with or without plumbing which is used as temporary sleeping quarters only; no cooking or food preparation facilities; and no greater than 1,000 square feet of enclosed dwelling space.

Campground means any lot or tract of land owned by a person, the state or a local government, 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 lot or tract of land is represented as a campground.

Camping unit means any portable device, no more than 400 square feet in area, used as a temporary dwelling, including, but not limited to, a camping trailer/travel trailer, motor home, park model, pick-up truck camping topper or tent.

Conditional use. See *Use, conditional*.

Conservation design development means a style of development that clusters houses onto smaller lot sizes in order to preserve some feature, function, aspect of the property that is being developed.

Contractor's storage yard means the outdoor portion of a lot where construction or service contractor stores and maintains four or more pieces of equipment and other materials in an area greater than 250 square feet customarily used by the construction or service contractor. The term "contractor's storage yard" excludes vehicles which require a Class D driver's license to operate.

Deck (patio) means an unenclosed exterior accessory structure that has no roof or sides.

Development means any manmade change to real estate, including, but not limited to, the construction of buildings, principal or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

Direct drainage means runoff from riparian areas within 300 feet that flow directly into a surface water resource as defined within the ordinance.

District means lots or sections of the county for which the regulations for governing the use of land and buildings are uniform.

Dwelling, multiple-family, means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by more than two families intermittently or as a principal residence. Each unit or part of the structure used by a different family or household shall be considered a separate dwelling unit when computing density of the lot.

Dwelling, single-family, means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others intermittently or as a principal residence. The term "single-family dwelling" includes manufactured homes, but not mobile homes, camping units, travel trailers, and other temporary sleeping units.

Dwelling, two-family, means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by two families, to the exclusion of all others intermittently or as a principal residence. These dwellings shall be counted as two dwelling units towards the density requirements of the lot.

Essential services means services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. The term "essential services" includes underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including those uses listed in the county telecommunications towers, antennas, and related facilities ordinance.

Excavating means to remove by scooping or digging out.

Existing development pattern means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

Expansion, horizontal (addition), means expansion of a principal structure outside of its existing building footprint.

Expansion, vertical, means expansion of a principal structure either up or down, within its existing building footprint and includes full replacement of roofs and basements/foundations.

Family means the body of persons who live together in one dwelling unit as a single housekeeping unit, regardless of the length of time they have lived together.

Farm animals means dairy cattle, beef cattle, swine, sheep, horses, ducks, chickens, turkeys and animals or fowl of similar character and customarily maintained in a large parcel setting for food, recreational, breeding, zoological or similar purposes.

Farm building means a building or other structure used to house or feed farm animals, store farm animal feed, or to collect or store waste generated from farm animals.

Farm residence means any of the following structures that are located on a farm: A single-family dwelling or two-family dwelling that is the only residential structure on the farm or is occupied by any of the following:

- (1) An owner or operator of the farm.
- (2) A parent or child of an owner or operator of the farm.
- (3) An individual who earns more than 50 percent of his or her gross income from the farm.
- (4) A migrant labor camp that is certified under Wis. Stats. § 103.92.

Feedlot means a lot or building, or combination of contiguous lots and buildings, intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which animal waste may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this chapter, open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy facilities, swine facilities, beef lots and barns, horse stalls, mink ranches and domesticated animal zoos, shall be considered to be animal feedlots.

Fence, open means a structure where every segment of the fence (e.g. a section between posts) is composed of at least 50 percent open spaces and less than 50 percent solid materials. For the purposes of this chapter, any legal boundary fence listed under Wis. Stats. ch. 90 shall be considered an open fence. Open fences shall not exceed eight feet in height and are exempt from any side yard setback.

Fence, privacy means a structure for enclosure or screening that is greater than four feet in height and greater than 50 percent opaque. Privacy fences shall not be greater than six feet in height.

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

Front yard means a yard extending the full width of the lot between the front lot line and the nearest part of the principal building, excluding uncovered steps.

Frontage means all the property abutting on one side of a road or street between two intersecting roads or streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

Grading means the filling, placing or moving of rock and soil material.

Handicap/ADA access means any temporary deck extension, walkway, ramp, elevator, or any mechanical device used as a means of movement or access by a handicapped person, which is deemed medically necessary.

Height means the elevation from the lowest exposed grade of the structure to the highest peak of the roof, excluding window wells and stairways.

High Density Use means a lot held under fractional or shared ownership, directly or indirectly, where: (A) the lot is owned by more than one family, or more than two people, unless they are immediate family members, and (B) the dwelling unit(s) thereon are used by more than one family. The maximum number of dwelling units allowed for any lot shall be determined based on the lot size and respective zoning district.

Home business means a gainful occupation operated out of a residence or accessory structure, when such occupation is:

- (1) Conducted solely by a member of the resident family.
- (2) Entirely within the residence and incidental to the residential use of the premises.

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- (3) No external alterations that would effect a substantial change in the residential character of the building.
 - (4) No more than 50 percent of only one floor of the dwelling shall be devoted to such offices.
 - (5) Not more than two persons not members of the resident family may be employed or otherwise contracted by such business.

Hotel/motel means a place where sleeping accommodations are offered for pay to transients, in five or more rooms, and all related rooms, buildings and areas.

Human habitation means the act of occupying a structure as a sleeping place whether intermittently or as a principal residence.

Immediate family members means immediate family is limited to the spouse, parents, stepparents, foster parents, father-in-law, mother-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandparents, grandchildren, brothers, sisters, brothers-in-law, and sisters-in-law.

Impervious surface means an area that releases as runoff all or a majority of the precipitation that falls on it. The term "impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in Wis. Stats. § 340.01(54), or sidewalks, as defined in Wis. Stats. § 340.01(58), are not considered impervious surfaces.

Industrial use means an industrial district restricted as defined within the county comprehensive land use ordinance.

Inoperable means not able to perform its normal function.

Junkyard/salvage yard/recycling center means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, disassembled or handled for commercial or noncommercial purposes, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. The term "junkyard/salvage yard/recycling center" includes, but is not limited to, an automobile wrecking or dismantling yard or an area where more than one unlicensed or inoperable motor vehicle is kept.

Kennel means the use of land, with related buildings or structures, for the breeding, rearing or boarding of household pets five months of age or older.

Land use runoff rating means a tool used to determine how much mitigation is needed to reduce the effects of development, particularly impervious surfaces, on water quality.

Landscaping means the removal or alteration of topsoil.

Large outdoor commercial event means an event, regardless of whether it is singular, annual, or multiple times per year in which payment is accepted, whether by a fee or by donation, in exchange for a public gathering with entertainment, including, but not limited to, music events, motor vehicle rallies, etc.

Limited short-term non-metallic mining means a non-metallic mining activity where the following criteria are met:

- a. Does not satisfy the definitions and standards for preexisting non-metallic mining activities under section 42-86(b)(2).
- b. Will be commenced, completed, and reclaimed within a one-year period from the date of the permit issuance.
- c. Will be limited to not more than one acre per parcel or owner held under common ownership directly or indirectly, including but not limited to: partnerships, corporations, limited liability companies or other entity.

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- d. Will be limited to private use. Private use under this section means the owner of the parcel is the sole user of the material sourced from the limited, short-term non-metallic mining activity and used on the same parcel or a contiguous parcel of land under the same ownership.
 - e. Will be limited to public use. Public use under this section means the county or a municipality is the sole user of the material sourced from the limited, short term non-metallic mining activity.
 - e. Have obtained a land use permit, or the activity is covered by a different county, DOT, or DNR permit.

Lot means a parcel of land occupied or designed to provide space necessary for one principal building and its accessory buildings or uses, including the open spaces required by this chapter and abutting on a public street or other officially approved means of access. A lot may be a parcel designated in a plat or described in a conveyance recorded in the office of the register of deeds, or any part of a large parcel when such part complies with the requirements of this chapter as to width and area for the district in which it is located. No land included in any street, highway or railroad right-of-way shall be included in computing lot area.

Lot, corner, means a lot located at the intersection of two streets, any two corners of which have an angle of 120 degrees or less, or if bounded by a curved street in which case the chord within the limits of the lot lines form an angle of 120 degrees or less.

Lot lines means the lines bounding a lot as herein defined.

Lot width means for the purpose of this chapter the width of a lot shall be the shortest distance between the sidelines at the setback line.

Manufactured home means any structure, HUD certified and labeled under the National Manufactured Home Construction and Safety Standards Act of 1974 (42 USC ch. 70 (42 USC 5401—5426)), that is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used. The term "manufactured home" includes the manufactured home structure, its plumbing, heating, air conditioning and electrical systems, all appliances and all other equipment therein, any additions, attachments, annexes, foundations and appurtenances.

Manufactured home park (previously "mobile home park") means an area or premise on which is provided the required space for the accommodation of manufactured home, together with necessary accessory buildings, driveways, walks, screening and other required adjuncts.

Marina means providing a dock or location to moor watercraft. Marinas may also offer marine supplies, fuel, watercraft repairs, and other facilities to their guests. A property with more than six watercrafts shall be deemed a marina under this chapter.

Mitigation means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

Mobile home means any structure, not HUD certified and labeled under the National Manufactured Home Construction and Safety Standards Act of 1974 (42 USC ch. 70 (42 USC 5401—5426)) or manufactured or assembled before June 15, 1976, that is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used. The term "mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, all appliances and all other equipment therein, any additions, attachments, annexes, foundations, and appurtenances.

Motel. See *Hotel/motel*.

Navigable means all lakes, ponds, flowages, rivers and streams in the county shall be presumed to be navigable if they are listed in the state department of natural resources' publication Surface Waters Resources of Polk County, or are shown on the United States Geological Survey quadrangle maps. Lakes, ponds, flowages, rivers and streams not included in these documents may also be determined to be navigable. Also, Lake Superior, Lake Michigan, all natural inland lakes within the state and all streams, ponds, sloughs, flowages and other waters within the territorial limits of the state, including the state portion of boundary waters, which are navigable under the laws of the state. Under Wis. Stats. § 281.31(2)(d), notwithstanding any other provision of law or administrative rule promulgated there under, shoreland ordinances required under Wis. Stats. § 59.692 and Wis. Adm. Code ch. NR 115 do not apply to lands adjacent to:

- (1) Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
- (2) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

Nonconforming structure. See *Structure, nonconforming*.

Nonconforming use. See *Use, nonconforming*.

Nonfarm residence means a single-family or multi-family residence other than a farm residence.

Nonmetallic mining activities means the excavation, mining or removal of minerals, clay, ceramic or refractor minerals, quarrying of sand, gravel, crushed or broken stone, including the extraction and removal of topsoil, but not including sod farming. The term shall also include such mineral processing operations as aggregate or ready-mix plants, hot mix asphalt plants, mining services, processing of topsoil, washing, refining or processing of nonmetallic mineral materials, when onsite or on a contiguous property.

Ordinary high-water mark (OHWM) means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

Ordinary maintenance and repair means those activities necessary to maintain the structural integrity and current function of the existing structure. The term "ordinary maintenance and repair" may include replacement of windows, doors, siding, insulation, roofing, and roof replacement, provided the pitch does not exceed the pitch necessary to match the existing roof.

Outlot means a lot remnant or parcel of land within a plat remaining after platting, which is intended for open space use, for which no development is intended other than that which is accessory to the open space use. An outlot may not be developed for any use or structure that requires a private, onsite wastewater treatment system.

Parent lot means the lot and associated acreage of that lot that existed at the time of the adoption of the ordinance from which this chapter is derived.

Parking lot means a lot where automobiles are parked or stored temporarily, but not including the wrecking of automobiles or other vehicles or storage for the purpose of repair or wrecking.

Patio. See *Deck*.

People means human beings in general or considered collectively.

Permit means a written form issued by the zoning department.

Permitted use. See *Use, permitted*.

Preexisting use means a building, structure, or use, which lawfully existed on the effective date of the ordinance from which this chapter is derived, as revised, and the use of which has been continued uninterrupted and that does not conform to this chapter.

Reconstruction means activities that exceed maintenance and repair, structural repair, structural alteration, horizontal expansion or vertical expansion.

Retaining wall means an accessory structure constructed to hold back earth. Retaining walls are usually constructed from stacked timbers, concrete (poured), block, planks, steel, or boulders. A single row of these materials or landscaping borders are not retaining walls.

Road means a public or private thoroughfare which affords a primary means of access to abutting property and includes streets and highways.

Roadside stand means a structure having a ground area of not more than 300 square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premise (or adjoining premise). There shall not be more than one such roadside stand in any single premises.

Setback means the minimum horizontal distance between lot lines, the platted center line of the road, from right-of-way line, or the ordinary high-water mark measured to the closest point of the structure.

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

Shoreland means area landward of the ordinary high-water mark within the following distances: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

Shoreland protection area means a vegetative strip of land 35 feet measured perpendicular from the ordinary high-water mark.

Shoreland-wetland district means the zoning district, created as a part of this chapter, comprised of shorelands that are designated as wetlands on the state wetland inventory maps.

Sign means any device visible from a public place whose essential purpose and design is to convey either commercial or non-commercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Non-commercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

Sign, freestanding, means a sign principally supported by one or more columns, poles, or braces placed in or upon the ground.

Sign, off-premises, means a sign advertising a business that is not conducted on the property or located in the immediate vicinity of the business.

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

Sign, temporary, means a sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, not

permanently affixed to a building, or attached to a sign structure that is permanently embedded in the ground are considered temporary signs.

Sign structure means any structure designed for the support of a sign.

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

Structural alteration means any change in the exterior supporting members, such as bearing walls, columns, beams or girders, footings and piles.

Structure means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck, retaining wall, porch, or fire pit.

Structure, accessory, means a subordinate structure which is incidental to and customarily found in connection with the primary use of the property, including, but not limited to, garages, sheds, barns, gazebos, fences, retaining walls, and pedestrian walkways and stairways to surface water.

Structure, nonconforming, means a dwelling or other building, structure or accessory building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the regulations in the current zoning ordinance.

Structure, principal, or principal building means a building that is utilized for the primary use of a lot.

Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

Tourist or transient means a person who travels to a location away from his permanent address for a short period of time for vacation, pleasure, recreation, culture, business or employment.

Tourist roominghouse means a single-family dwelling in which sleeping accommodations are offered for pay to a maximum of two tourists or transients per bedroom based on the sanitary system serving the dwelling, up to a total of eight from 11:00 p.m. to 7:00 a.m. A maximum of 12 occupants are allowed from 7:00 a.m. to 11:00 p.m. regardless of the number of bedrooms.

Transient lodge means any single-family dwelling rented on a short-term basis with a maximum occupancy of 9-12 people **at any time on the property** for up to 7 days per month from May thru September, and a total of 174 days per year unless a conditional use permit is obtained for more days per month/year. **The maximum occupancy shall be a maximum of two tourist or transients per bedroom based on the sanitary system size or number of legal bedrooms in the dwelling, whichever is more restrictive.**

Travel trailer means any vehicle, house car, camp car, or any portable or mobile vehicle either self-propelled or propelled by other means which is used or designed to be used for residential living or sleeping purposes as defined in Wis. Adm. Code ch. ATP 79.

Undeveloped lot means a lot that does not have a well and an installed sanitary system, not including a privy.

Unnecessary hardship means for area variances, compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. An unnecessary hardship must be based on conditions unique to the property rather than considerations personal to the property owner when reviewing a variance application. A financial or self-imposed hardship shall not be considered an unnecessary hardship when considering a variance application under this chapter.

Use, conditional, means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by the county, but does not include a variance. Conditional uses, listed by ordinance, are subject to certain conditions specified in the ordinance and/or designated by the environmental services committee.

Use, nonconforming, means a building, structure or use of land lawfully existing at the time of enactment of this chapter, and which does not conform to the regulations of the district or zone in which it is located.

Use, permitted, means a use permitted in a district whereby a building can be constructed, erected, altered or moved and is consistent with the general intent of the district.

Use variance means an authorization by the board of adjustment under this subsection for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

Vacant lot means a parcel of land with no building or structure.

Variance (area) means a modification to a dimensional, physical, or locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of adjustment. A variance may only be granted in cases of unnecessary hardship and when the spirit of the chapter is not violated.

Viewing and access corridor means an area in which all trees and shrubs may be removed to create a visual view.

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

Watercraft means any boat or vessel with or designed to be used with a motor or mechanical propulsion. For the purposes of this chapter, any boats, or vessels less than 16 feet in length without a motor or mechanical propulsion shall not be deemed a watercraft.

Wetlands means 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.

(Ord. No. 07-19, § 10.2, 3-19-2019; Ord. No. 38-19, art. 4, 9-17-2019; Ord. No. 08-20, art. 4, 4-21-2020; Ord. No. 24-21, 5-18-2021; Ord. No. 25-21, 5-18-2021; Res. No. 15-22, § 1, 3-15-2022)

Sec. 42-14 (c)

(c) Setback Exemptions

- (1) All fences are exempt from side and rear yard setbacks.
- (2) A permit shall be issued for a reduced town road ~~or private road~~ setback once written town approval (i.e. minutes, letter, resolution) is received if all other requirements of this chapter are met.

DIVISION 2. DISTRICT SPECIFIC STANDARDS AND SPECIFICATIONS

Sec. 42-75. Residential District (R-1).

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- (a) *Purpose and intent.* The purpose and intent of the R-1 Residential District is to promote residential uses and other compatible uses associated with residential neighborhoods.
- (b) *Allowed and permitted uses.* The following uses are allowed or permitted:
- (1) Single-family, including manufactured homes.
 - (2) Accessory structures, clearly incidental to the residential use of the property.
 - (3) Gardening, including nurseries for the propagation of plants only.
 - (4) Municipal parks and playgrounds, including swimming pools, golf courses, tennis courts and picnic grounds, provided the parking requirements in section 42-117 are met.
 - (5) Home business, provided the parking requirements in section 42-117 are met.
 - (6) Conservation design development (CDD), according to section 42-17 and the county subdivision regulations.
 - (7) Up to six poultry in a fenced area if there are no roosters
- (c) *Changes in use that require a land use permit.* The following changes in use require a land use permit:
- (1) *Tourist rooming house with up to eight people from 11:00 p.m. to 7:00 a.m.* A maximum of 12 occupants are allowed from 7:00 a.m. to 11:00 p.m. regardless of the number of bedrooms, provided they meet the following conditions:
 - a. Accessory building must not have sleeping accommodations.
 - b. No RVs or campers allowed for overnight stay.
 - c. All parking to be on an impervious surface and must be contained on the property.
 - d. Applicant must obtain all proper licensing.
 - e. All fires and embers are to be extinguished by 11:00 p.m., with no unattended fires.
 - f. Applicant must have 24-hour contact number available to the public.
 - g. Property must remain free from citation and charges for nuisance, disorderly conduct, or any other illegal activity.
 - h. Quiet hours shall be imposed from 11:00 p.m. to 7:00 a.m.
 - i. Applicant and renters must comply with all applicable laws and regulations:
 1. Department of natural resources lake regulations to be included in rental information.
 2. Lake association rules to be included in rental information.
 3. Owner is responsible to state and local jurisdictions for compliance with firework regulations.
 - j. All pets must be contained on the rental property unless they are on public property.
 - k. Property lines must be surveyed with boundaries clearly staked by a professional land surveyor.
 - l. All conditions that apply to renters shall be included in rental information.
 - m. Existing septic system to be inspected and approved. The zoning office can inspect or require the septic system to be inspected annually.

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- n. Local uniform building inspector shall be hired by the applicant to determine the number of legal bedrooms in the dwelling. The zoning office can require additional building inspections performed by the local building inspector annually at the operator's expense.
 - o. Any advertisement shall include the land use permit number and the health department license number.
 - p. Max rental of up to 174 days per year unless a conditional use permit is obtained to rent more days per year.
- (2) Bed and breakfast establishments, provided they meet the following conditions:
- a. No RVs, campers, tents or other means of overnight stay allowed.
 - b. All sleeping accommodations must be within the dwelling unit.
 - c. All parking must be contained on the property.
 - d. Applicant must obtain all proper licensing.
 - e. Applicant must have 24-hour contact number available to the public.
 - f. Property must remain free from citation and charges for nuisance, disorderly conduct or any other illegal activity, and in compliance with county ordinances, state and local laws.
- (3) Bunkhouses meeting the conditions in section 42-122 at a minimum.
- (4) Two family dwellings when in compliance with the minimum lot size and density requirements of this district for each unit.
- (d) *Conditional uses.* The following conditional uses are permitted: Schools, churches, and municipal buildings except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance equipment.
- (e) *Lot, height, yard, and setback requirements.* The following requirements shall apply:
- (1) Minimum lot size is one acre except in CDD areas. Lot dimensions in subdivisions shall be in accordance with the county subdivision regulations.
 - (2) Maximum building height is 35 feet.
 - (3) The side yard setback is ten feet for principal structures and five feet for accessory structures.
 - (4) The rear yard setback is 25 feet for principal structures and five feet for accessory structures.
 - (5) Road setback regulations shall apply to all corner lots.
- (f) *Road setbacks.* Road setbacks shall be pursuant to the provisions of section 42-14.
- (Ord. No. 07-19, § 10.4.2, 3-19-2019; Ord. No. 37-20, § 10.4.2, 9-15-2020; Res. No. 15-22 , § 1, 3-15-2022)

Sec. 42-76. Hamlet District (H-1).

- (a) *Purpose and intent.* The goal of this district is to allow for land uses that mimic a rural, unincorporated village setting and allow for continuance of that settlement pattern. To allow for smaller lots sizes in areas served by community sewer systems. In addition, this district will allow for mixed uses of residential and commercial as was typical of the historical development pattern of rural hamlets.
- (b) *Allowed and permitted uses.* The following uses are allowed or permitted:
 - (1) All allowed and permitted uses in R-1.

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- (2) All uses permitted in the B-3 district.
 - (4) Manufactured home park that meets the conservation design development standards and conditions found in section 42-120.
 - (c) *Changes in use that require a land use permit.* The following changes in use require a land use permit:
 - (1) Tourist roominghouses with conditions in R-1.
 - (2) Bed and breakfasts with conditions in R-1.
 - (3) Bunkhouse with the conditions in section 42-122 at a minimum.
 - (4) Two-family and multi-family dwellings when in compliance with the minimum lot size and density requirements of this district for each unit.
 - (d) *Conditional uses.* Conditional uses include all conditional uses permitted in the R-1 district and other similar and compatible use as determined by the environmental services committee.
 - (e) *Lot, height, yard and setback requirements.* The following requirements shall apply:
 - (1) Minimum lot size is 30,000 square feet for private on-site wastewater treatment system (POWTS), 10,000 square feet for public sewer.
 - (2) Lot dimensions in accordance with the county subdivision regulations.
 - (3) Maximum residential use principal building height is 35 feet.
 - (4) Maximum commercial use principal building height is 45 feet or three stories.
 - (5) Maximum accessory building height is 35 feet for commercial and residential uses.
 - (6) Side yard setback shall be ten feet for principal structures and five feet for accessory structures.
 - (7) Rear yard setback shall be 25 feet for principal structures and five feet for accessory structures.
 - (8) Road setback shall be five feet from road right-of-way.
 - (f) *Road setbacks; off-street parking.* Road setbacks shall be governed pursuant to the provisions of section 42-14 and off-street parking shall be regulated by section 42-117.

(Ord. No. 07-19, § 10.4.3, 3-19-2019; Ord. No. 37-20, § 10.4.3, 9-15-2020; Res. No. 15-22, § 1, 3-15-2022)

Sec. 42-77. Residential-Agricultural District 5 (RA-5).

- (a) *Purpose and intent.* The R-A district 5 is meant to allow for limited residential development in areas that transition from incorporated areas to rural areas and farmland preservation areas.
- (b) *Density.* The target density for this district is one residential dwelling per five acres of land or eight dwellings per 40 acres.
- (c) *Allowed and permitted uses.* The following uses are allowed or permitted:
 - (1) All allowed and permitted uses in the R-1 district.
 - (2) Reserved.
 - (3) Reserved.
 - (4) Agricultural uses found in A-1 except fur-farming.
 - (5) Conservation design development when done in accordance with density standards of section 42-17 and the county subdivision regulations.

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- (6) Schools.
 - (7) Churches.
 - (8) Municipal buildings.
 - (9) Manufactured home park that meets the conservation design development standards and conditions found in section 42-120.
- (d) *Changes in use that require a land use permit.* The following changes in use require a land use permit:
- (1) Tourist roominghouses with conditions in R-1.
 - (2) Bed and breakfasts with conditions in R-1.
 - (3) A bunkhouse with the conditions in section 42-122 at a minimum.
 - (4) Cemeteries and burial sites.
 - (5) Contractor storage yard, when the design standards of section 42-116 are applied.
 - (6) *Two-family and multi-family dwellings* when in compliance with the minimum lot size and density requirements of this district for each unit.
 - (7) **Limited, short-term non-metallic mining activities**
- (e) *Lot sizes.* The following restrictions on lot sizes shall apply:
- (1) *Traditional development.* For a traditional development, the density standard is one dwelling unit per five acres. The minimum lot size is one acre except in conservation development design.
 - (2) *Determining residential lots per parent lot.* In the residential-agricultural district (RA-5), a maximum of eight lots will be allowed per 40 acres, which includes any original principal structure or dwelling, except for lots created using the conservation development design provision. To calculate the number of lots available for development in this district, divide the gross site area of the contiguous lands held in single ownership as of the date of adoption of this chapter by five. This is the total number of residential lots or dwelling units that will be allowed on the lands from the effective date of this chapter forward.
 - (3) *Table and sample calculation.* Table 2 below indicates the number of residential lots that can be created based on the number of acres owned at the time of the adoption of this chapter. Round up if any fractional amount is equal to one-half or greater. Example calculations:
 - a. A 32-acre lot is allowed six residential lots ($32/5 = 6.4$ which rounds down to six).
 - b. 19 acres = four residential lots ($19/5 = 3.8$ which rounds up to four).

Table 2. Calculation of Residential Parcels Allowed

| Size of Base Tract of Land | Total Allowed Dwelling Lots |
|------------------------------|-----------------------------|
| Less than 7.5 acres | 1 |
| 7.5 to less than 12.5 acres | 2 |
| 12.5 to less than 17.5 acres | 3 |
| 17.5 to less than 22.5 acres | 4 |
| 22.5 to less than 27.5 acres | 5 |
| 27.5 to less than 32.5 acres | 6 |
| 32.5 to less than 37.5 acres | 7 |

- (f) *Height, yard, and setback requirements.* The following requirements shall apply:
- (1) Maximum building height is 35 feet.
 - (2) Side yard setback is ten feet for principal structures and five feet for accessory structures.
 - (3) Rear yard setback is 25 feet for principal structures and five feet for accessory structures.
 - (4) Road setback regulations shall apply to all corner lots.
- (g) *Road setbacks.* Road setbacks shall be governed pursuant to the provisions of section 42-14.
- (Ord. No. 07-19, § 10.4.4, 3-19-2019; Ord. No. 37-20, § 10.4.4, 9-15-2020; Res. No. 15-22, § 1, 3-15-2022)

Sec. 42-78. Agricultural 10 District (A-1).

- (a) *Purpose and intent.* The Agricultural 10 District (A-1) is meant to allow for the continuation of agriculture and agricultural production with limited residential development. This district will have a density of principal structures not to exceed four per 40 acres. **This district shall further provide protections for agricultural producers for normal agricultural activities including but not limited to: manure spreading, equipment noise, animal noise, necessary lighting, night/weekend hours, smell, dust, grain facilities, and other uses commonly associated with the allowed and permitted uses in this district.**
- (b) *Allowed and permitted uses.* The following uses are allowed or permitted:
- (1) Agricultural uses, including any of the following:
 - a. Crop or forage production.
 - b. Keeping livestock.
 - c. Beekeeping.
 - d. Nursery, sod, or Christmas tree production.
 - e. Floriculture.
 - f. Aquaculture.
 - g. Fur-farming.
 - h. Forest management.
 - i. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
 - j. Accessory structure that is an integral part of, or is incidental to, an agricultural use.
 - k. Roadside stand.
 - l. Personal stable.
 - (2) A single-family dwelling.
 - (3) Accessory buildings incidental to the residential use of the property.
 - (4) Home business.

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- (5) Conservation design development when done in accordance with density standards, section 42-17, and the county subdivision regulations.
 - (6) Schools.
 - (7) Churches.
 - (8) Undeveloped natural resource and open space areas.
 - (9) One additional farm residence, which shall be sited so that it may be separated from the original farm parcel on which it is located in compliance with the county subdivision regulations.
 - (10) Contractor storage yard.
- (c) *Changes in use that require a land use permit.* The following changes in use require a land use permit:
- (1) Tourist roominghouses with conditions in R-1.
 - (2) Bed and breakfasts with conditions in R-1.
 - (3) Cemeteries/burial sites.
 - (4) A bunkhouse with the conditions in section 42-122 at a minimum.
 - (5) Two-family dwellings when in compliance with the minimum lot size and density requirements for each unit.
 - (6) **Limited, short-term non-metallic mining activities**
- (d) *Conditional uses.* The following conditional uses are permitted:
- (1) Agriculturally-related businesses, such as, but not limited to:
 - a. Feed mills.
 - b. Commercial stables.
 - c. Implement dealers.
 - d. Agricultural cooperatives.
 - e. Veterinarians.
 - f. Wineries.
 - g. Composting sites.
 - h. Other similar and compatible agriculturally-related businesses.
 - (2) Kennels when at least 300 feet from property lines.
 - (3) Animal shelters when at least 300 feet from property lines.
 - (4) Junkyards/salvage yards.
 - (5) Airports/airstrips.
 - (6) Outdoor commercial events with not more than six events per year.
- (e) *Lot restrictions.* The following requirements shall apply:
- (1) *Target density standard.* Target density standard for the Agricultural 10 District (A-1) is four residential lots per 40 acres.
 - (2) *Minimum lot size.* Minimum lot size is one acre, except in conservation development design.

- (3) *Determining residential lots per parent lot.* In the Agricultural 10 District (A-1), a maximum of four non-farm dwellings will be allowed per 40 acres, which includes any original principal structure or dwelling, except for lots created using the conservation development design provision.
- (4) *Table and sample calculation.* To calculate the number of lots available for development in this district, divide the gross site area of the contiguous lands held in single ownership as of the date of adoption of this chapter by ten. This is the total number of residential lots or dwelling units that will be allowed on the lands from the effective date of this chapter forward. Round up if any fractional amount is equal to one-half or greater (see Table 3). Example calculations:
 - a. 32-acre lot is allowed three residential lots ($32/10 = 3.2$ which rounds down to three).
 - b. 16 acres = two residential lots ($16/10 = 1.6$ which rounds up to two).

Table 3. Calculation of Residential Lots Allowed in A-10

| Size of Base Tract of Land | Total Allowed Lots |
|---|--------------------|
| Up to 15 acres | 1 |
| 15 acres or greater, but less than 25 acres | 2 |
| 25 acres or greater, but less than 35 acres | 3 |

- (f) *Height, yard, and setback requirements.* The following requirements shall apply:
 - (1) Maximum building height is 35 feet.
 - (2) Farm buildings are exempt from these height restrictions.
 - (3) Side yard setback is 25 feet for all structures.
 - (4) Rear yard setback is 25 feet for all structures.
 - (5) Road setback regulations shall apply to all corner lots.
- (g) *Road setbacks.* Road setbacks shall be governed pursuant to the provisions of section 42-14.
(Ord. No. 07-19, § 10.4.5, 3-19-2019; Ord. No. 37-20, § 10.4.5, 9-15-2020; Res. No. 15-22, § 1, 3-15-2022)

Sec. 42-79. Agricultural 20 District (A-2).

- (a) *Purpose and intent.* The Agricultural 20 District (A-2) is meant to allow for the continuation of agriculture and agricultural production with limited residential development. This district will have a density of principal structures not to exceed two per 40 acres. **This district shall further provide protections for agricultural producers for normal agricultural activities including but not limited to: manure spreading, equipment noise, animal noise, necessary lighting, night/weekend hours, smell, dust, grain facilities, and other uses commonly associated with the allowed and permitted uses in this district.**
- (b) *Allowed and permitted uses.* All uses allowed and permitted in the A-1 district are allowed in the A-2 district.
- (c) *Conditional uses.* All conditional uses allowed and permitted in the A-1 district are allowed in the A-2 district.
- (d) *Lot restrictions.* The following requirements shall apply:
 - (1) *Density standard.* The density standard for the Agricultural 20 District (A-2) is a maximum of two lots/principal structures per 40 acres.
 - (2) *Minimum lot size.* Minimum lot size is one acre except in conservation development design.

- (3) *Residential lots per parent lot.* In the Agricultural District 20 (A-2), a maximum of two lots/principal structures will be allowed per 40 acres, which includes any original principal structure or dwelling, except for lots created using the conservation development design provision.
- (4) *Table and sample calculation.* To calculate the number of lots available for development in this district, divide the gross site area of the contiguous lands held in single ownership as of the date of adoption of this chapter by 20. This is the total number of new residential lots or dwelling units that will be allowed on the lands from the effective date of this chapter forward. Round up if any fractional amount is equal to one-half or greater (see Table 4). Example calculation: A 32-acre lot is allowed two residential lots ($32/20 = 1.6$ which rounds up to two).

Table 4. Calculation of Residential Lots Allowed in A-20

| Size of Base Tract of Land | Total Allowed Lots |
|----------------------------|--------------------|
| Less than 30 acres | 1 |
| 30 acres or greater | 2 |

- (e) *Height, yard, and setback requirements.* The following requirements shall apply:
- (1) Maximum building height is 35 feet.
 - (2) Farm buildings are exempt from these height restrictions.
 - (3) Side yard setback is 25 feet for all structures.
 - (4) Rear yard setback is 25 feet for all structures.
 - (5) Road setback regulations shall apply to all corner lots.
- (f) *Road setbacks.* Road setbacks shall be governed pursuant to the provisions of section 42-14.
- (Ord. No. 07-19, § 10.4.6, 3-19-2019; Ord. No. 37-20, § 10.4.6, 9-15-2020)

Sec. 42-80. Farmland Preservation District (A-3).

- (a) *Purpose and intent.* The intent of this district is to maintain highly productive agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural development and minimizing land use conflicts among incompatible uses.
- (b) *Allowed and permitted uses.* The following uses are allowed or permitted:
- (1) Agricultural uses, meaning any of the following activities conducted for the purpose of producing an income or livelihood:
 - a. Crop or forage production.
 - b. Keeping livestock.
 - c. Beekeeping.
 - d. Nursery, sod, or Christmas tree production.
 - e. Floriculture.
 - f. Aquaculture.
 - g. Fur-farming.

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- h. Forest management.
 - i. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
 - j. Any other use that the state department of agriculture, by rule, identifies as an agricultural use.
- (2) A farm residence including a manufactured home.
 - (3) Accessory buildings incidental to the residential use of the property.
 - (4) Accessory structure that is an integral part of, or is incidental to, an agricultural use.
 - (5) Home business that meets Wis. Stats. § 91.01(1) requirements.
 - (6) Undeveloped natural resource and open space areas.
 - (7) Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a special use permit for that use.
 - (8) Other uses identified by state department of agriculture rule.
- (c) *Changes in use that require a land use permit.* The following changes in use require a land use permit:
- (1) Tourist roominghouses with conditions in R-1.
 - (2) Bed and breakfasts with conditions in R-1.
 - (3) A bunkhouse with the conditions in section 42-122 at a minimum.
 - (4) Contractor storage yard with conditions in RA-5.
- (d) *Conditional uses.* The following conditional uses are permitted:
- (1) Agriculturally-related businesses, such as, but not limited to:
 - a. Feed mills.
 - b. Commercial stables.
 - c. Implement dealers.
 - d. Agricultural cooperatives.
 - e. Veterinarians.
 - f. Wineries.
 - g. Composting sites.
 - (2) Creation of a nonfarm residence or conversion of a farm residence to a nonfarm residence through a change in occupancy, subject to the following requirements:
 - a. The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is or will be located will not be greater than 1:20 after the residence is constructed or converted to a nonfarm residence.
 - b. There will not be more than four dwelling units in nonfarm residences, nor more than five dwelling units in residences of any kind, on the base farm tract after the residence is constructed or converted to a nonfarm residence.

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- c. The location and size of the proposed nonfarm residential lot, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm residential lot, will not do any of the following:
 - 1. Convert prime farmland from agricultural use or convert land previously used as crop land, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential lot or a nonfarm residence.
 - 2. Significantly impair or limit the current or future agricultural use of other protected farmland.
 - (3) Creation of a nonfarm residential cluster that covers more than one nonfarm residence if all of the following apply:
 - a. The lots on which the nonfarm residences would be located are contiguous.
 - b. Each nonfarm residence constructed in the nonfarm residential cluster must satisfy the requirements of conditional uses in subsection (d)(2) of this section.
 - (4) Governmental, institutional, religious, nonprofit community uses, transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:
 - a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - b. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - c. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
 - d. The use does not substantially impair or limit the current or future agricultural use of surrounding lots of land that are zoned for or legally restricted to agricultural use.
 - e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
 - (e) *Lot restrictions.* The density standard for the farmland preservation district is as described in subsections (d)(2) and (3) of this section.
 - (f) *Height, yard, and setback requirements.* The following requirements shall apply:
 - (1) Maximum building height is 35 feet.
 - (2) Farm buildings are exempt from these height restrictions.
 - (3) Side yard setback is 25 feet for all structures.
 - (4) Rear yard setback is 25 feet for all structures.
 - (5) Road setback regulations shall apply to all corner lots.
 - (g) *Road setbacks.* Road setbacks shall be governed pursuant to the provisions of section 42-14.
 - (h) *Rezoning land out of a farmland preservation zoning district.* The following restrictions apply:
 - (1) Except as provided in subsection (h)(2) of this section, the county may not rezone land out of the farmland preservation zoning district unless the county finds all of the following in writing, after public hearing, as part of the official record of the rezoning:

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- a. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
 - b. The rezoning is consistent with any applicable comprehensive plan.
 - c. The rezoning is substantially consistent with the county farmland preservation plan, which is in effect at the time of the rezoning.
 - d. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- (2) Subsection (h)(1) of this section does not apply to any of the following:
- a. A rezoning that is affirmatively certified by the state department of agriculture, trade and consumer protection under Wis. Stats. ch. 91.
 - b. A rezoning that makes the farmland preservation zoning ordinance map more consistent with the county farmland preservation plan map, certified under Wis. Stats. ch. 91 which is in effect at the time of the rezoning.
- (3) By March 1 of each year the county shall provide to the state department of agriculture, trade and consumer protection a report of the number of acres that the county has rezoned out of the farmland preservation zoning district under subsection (h)(1) of this section during the previous year and a map that clearly shows the location of those acres.

(Ord. No. 07-19, § 10.4.7, 3-19-2019; Ord. No. 37-20, § 10.4.7, 9-15-2020)

Sec. 42-81. Natural Resources District (N-1).

- (a) *Purpose and intent; allowed and permitted uses.* To protect and preserve the natural character of certain lands for their values to wildlife, water conservation, flood control, forestry and other public purposes in the natural resources district, no building or premises shall be used and no building shall be erected, moved or structurally altered, unless otherwise provided in this chapter except for one or more of the following uses:
- (1) Grazing.
 - (2) The harvesting of wild crops such as wild hay, ferns, moss, berries, fruit trees and seeds.
 - (3) Hunting, fishing, trapping.
 - (4) Nonresidential buildings and structures used solely in conjunction with the raising of wildlife and fish and the practice of forestry, including buildings and structures used by public or semi-public agencies or groups for research in or the rehabilitation of natural resources.
 - (5) Sustainable logging, pulping and other forest crop harvesting.
 - (6) Public or private parks.
- (b) *Conditional uses.* Conditional uses for this district are licensed game farms.
- (c) *Lot, height, and yard requirements.* The following requirements shall apply:
- (1) Minimum lot size is one acre.
 - (2) Maximum building height is 35 feet.
 - (3) Side yard setback is 25 feet for all structures.
 - (4) Rear yard setback is 25 feet for all structures.

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- (d) *Road setbacks and parking.* Road setbacks shall be governed pursuant to the provisions of section 42-14 and off-street parking shall be regulated by section 42-117.

(Ord. No. 07-19, § 10.4.8, 3-19-2019; Ord. No. 37-20, § 10.4.8, 9-15-2020; Res. No. 15-22 , § 1, 3-15-2022)

Sec. 42-82. General Business and Commercial (B-1).

- (a) *Purpose and intent.* The purpose and intent of this section is to provide a district for business and commercial enterprises that limits incompatible land uses.
- (b) *Allowed and permitted uses.* In the general commercial district, no building or premises shall be used and no building shall be erected, moved or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses: Commercial buildings and uses, including, but not limited to:
- (1) Appliances sales and service.
 - (2) Antique stores.
 - (3) Art galleries.
 - (4) Auto sales and service.
 - (5) Banks, credit unions or other financial institutions.
 - (6) Barbershop, beauty shop.
 - (7) Bars/taverns.
 - (8) Bowling alleys.
 - (9) Business and professional offices or clinics.
 - (10) Car washes.
 - (11) Clothing stores.
 - (12) Community center.
 - (13) Coffee shop.
 - (14) Convenience stores.
 - (15) Day care center.
 - (16) Drug store or pharmacy.
 - (17) Essential services.
 - (18) Farm implement — repair and sales.
 - (19) Feed mill.
 - (20) Florist.
 - (21) Firework stands.
 - (22) Fruit and vegetable market, grocery, meat and fish market or other food products store.
 - (23) Funeral homes.
 - (24) Furniture, office equipment stores.
 - (25) Gas stations.

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- (26) Gyms and exercise facilities.
 - (27) Hardware and paint store.
 - (28) Indoor storage facilities.
 - (29) Internet cafe.
 - (30) Jewelry store.
 - (31) Landscaping sales.
 - (32) Laundromat.
 - (33) Liquor store.
 - (34) Lumber yard.
 - (35) Manufacture or storage in connection with any of the above uses, when clearly incidental to the conduct of the retail business on the premises.
 - (36) Marine sales and service.
 - (37) Motels/hotels.
 - (38) Museums.
 - (39) Music and musical instrument sales and service.
 - (40) Pet shop.
 - (41) Radio, televisions, and other electronics sales and service.
 - (42) Real estate offices.
 - (43) Restaurant, drive-in food service, supper club, and catering.
 - (44) Sporting goods and accessories.
 - (45) Small engine repair.
 - (46) Truck stop.
 - (47) Theater.
 - (48) Veterinarians.
 - (49) Video sales and rental.
 - (50) There may be one single-family dwelling unit on the premises, either attached or detached in connection with any of the above uses.
- (c) *Conditional uses.* The following conditional uses are permitted:
- (1) Airport.
 - (2) Hospital.
 - (3) Breweries, brewpubs, wineries.
 - (4) Outdoor storage facilities.
 - (5) **Adult establishments**
 - (6) Other similar and compatible use as determined by the environmental services committee.
- (d) *Lot, height, yard, and setback requirements.* The following requirements shall apply:

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- (1) Minimum lot size: one acre with private onsite wastewater treatment system, one-half acre with public sewer.
 - (2) Maximum structures lot coverage: 40 percent.
 - (3) Minimum landscaped area: ten percent.
 - (4) Maximum commercial building height: three stories or 45 feet.
 - (5) Maximum residential use structure height: two stories and 35 feet.
 - (6) Commercial principal building rear/side minimum setbacks: ten feet.
 - (7) Accessory structures rear/side yard minimum setback: five feet.
 - (8) Residential principal structure side yard setback: ten feet.
 - (9) Residential principal structure rear yard setback: 25 feet.
- (e) *Road setbacks and parking.* Road setbacks shall be governed pursuant to the provisions of section 42-14 and off-street parking shall be regulated by section 42-117.
- (Ord. No. 07-19, § 10.4.9, 3-19-2019; Ord. No. 37-20, § 10.4.9, 9-15-2020)

Sec. 42-83. Recreational Business and Commercial (B-2).

- (a) *Purpose and intent.* The purpose of this section is to allow for recreationally-based businesses to exist in appropriate locations in the county.
- (b) *Allowed and permitted uses.* In the recreational business and commercial district, no building or premises shall be used and no building shall be erected, moved or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:
 - (1) Sporting goods/archery range.
 - (2) Recreational sales and service.
 - (3) Restaurants and taverns.
 - (4) Bait shops.
 - (5) Miniature golf.

There may be one single-family dwelling unit on the premises, either attached or detached in connection with any of the above uses.

- (c) *Conditional uses.* The following conditional uses are permitted:
 - (1) Ski resorts.
 - (2) Paint ball.
 - (3) Go-cart tracks.
 - (4) Reserved.
 - (5) Gun range.
 - (6) Sportsmen's clubs.
 - (7) Stock car, all-terrain vehicle, and dirt bike raceways and courses.
 - (8) Resorts.

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- (9) Marinas, including sales and service.
 - (10) Recreational camps.
 - (11) Campgrounds with conditions in section 42-123.
 - (12) Manufactured home park that meets the conservation design development standards and conditions found in section 42-120.

(13) Adult Establishments

- (d) *Lot, height, yard, and setback requirements.* The following requirements shall apply:

- (1) Minimum lot size is one acre.
- (2) Maximum building lot coverage is 40 percent.
- (3) Minimum landscaped area is ten percent.
- (4) Maximum building height is two stories and 35 feet.
- (5) Principal building rear/side minimum setbacks is 25 feet.

- (e) *Other requirements.* The following additional requirements apply:

- (1) Road setbacks shall be governed pursuant to the provisions of section 42-14.
- (2) Off-street parking shall be regulated by section 42-117.
- (3) Provisions of section 42-116, design standards.

(Ord. No. 07-19, § 10.4.10, 3-19-2019; Ord. No. 37-20, § 10.4.10, 9-15-2020; Res. No. 15-22, § 1, 3-15-2022)

Sec. 42-84. Small Business and Commercial District (B-3).

- (a) *Purpose and intent.* The purpose of this section is to allow for commercial development while allowing for more control over building size, location and aesthetics.
- (b) *Allowed and permitted uses.* In the small business/commercial district, no building or premises shall be used and no building shall be erected, moved or structurally altered, unless otherwise provided in this chapter, except uses allowed and permitted in B-1 with a building footprint up to 20,000 square feet.
- (c) *Conditional uses.* The following conditional uses are permitted:
 - (1) All conditional uses in the B-1 district.
 - (2) Commercial buildings and uses with a building footprint over 20,000 square feet.
- (d) *Lot, height, yard, and setback requirements.* The following requirements shall apply:
 - (1) Minimum lot size is one acre.
 - (2) Maximum building lot coverage is 40 percent.
 - (3) Minimum landscaped area is ten percent.
 - (4) Maximum building height is two stories and 35 feet.
 - (5) Principal building rear/side minimum setbacks is 25 feet.
- (e) *Other requirements.* The following additional requirements apply:
 - (1) Road setbacks shall be governed pursuant to the provisions of section 42-14.

(2) Off-street parking shall be regulated by section 42-117.

(3) Provisions of section 42-116, design standards.

(Ord. No. 07-19, § 10.4.11, 3-19-2019; Ord. No. 37-20, § 10.4.11, 9-15-2020)

Sec. 42-85. Industrial District (I-1).

(a) *Purpose and intent.* The purpose of this section is to provide locations within the county for industrial uses to occur and prevent land use conflicts with inappropriate uses.

(b) *Allowed and permitted uses.* The allowed and permitted uses in this district are as follows:

(1) Light and general manufacturing, including, but not limited to:

- a. Metal, glass, plastic and wood assembly, fabrication and manufacturing.
- b. Electronics assembly, fabrication and manufacturing.
- c. Clothing.
- d. Bottling facilities.

(2) General warehousing and storage directly connected with the permitted uses under this section, provided they are not a nuisance.

(3) There may be one single-family dwelling unit and an associated residential accessory building on the premises, either attached or detached in connection with any of the above uses.

(c) *Conditional uses.* The following conditional uses are permitted:

- (1) Acid, ammonia, bleach, chlorine or soap manufacture.
- (2) Ammunition or explosives manufacture or storage.
- (3) Asphalt, coal, coal tar or coke manufacture, asphalt, and hot mix asphalt plants.
- (4) Cement or lime manufacture, cement, or concrete mixing plants.
- (5) Bone distillations, fat rendering or any other form of dead animal reduction.
- (6) Fertilizer manufacture.
- (7) Forge plant.
- (8) Gelatin or glue manufacture.
- (9) Inflammable gasses or liquids, refining or manufacture of; overground tank farms.
- (10) Utility-scale energy generation, including, but not limited to, solar farms/fields, large wind generators, and power plants.
- (11) Salvage and recycling facilities.
- (12) Solid waste disposal operations, sanitary landfill sites.
- (13) Slaughterhouse, stockyard.
- (14) Smelting or foundry operations.
- (15) Any similar or compatible industrial enterprise subject to the approval of the environmental services committee.

(d) *Lot sizes, dimensions and setbacks.* The following requirements shall apply:

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- (1) Minimum lot size is one acre.
 - (2) Maximum industrial use building height is 50 feet.
 - (3) Maximum residential use building height is 35 feet.
 - (4) The side yard setbacks for residential uses shall be the same as R-1 side yard setbacks.
 - (5) Side yard setbacks for lots adjacent to residentially zoned lots are 25 feet.
 - (6) Side yard setbacks for industrial uses is zero feet except that if buildings on abutting lots are not constructed with a common wall or with walls contiguous to one another, then a side yard of not less than ten feet shall be provided.
 - (7) Rear yard setback is 25 feet except that no rear yard setback shall be required when abutting a railroad right-of-way. Any such rear yard which abuts a boundary of a residential zoning district shall be not less than 50 feet in depth; provided that no stock pile, waste or salvage pile, equipment storage yard or other accumulation of material or equipment in the open shall be stored or placed in such rear yard.
- (e) *Other requirements.* The following additional requirements apply:
- (1) Road setbacks shall be governed pursuant to the provisions of section 42-14.
 - (2) Off-street parking shall be regulated by section 42-117.
 - (3) Provisions of section 42-116, design standards.
- (Ord. No. 07-19, § 10.4.12, 3-19-2019; Ord. No. 37-20, § 10.4.12, 9-15-2020)

Sec. 42-86. Mining District (M-1).

- (a) *Purpose and intent.* The purpose of this district is to allow for mining activities to take place in the county in appropriate areas that reduce incompatible land uses and land use conflicts.
- (b) *Allowed and permitted uses.* The following uses are allowed and permitted in this district:
- (1) All allowed and permitted uses in section 42-78 for the A-1 district.
 - (2) Preexisting non-metallic mining activities. Preexisting non-metallic mining activities are those operations involving the excavation, removal or processing of materials which operations are classified as unreclaimed acres by the county's non-metallic mining reclamation ordinance or had expansions of the mine outlined in the original plans that were submitted for the mine.
 - (3) Limited, short-term non-metallic mining activities ~~Limited short term non-metallic mining activities are those operations which-~~
 - a. ~~Do not satisfy the definitions and standards for preexisting non-metallic mining activities;~~
 - b. ~~Will be commenced and completed within a one year period from the date of the permit; and~~
 - c. ~~Will be limited to not more than one acre in area open at one time.~~

If the original mine was approved with conditions attached, those conditions continue to be in effect even if the mine is placed in this district.

- (c) *Conditional uses.* The following conditional uses are allowed in this district:
- (1) Nonmetallic mining activities that do not meet the definition outlined in subsections (b)(2) and (3) of this section.

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- (2) Applications for conditional use permits to conduct mining or processing activities shall include all information required by the county approved application form.
 - a. Reapplication to the environmental services committee for renewal shall be required with alterations to operational plans or noncompliance with the standards of the district.
 - b. Requests for additional information prior to a decision being made on the conditional use permit may be made by the environmental services committee. Upon determination by the board of supervisors that additional information is required, on behalf of the board of supervisors, the board of supervisors may employ independent technical experts to review materials submitted by the applicant.
 - (d) *Lot sizes, dimensions and setbacks.* The following requirements shall apply:
 - (1) Minimum lot size is five acres.
 - (2) Minimum right-of-way setback is 200 feet.
 - (3) Minimum property line setback is 100 feet. Overburden, berms, and topsoil piles are allowed to be within the setback area, however at no time shall stockpiles of the targeted material, active extraction activities or processing equipment be within the setback area.
 - (4) Setback and height restrictions for A-1 district apply (section 42-78).
 - (5) Maximum height for mining related structures is 50 feet.
 - (e) *Other requirements.* The following additional requirements apply:
 - (1) Road setbacks shall be governed pursuant to the provisions of section 42-14.
 - (2) Off-street parking shall be regulated by section 42-117.
 - (3) Provisions of section 42-116, design standards.
- (Ord. No. 07-19, § 10.4.13, 3-19-2019; Ord. No. 37-20, § 10.4.13, 9-15-2020)

Secs. 42-87—42-115. Reserved.

Sec. 42-212. General provisions.

- (f) No more than two accessory buildings, including a boathouse, shall be allowed on a riparian lot within 300 feet of the OHWM of a Class 1 or 2 water body. This limitation does not apply to riparian lots on Class 3 water bodies. If a riparian lot is over five acres on a navigable river or stream, up to four accessory buildings are allowed on the property. This provision does not apply to towns with their own zoning listed in section 42-212(a).
- (g) Structures shall not be deemed an accessory ~~building structure or use~~ and do not require permits unless greater than 64 square feet in size.
- (h) Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate office of the department for a final determination of navigability or ordinary high-water mark. The county may work with surveyors with regard to Wis. Stats. § 59.6692(1h).

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- (i) Except for towns with their own zoning listed under section 42-212(a), no farm animals, barnyards, feedlots and animal waste disposal facilities shall be allowed on any lot within 100 feet of a navigable water. Riparian lots on a Class 1 navigable water shall not have any four-legged farm animals. Class 1 riparian parcels can have up to six poultry in a fenced area if there are no roosters. Any barnyard, feedlot, or animal waste facilities shall be so located and constructed that there will be no drainage either, directly or indirectly, from such facilities into any navigable water. Non-farm residences shall not be located within 300 feet of any feedlot or structure housing farm animals.
- (j) Signs allowed in a residential (R-1) zoning district under section 42-118.
- (k) Boathouses. The roof of a boathouse may be used as a deck if the boathouse has a flat roof with no side walls or screens. A boathouse may be constructed within the shoreland areas if it meets the following conditions:
 - (1) The maximum dimension is 14 feet in width by 26 feet in depth. The width dimension runs parallel to the water.
 - (2) Open handrails under 3½ feet tall that meet the department of safety and professional services standards may be constructed on the roof of the boathouse.
 - (3) The roof must pitch away from the lake.
 - (4) Used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.
 - (5) Shall not extend below the OHWM.
 - (6) Structure cannot contain any plumbing.
 - (7) Must be at least ten feet landward of the OHWM.
 - (8) Must be located within the allowed access and viewing corridor.
 - (9) Boathouses shall be a single story with a 14-foot maximum sidewall height.
- (l) Boathouses constructed in towns with their own zoning listed in section 42-212(a) do not have to comply with the provisions of section 42-212(k)(1), (3), (9).
- (m) A single (one per lot) bunkhouse will be permitted with the following conditions:
 - (1) ~~The bunkhouse shall not exceed 50 percent of the square footage of the accessory structure with a maximum of 400 square foot floor area. The 50 percent square footage limitations will not apply when loft or attic truss type area is being used; however, the area shall not exceed 400 square feet. Stand-alone bunkhouses cannot exceed 400 square feet of floor area in total.~~ A bunkhouse shall have a maximum of 1,000 square feet of bunkhouse floor area. Square footage is measured as all the area within the exterior walls of a residential accessory building with or without plumbing used for temporary sleeping quarters only. Storage area must be separate and segregated from any bunkhouse area. (can have a door from the bunkhouse areas to the storage area)
 - (2) All of the setback requirements for an accessory structure are met.
 - (3) Leasing, rental or use as a residence is strictly prohibited.
 - (4) Sanitary systems must be sized for the total number of bedrooms on the lot after the bunkhouse is built. No affidavits allowed for undersized sanitary systems.

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- (5) ~~Holding tanks are only allowed for the purposes of these regulations if absolutely no other system will work on the property (i.e., a mound system or conventional system). A soil test is required to prove the necessity of a holding tank.~~
 - (6) ~~A separate sanitary system for a bunkhouse is prohibited.~~
 - (7) The bunkhouse shall be built to uniform dwelling code compliance. A copy of the completed and passed final inspection of the bunkhouse by the town's building inspector is due to the zoning office within two years of obtaining the land use permit, as proof that this condition has been satisfied.
 - (8) Plumbing, if installed, conforms to the county sanitary code.
 - (9) Height of the structure is limited to ~~25~~ 35 feet.
 - (10) Maximum of one bathroom allowed per bunkhouse.
 - (11) Cannot be split from original property.
 - (12) Cooking facilities are prohibited.
 - (13) Cannot be built on an outlot.
 - (14) Cannot be the first building on a lot.
 - (15) An affidavit is recorded in the register of deeds outlining use restrictions.
 - (16) Boathouses cannot become bunkhouses.
 - (17) Only allowed in zoning districts where single-family residential uses are allowed.
 - (18) Must meet minimum lot size requirements at time of lot creation.
 - (19) Bunkhouses created on riparian lots shall be required to install and maintain mitigation as described in section 42-305. For the purposes of this article, changing the use of a structure to a bunkhouse counts as the same additional square footage of impervious surface.
 - (20) Use of accessory structures in a manner consistent with the definition of bunkhouse prior to enactment of the ordinance from which this article is derived is prohibited by ordinances referenced in section 42-211 and such use is not a nonconforming use, as defined in state statute. Accordingly, any and all accessory structures that are to be used as bunkhouses must comply with the above conditions regardless of prior existing use.
- (n) Bunkhouses in towns with their own zoning listed in Section 42-212(a) do not have to comply with the conditions listed above.
 - (o) The more restrictive setback based on lake classification or zoning district shall always apply.
 - (p) Except for towns with their own zoning listed under section 42-212(a), the expansion of a swine farming operation to 1,000 animal units or more shall be prohibited within the shoreland area.
 - (q) Conservation design developments (CDDs) and high density uses are prohibited within 1,000 feet of a public boat landing/ramp. CDD lots also are prohibited from having an easement or shared ownership, directly or indirectly, with any riparian lot.
 - (r) No lot shall be allowed to have more than one dwelling unit within a 1,000 feet of a public boat landing/ramp on a navigable water.

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- (s) No lot after the effective date of the ordinance from which this article is derived shall be developed with a higher residential dwelling unit density than allowed under the lot's respective zoning district and shoreland minimum lot size. Each unit in a two-family and multifamily dwelling shall each be counted as a separate dwelling unit.
- (t) All dwelling standards shall apply to each dwelling regardless of the ownership structure for the dwelling, whether it be joint tenants, cooperatives, limited liability corporation, condominiums, or otherwise.
- (u) No land or acreage shall be added to an existing riparian parcel unless it does not increase the total number of dwelling units allowed based on the lot's respective zoning district and shoreland minimum lot size.

(Ord. No. 08-20, art. 5, 4-21-2020; Ord. No. 25-21, 5-18-2021; Res. No. 48-21, § 1, 11-9-2021; Res. No. 15-22, § 1, 3-15-2022)

DIVISION 2. ZONING DISTRICTS

Sec. 42-237. Residential (R-1).

- (a) *Purpose and intent.* The purpose and intent of the Residential (R-1) District is to promote residential uses and other compatible uses associated with residential neighborhoods.
- (b) *Allowed and permitted uses.*
 - (1) Single-family dwellings, including manufactured homes.
 - (2) Accessory structures, clearly incidental to the residential use of the property.
 - (3) Gardening, including nurseries for the propagation of plants only.
 - (4) Municipal parks and playgrounds including swimming pools, golf courses, tennis courts and picnic grounds, provided the parking requirements are met.
 - (5) Home business, provided the parking requirements are met.
 - (6) Up to six poultry in a fenced area if there are no roosters
- (c) *Changes in use that require a land use permit.*
 - (1) *Tourist roominghouse with up to eight people from 11:00 p.m. to 7:00 a.m.* A maximum of 12 occupants are allowed from 7:00 a.m. to 11:00 p.m. regardless of the number of bedrooms, provided they meet the following conditions:
 - a. Accessory building must not have sleeping accommodations.
 - b. No RVs or campers allowed for overnight stay.
 - c. All parking to be on an impervious surface and must be contained on the property.
 - d. Applicant must obtain all proper licensing.
 - e. All fires and embers are to be extinguished by 11:00 p.m., with no unattended fires.
 - f. Applicant must have 24-hour contact number available to the public.

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- g. Property must remain free from citation and charges for nuisance, disorderly conduct, or any other illegal activity.
 - h. Quiet hours shall be imposed from 11:00 p.m. to 7:00 a.m.
 - i. Applicant and renters must comply with all applicable laws and regulations:
 - 1. Department of natural resources lake regulations to be included in rental information.
 - 2. Lake association rules to be included in rental information.
 - 3. Owner is responsible to state and local jurisdictions for compliance with firework regulations.
 - j. All pets must be contained on the rental property unless they are on public property.
 - k. Property lines must be surveyed with boundaries clearly staked by a professional land surveyor.
 - l. All conditions that apply to renters shall be included in rental information.
 - m. Existing septic system to be inspected and approved. The zoning office can inspect or require the septic system to be inspected annually.
 - n. Local uniform building inspector shall be hired by the applicant to determine the number of legal bedrooms in the dwelling. The zoning office can require additional building inspections performed by the local building inspector annually at the operator's expense.
 - o. Any advertisement shall include the land use permit number and the health department license number.
 - p. Max rental of up to seven days per month from May thru September, and a total of 174 days per year unless a conditional use permit is obtained to rent more days per month/year.
- (2) *Bed and breakfast.*
- a. No RVs, campers, tents or other means of overnight stay allowed.
 - b. All sleeping accommodations must be within the dwelling unit.
 - c. All parking must be contained on the property.
 - d. Applicant must obtain all proper licensing.
 - e. Applicant must have 24-hour contact number available to the public.
 - f. Property must remain free from citation and charges for nuisance, disorderly conduct or any other illegal activity, and in compliance with county ordinances, state and local laws.
- (3) Two family dwellings when in compliance with the minimum lot size and density requirements of this district for each unit.
- (4) Bunkhouse when in compliance with the conditions under section 42-122.
- (d) *Conditional uses.*
- (1) Schools.
 - (2) Churches.
 - (3) Municipal buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance equipment.
 - (4) Transient lodge with maximum occupancy up to 12 people.

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- (5) High density use.
 - (e) *Height, yard, and setback requirements.*
 - (1) Side yard setback: Ten feet for principal structures; five feet for accessory structures.
 - (2) Rear yard setback: 25 feet for principal structures; five feet for accessory structures.
 - (3) Road setback regulations shall apply to all corner lots.

(Ord. No. 08-20, art. 8(A), 4-21-2020; Res. No. 15-22 , § 1, 3-15-2022)

Sec. 42-238. Hamlet District (H-1).

- (a) *Purpose and intent.* The goal of this district is to allow for land uses that mimic a rural, unincorporated village setting and allow for continuance of that settlement pattern. In addition, this district will allow for mixed uses of residential and commercial as was typical of the historical development pattern of rural hamlets.
- (b) *Allowed and permitted uses.*
 - (1) All allowed and permitted uses in R-1.
 - (2) All uses in the B-3 district.
- (c) *Changes in use that require a land use permit.*
 - (1) Tourist roominghouses with conditions in R-1.
 - (2) Bed and breakfasts with conditions in R-1.
 - (3) A bunkhouse with the conditions in section 42-122(l) at a minimum.
 - (4) Two-family and multi-family dwellings when in compliance with the minimum lot size and density requirements of this district for each unit.
- (d) *Conditional uses.*
 - (1) All conditional uses in R-1.
 - (2) Other similar and compatible use as determined by the environmental services committee.
- (e) *Height, yard, and setback requirements.*
 - (1) Maximum commercial use building height: 35 feet within the setback area or 45 feet or three stories beyond the setback area.
 - (2) Side yard setback: ten feet for principal structures; five feet for accessory structures.
 - (3) Rear yard setback: 25 feet for principal structures; five feet for accessory structures.

(Ord. No. 08-20, art. 8(B), 4-21-2020; Res. No. 15-22 , § 1, 3-15-2022)

Sec. 42-239. Residential-Agricultural District 5 (RA-5).

- (a) *Purpose and intent.* The R-A district 5 is meant to allow for limited residential development in areas that transition from incorporated areas to rural areas and farmland preservation areas. The target density for this district is one residential dwelling per five acres of land or eight dwellings per 40 acres.
- (b) *Allowed and permitted uses.*
 - (1) All allowed and permitted uses in the R-1 district.

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- (2) Agricultural uses found in A-1, except fur-farming and a second farm residence.
 - (3) Schools.
 - (4) Churches.
 - (5) Cemeteries.
 - (6) Municipal buildings.
- (c) *Changes in use that require a land use permit.*
- (1) Tourist roominghouses with conditions in R-1.
 - (2) Bed and breakfasts with conditions in R-1.
 - (3) A bunkhouse with the conditions in section 42-122(l) at a minimum.
 - (4) Contractor storage yard.
 - (5) Two-family and multi-family dwellings when in compliance with density and minimum lot size requirements of this district for each unit.
 - (6) **Limited, short-term non-metallic mining activities**
- (d) *Lot sizes.*
- (1) Traditional development. One dwelling unit per five-acre density standard.
 - (2) Calculations determining the number of residential lots allowed per parent lot. In the Residential-Agricultural District (RA-5), a maximum of eight lots will be allowed per 40 acres, which includes any original principal structure or dwelling. To calculate the number of lots available for development in this district, divide the gross site area of the contiguous lands held in single ownership as of the date of adoption of this article by five. This is the total number of residential lots or dwelling units that will be allowed on the lands from the effective date of this chapter forward. Table 2 below indicates the number of residential lots that can be created based on the number of acres owned at the time of the adoption of the ordinance from which this article is derived. Round up if any fractional amount is equal to one-half or greater. Example calculations:
 - a. A 32-acre lot is allowed six residential lots ($32/5 = 6.4$, which rounds down to six).
 - b. 19 acres = four residential lots ($19/5 = 3.8$ which rounds up to four).

Table 2. Calculation of Residential Parcels Allowed

| Size of Base Tract of Land | Total Number of Dwelling Lots Allowed |
|------------------------------|---------------------------------------|
| Less than 7.5 acres | 1 |
| 7.5 to less than 12.5 acres | 2 |
| 12.5 to less than 17.5 acres | 3 |
| 17.5 to less than 22.5 acres | 4 |
| 22.5 to less than 27.5 acres | 5 |
| 27.5 to less than 32.5 acres | 6 |
| 32.5 to less than 37.5 acres | 7 |
| 37.5 to less than 40 acres | 8 |

(e) *Height, yard, and setback requirements.*

- (1) Farm buildings are exempt from the height restrictions beyond the setback area.
- (2) Side yard setback: ten feet for principal structures; five feet for accessory structures.
- (3) Rear yard setback: 25 feet for principal structures; five feet for accessory structures.
- (4) Road setback regulations shall apply to all corner lots.

(Ord. No. 08-20, art. 8(C), 4-21-2020; Res. No. 15-22 , § 1, 3-15-2022)

Sec. 42-240. Agricultural 10 District (A-1).

- (a) *Purpose and intent.* The Agricultural 10 District (A-1) is meant to allow for the continuation of agriculture and agricultural production with limited residential development. This district will have a density of principal structures not to exceed four per 40 acres. **This district shall further provide protections for agricultural producers for normal agricultural activities including but not limited to: manure spreading, equipment noise, animal noise, necessary lighting, night/weekend hours, smell, dust, grain facilities, and other uses commonly associated with the allowed and permitted uses in this district.**

(b) *Allowed and permitted uses.*

- (1) Agricultural uses, including any of the following:
 - a. Crop or forage production.
 - b. Keeping livestock.
 - c. Beekeeping.
 - d. Nursery, sod, or Christmas tree production.
 - e. Floriculture.
 - f. Aquaculture.
 - g. Fur farming.
 - h. Forest management.
 - i. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
 - j. Accessory structure that is an integral part of, or is incidental to, an agricultural use.
 - k. Roadside stand.
 - l. Personal stable.
- (2) A single-family dwelling.
- (3) Accessory buildings incidental to the residential use of the property.
- (4) Home business.
- (5) Schools.
- (6) Churches.
- (7) Cemeteries.
- (8) Undeveloped natural resource and open space areas.

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- (9) One additional farm residence, which shall be sited so that it may be separated from the original farm parcel on which it is located in compliance with the county subdivision ordinance.
 - (10) Contractor storage yard.
 - (c) *Changes in use that require a land use permit.*
 - (1) Tourist roominghouses with conditions in R-1.
 - (2) Bed and breakfasts with conditions in R-1
 - (3) A bunkhouse with the conditions in section 42-122(l) at a minimum.
 - (4) Two-family dwellings when in compliance with the minimum lot size and density requirements for each unit.
 - (5) Limited, short-term non-metallic mining activities
 - (d) *Conditional uses.*
 - (1) Agriculture-related businesses, such as, but not limited to:
 - a. Implement dealers.
 - b. Agricultural cooperatives.
 - c. Veterinarians.
 - d. Wineries.
 - e. Burial sites under Wis. Stats. ch. 157.
 - f. Other similar and compatible agriculturally-related businesses.
 - (2) Kennels when at least 300 feet from property lines.
 - (3) Animal shelters when at least 300 feet from property lines.
 - (4) Outdoor commercial events with not more than 6 events per year.
 - (5) Manufactured home park that meets the conservation design development standards and conditions found in section 42-308.
 - (e) *Lot restrictions.*
 - (1) Target density standard for the Agricultural 10 District is four residential lots per 40 acres.
 - (2) Calculations for determining the number of lots allowed per parent lot. In the Agricultural 10 District (A-1), a maximum of four non-farm dwellings will be allowed per 40 acres, which includes any original principal structure or dwelling. To calculate the number of lots available for development in this district, divide the gross site area of the contiguous lands held in single ownership as of the date of adoption of the ordinance from which this article is derived by 10. This is the total number of residential lots or dwelling units that will be allowed on the lands from the effective date of this chapter forward. Round up if any fractional amount is equal to one-half or greater (See Table 3). Example calculations:
 - a. A 32-acre lot is allowed three residential lots ($32/10 = 3.2$ which rounds down to three).
 - b. 16 acres = two residential lots ($16/10 = 1.6$ which rounds up to two).

Table 3. Calculation of Residential Lots Allowed in A-10

| Size of Base Tract of Land | Total Number of Lots Allowed |
|----------------------------|------------------------------|
|----------------------------|------------------------------|

| | |
|---|---|
| Up to 15 acres | 1 |
| 15 acres or greater, but less than 25 acres | 2 |
| 25 acres or greater, but less than 35 acres | 3 |

(f) *Height, yard, and setback requirements.*

- (1) Farm buildings are exempt from the height restrictions beyond the setback area.
- (2) Side yard setback: 25 feet for all structures.
- (3) Rear yard setback: 25 feet for all structures.
- (4) Road setback regulations shall apply to all corner lots.

(Ord. No. 08-20, art. 8(E), 4-21-2020; Res. No. 15-22, § 1, 3-15-2022)

Sec. 42-241. Agricultural 20 District (A-2).

(a) *Purpose and intent.* The Agricultural 20 District (A-2) is meant to allow for the continuation of agriculture and agricultural production with limited residential development. This district will have a density of principal structures not to exceed two per 40 acres. **This district shall further provide protections for agricultural producers for normal agricultural activities including but not limited to: manure spreading, equipment noise, animal noise, necessary lighting, night/weekend hours, smell, dust, grain facilities, and other uses commonly associated with the allowed and permitted uses in this district.**

(b) *Allowed and permitted uses.* All allowed and permitted uses in the A-1 district.

(c) *Conditional uses.* All conditional uses in A-1.

(d) *Lot restrictions.*

- (1) Density standard for the Agricultural 20 District is a maximum of two lots/principal structures per 40 acres.
- (2) Calculations for determining the number of lots allowed per parent lot. In the Agricultural 20 District (A-2), a maximum of two lots/principal structures will be allowed per 40 acres, which includes any original principal structure or dwelling. To calculate the number of lots available for development in this district, divide the gross site area of the contiguous lands held in single ownership as of the date of adoption of the ordinance from which this article is derived by 20. This is the total number of new residential lots or dwelling units that will be allowed on the lands from the effective date of this chapter forward. Round up if any fractional amount is equal to one-half or greater (see Table 4).
Example calculations:

A 32-acre lot is allowed two residential lots ($32/20 = 1.6$ which rounds up to two).

Table 4. Calculation of Residential Lots Allowed in A-20

| Size of Base Tract (initial lot at time of ordinance adoption) of Land | Number of Dwelling Lots Allowed |
|--|---------------------------------|
| Less than 30 acres | 1 |
| 30 acres or greater | 2 |

(e) *Height, yard, and setback requirements.*

- (1) Farm buildings are exempt from the height restrictions beyond the setback area.
- (2) Side yard setback: 25 feet for all structures.
- (3) Rear yard setback: 25 feet for all structures.

(Ord. No. 08-20, art. 8(E), 4-21-2020)

Sec. 42-242. Farmland Preservation District (A-3).

(a) *Purpose.* The intent of this district is to maintain highly productive agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural development and minimizing land use conflicts among incompatible uses.

(b) *Allowed and permitted uses.*

- (1) Agricultural uses, meaning any of the following activities conducted for the purpose of producing an income or livelihood:
 - a. Crop or forage production.
 - b. Keeping livestock.
 - c. Beekeeping.
 - d. Nursery, sod, or Christmas tree production.
 - e. Floriculture.
 - f. Aquaculture.
 - g. Fur farming.
 - h. Forest management.
 - i. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
 - j. Any other use that the state department of agriculture, by rule, identifies as an agricultural use.
 - (2) A farm residence, including a manufactured home.
 - (3) Accessory buildings incidental to the residential use of the property.
 - (4) Accessory structure that is an integral part of, or is incidental to, an agricultural use.
 - (5) Home business that meet Wis. Stats. § 91.01(1).
 - (6) Undeveloped natural resource and open space areas.
 - (7) Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a special use permit for that use.
 - (8) Other uses identified by the state department of agriculture rule.
- (c) *Changes in use that require a land use permit.*
- (1) Tourist roominghouses with conditions in R-1.
 - (2) Bed and breakfasts with conditions in R-1.

-
- (3) A bunkhouse with the conditions in section 42-122(l) at a minimum.
 - (4) Contractor storage yard.
 - (d) *Conditional uses.*
 - (1) Agriculturally-related businesses, such as:
 - a. Feed mills.
 - b. Commercial stables.
 - c. Implement dealers.
 - d. Agricultural cooperatives.
 - e. Veterinarians.
 - f. Wineries.
 - g. Composting sites.
 - (2) Creation of a nonfarm residence or conversion of a farm residence to a nonfarm residence through a change in occupancy, subject to the following requirements:
 - a. The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is or will be located will not be greater than 1:20 after the residence is constructed or converted to a nonfarm residence.
 - b. There will not be more than four dwelling units in nonfarm residences, nor more than five dwelling units in residences of any kind, on the base farm tract after the residence is constructed or converted to a nonfarm residence.
 - c. The location and size of the proposed nonfarm residential lot, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm residential lot, will not do any of the following:
 - 1. Convert prime farmland from agricultural use or convert land previously used as crop land, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential lot or a nonfarm residence.
 - 2. Significantly impair or limit the current or future agricultural use of other protected farmland.
 - (3) Creation of a nonfarm residential cluster that covers more than one nonfarm residence if all of the following apply:
 - a. The lots on which the nonfarm residences would be located are contiguous.
 - b. Each nonfarm residence constructed in the nonfarm residential cluster must satisfy the requirements of conditional use in subsection (d)(2) of this section.
 - (4) Governmental, institutional, religious, nonprofit community uses, transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:
 - a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - b. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

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- c. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
 - d. The use does not substantially impair or limit the current or future agricultural use of surrounding lots of land that are zoned for or legally restricted to agricultural use.
 - e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
 - (e) *Lot requirements.* Density standard for the farmland preservation district is as described under conditional uses in subsection (d)(2) and (3) of this section.
 - (f) *Height, yard, and setbacks requirements.*
 - (1) Farm buildings are exempt from the height restrictions beyond the setback area.
 - (2) Side yard setback: 25 feet for all structures.
 - (3) Rear yard setback: 25 feet for all structures.
 - (g) *Rezoning land out of a farmland preservation zoning district.*
 - (1) Except as provided in subsection (g)(2) of this section, the county may not rezone land out of the farmland preservation zoning district unless the county finds all of the following in writing, after public hearing, as part of the official record of the rezoning:
 - a. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
 - b. The rezoning is consistent with any applicable comprehensive plan.
 - c. The rezoning is substantially consistent with the county farmland preservation plan, which is in effect at the time of the rezoning.
 - d. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
 - (2) Subsection (g)(1) of this section does not apply to any of the following:
 - a. A rezoning that is affirmatively certified by the state department of agriculture, trade and consumer protection under Wis. Stats. ch. 91.
 - b. A rezoning that makes the farmland preservation zoning ordinance map more consistent with the county farmland preservation plan map, certified under Wis. Stats. ch. 91, which is in effect at the time of the rezoning.
 - (3) By March 1 of each year, the county shall provide to the state department of agriculture, trade and consumer protection a report of the number of acres that the county has rezoned out of the farmland preservation zoning district under subsection (g)(1) of this section during the previous year and a map that clearly shows the location of those acres.

(Ord. No. 08-20, art. 8(F), 4-21-2020)

Sec. 42-243. Natural Resources District (N-1).

- (a) *Allowed and permitted uses.* To protect and preserve the natural character of certain lands for their values to wildlife, water conservation, flood control, forestry and other public purposes in the natural resources district, no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this article except for one or more of the following uses:

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- (1) Grazing.
 - (2) The harvesting of wild crops such as wild hay, ferns, moss, berries, fruit trees and seeds.
 - (3) Hunting, fishing, trapping.
 - (4) Nonresidential buildings and structures used solely in conjunction with the raising of wildlife and fish and the practice of forestry, including buildings and structures used by public or semi-public agencies or groups for research in or the rehabilitation of natural resources.
 - (5) Sustainable logging, pulping and other forest crop harvesting.
 - (6) Public or private parks.
 - (b) *Conditional uses.* The following conditional use is permitted: Licensed game farms.
 - (c) *Height and yard requirements.*
 - (1) Side yard setback: 25 feet.
 - (2) Rear yard setback: 25 feet.
- (Ord. No. 08-20, art. 8(G), 4-21-2020; Res. No. 15-22 , § 1, 3-15-2022)

Sec. 42-244. Reserved.

Res. No. 15-22 , § 1, adopted March 15, 2022, repealed § 42-244, which pertained to general business and commercial (B-1) and derived from Ord. No. 08-20, adopted April 21, 2020.

Sec. 42-245. Recreational Business and Commercial (B-2).

- (a) *Purpose and intent.* To allow for recreationally-based businesses to exist in appropriate locations in the county.
- (b) *Allowed and permitted uses.* In the recreational business and commercial district no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this article, except for one or more of the following uses:
 - (1) Sporting goods/archery range.
 - (2) Recreational sales and service.
 - (3) Restaurants and taverns.
 - (4) Bait shops.
 - (5) Miniature golf.
 - (6) There may be one single-family dwelling unit on the premises, either attached or detached in connection with any of the above uses.
- (c) *Conditional uses.*
 - (1) Ski resorts.
 - (2) Paint ball.
 - (3) Go-cart tracks.
 - (4) Reserved.

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- (5) Gun range.
 - (6) Sportsmen's clubs.
 - (7) Stock car, ATV, and dirt bike raceways and courses.
 - (8) Resorts.
 - (9) Marinas, including sales and service.
 - (10) Recreational camps.
 - (11) Travel trailer parks/campgrounds that meets the conservation design development standards and conditions in section 42-309
 - (12) Manufactured home park that meets the conservation design development standards and conditions found in section 42-308.
 - (13) High density use.
 - (14) **Adult establishments**
 - (15) Other similar and compatible use as determined by the environmental services committee.
- (d) *Height, yard and setback requirements.*
- (1) Maximum building lot coverage: 30 percent.
 - (2) Minimum landscaped area: Ten percent.
 - (3) Principal building rear/side minimum setbacks: 25 feet.
- (Ord. No. 08-20, art. 8(l), 4-21-2020; Res. No. 15-22 , § 1, 3-15-2022)

Sec. 42-246. Small Business and Commercial District (B-3).

- (a) *Purpose and intent.* To allow for commercial development while allowing for more control over building size, location and aesthetics.
- (b) *Allowed uses.* In the small business/commercial district, no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this division, except for one or more of the following uses, with a building footprint up to 20,000 square feet:
 - (1) There may be one single-family dwelling unit on the premises, either attached or detached in connection with any of the above use.
- (c) *Conditional uses.*
 - (1) Airport.
 - (2) Appliances sales and service.
 - (3) Antique stores.
 - (4) Art galleries.
 - (5) Auto sales and service.
 - (6) Banks, credit unions or other financial institutions.
 - (7) Barbershops, beauty shops.
 - (8) Bars/taverns.

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- (9) Bowling alleys.
 - (10) Breweries, brewpubs, wineries.
 - (11) Business and professional offices or clinics.
 - (12) Car washes.
 - (13) Clothing stores.
 - (14) Commercial stables.
 - (15) Community center.
 - (16) Coffee shop.
 - (17) Convenience stores.
 - (18) Day care center.
 - (19) Drug store or pharmacy.
 - (20) Essential services.
 - (21) Farm implement repair and sales.
 - (22) Feed mill.
 - (23) Florist.
 - (24) Firework stands.
 - (25) Fruit and vegetable market, grocery, meat and fish market or other food products store.
 - (26) Funeral homes.
 - (27) Furniture, office equipment stores.
 - (28) Gyms and exercise facilities.
 - (29) Hardware and paint store.
 - (30) High density use.
 - (31) Hospital.
 - (32) Indoor storage facilities.
 - (33) Internet cafe.
 - (34) Jewelry store.
 - (35) Landscaping sales.
 - (36) Laundromat.
 - (37) Liquor store.
 - (38) Lumber yard.
 - (39) Marine sales and service.
 - (40) Museums.
 - (41) Music and musical instrument sales and service.
 - (42) Outdoor storage facilities.

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- (43) Pet shop.
 - (44) Radio, televisions, and other electronics sales and service.
 - (45) Real estate offices.
 - (46) Restaurant, drive-in food service, supper club, and catering.
 - (47) Sporting goods and accessories.
 - (48) Small engine repair.
 - (49) Theater.
 - (50) Veterinarians.
 - (51) Video sales and rental.
 - (52) Other similar and compatible use as determined by the environmental services committee.
 - (53) Storage in connection with any of the above uses, when clearly incidental to the conduct of the retail business on the premises.

(54) Adult establishments

- (d) *Height, yard and setback requirements.*
 - (1) Maximum building lot coverage: 30 percent.
 - (2) Minimum landscaped area: Ten percent.
 - (3) Principal building rear/side minimum setbacks: 25 feet.
- (Ord. No. 08-20, art. 8(J), 4-21-2020; Res. No. 15-22 , § 1, 3-15-2022)

Sec. 42-247. Reserved.

Res. No. 15-22 , § 1, adopted March 15, 2022, repealed § 42-247, which pertained to industrial (I-1) and derived from Ord. No. 08-20, adopted April 21, 2020.

Sec. 42-248. Mining District (M-1).

- (a) *Purpose.* To allow for mining activities to take place in the county in appropriate areas that reduce incompatible land uses and land use conflicts.
- (b) *Allowed and permitted uses.*
 - (1) All allowed and permitted uses in the Agricultural 10 District (A-1).
 - (2) Pre-existing non-metallic mining activities. Preexisting non-metallic mining activities are those operations involving the excavation, removal and/or processing of materials which operations are classified as unreclaimed acres by the county's non-metallic mining reclamation ordinance or had expansions of the mine outlined in the original plans that were submitted for the mine.
 - (3) Limited, short-term non-metallic mining activities ~~Limited short term non metallic mining activities are those operations which:-~~
 - a. ~~Do not satisfy the definitions and standards for preexisting non-metallic mining activities;~~
 - b. ~~Will be commenced and completed within a one year period from the date of the permit; and~~

-
- ~~c. Will be limited to not more than one acre in area open at one time. If the original mine was approved with conditions attached, those conditions continue to be in effect even if the mine is placed in this district.~~

(c) *Conditional uses.*

- (1) Nonmetallic mining activities that do not meet the definition outlined in subsection (b)(3)b and c of this section.
- (2) Applications for conditional use permits to conduct mining and/or processing activities shall include all information required by the county approved application form.
 - a. Reapplication to the environmental services committee for renewal shall be required with alterations to operational plans or noncompliance with the standards of the district.
 - b. Requests for additional information prior to a decision being made on the conditional use permit may be made by the environmental services committee. Upon determination by the committee that additional information is required, on behalf of the committee, the committee may employ independent technical experts to review materials submitted by the applicant.

(d) *Lot sizes, dimensions and setbacks.*

- (1) Minimum right-of-way setback: 200 feet.
- (2) Minimum property line setback: 100 feet. Overburden, berms, and topsoil piles are allowed to be within the setback area, however at no time shall stockpiles of the targeted material, active extraction activities or processing equipment be within the setback area.
- (3) Setback and height restrictions for Agricultural 10 (A-1) District uses: Maximum height for mining related structures: 35 feet within shoreland setback area and 50 feet beyond shoreland setback.

(Ord. No. 08-20, art. 8(L), 4-21-2020)

Sec. 42-249. Town Zoned (T-1).

- (a) *Purpose.* To allow towns with their own zoning ordinances to create, administer, and enforce all of their use regulations within the shoreland areas as defined under section 42-212(a). Polk County is still charged with administering the state shoreland zoning standards provided in NR 115, Wisconsin Administrative Code, and permits are still required from the county.
- (b) *Allowed and permitted uses.* Refer to respective town ordinance.

(Res. No. 48-21 , § 1, 11-9-2021)

Secs. 42-250—42-274. Reserved.

DIVISION 4. OTHER SHORELAND REGULATIONS

Sec. 42-301. Lot requirements, setbacks, and minimum shoreland lot dimensional requirements.

- (a) Preexisting lots of record. Any owner must obtain a permit prior to improving an existing lot. The zoning administrator shall not issue a permit unless the subject property meets shoreland and side yard setbacks in subsection (c) of this section and the lot area and dimensions as follows:

(1) Dimensions of building sites for lots recorded prior to June 1, 1967:

a. Lots not served by a public sanitary sewer:

Lots Without Public Sanitary Sewer Service

| | | |
|-----|---------------------------|--------------------|
| (1) | Minimum lot area | 10,000 square feet |
| (2) | Minimum lot width | 65 feet |
| (3) | Minimum average lot width | 65 feet |

b. Lots served by public sanitary sewer:

Lots With Public Sanitary Sewer Service

| | | |
|-----|---------------------------|-------------------|
| (1) | Minimum lot area | 7,500 square feet |
| (2) | Minimum lot width | 50 feet |
| (3) | Minimum average lot width | 50 feet |

(2) Dimensions of building sites for lots recorded from June 1, 1967, to June 30, 1996:

a. Lots not served by a public sanitary sewer:

Lots Without Public Sanitary Sewer Service

| | | |
|-----|---------------------------|--------------------|
| (1) | Minimum lot area | 20,000 square feet |
| (2) | Minimum lot width | 90 feet |
| (3) | Minimum average lot width | 100 feet |

b. Lots served by public sanitary sewer:

Lots With Public Sanitary Sewer Service

| | | |
|-----|---------------------------|--------------------|
| (1) | Minimum lot area | 10,000 square feet |
| (2) | Minimum lot width | 60 feet |
| (3) | Minimum average lot width | 65 feet |

(3) Dimensions of building sites for lots recorded from July 1, 1996, to September 16, 2019:

a. Lots not served by a public sanitary sewer:

Lots Without Public Sanitary Sewer Service

| | | |
|-----|-------------------|--------------------|
| (1) | Minimum lot area | 43,560 square feet |
| (2) | Minimum lot width | 100 feet |

b. Lots served by public sanitary sewer:

Lots With Public Sanitary Sewer Service

| | | |
|-----|------------------|--------------------|
| (1) | Minimum lot area | 20,000 square feet |
|-----|------------------|--------------------|

| | | |
|-----|-------------------|---------|
| (2) | Minimum lot width | 90 feet |
|-----|-------------------|---------|

- (b) Other substandard lots. Except for lots which meet the requirements of subsection (b)(1) of this article, a building permit for the improvement of a lot having lesser dimensions than those stated in Table 1 in subsection (c) of this section shall be issued only if a variance is granted by the board of adjustment.
- (1) Substandard lots. A legally created lot or parcel that met the minimum area and minimum average width requirements when created but does not meet current lot size requirements, may be used as a building site if all the following apply:
- The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
 - The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
 - The substandard lot or parcel is developed to comply with all other ordinance requirements.
- (2) Planned unit development (PUD). A non-riparian lot may be created which does not meet the requirements of Table 1 in subsection (c) of this section if the county has approved a recorded plat or certified survey map including that lot within a planned unit development, if the planned unit development contains at least two acres or 200 feet of frontage, and if the reduced non-riparian lot sizes are allowed in exchange for larger shoreland buffers and setbacks on those lots adjacent to navigable waters that are proportional to and offset the impacts of the reduced lots on habitat, water quality, and natural scenic beauty.
- A planned unit development shall never be allowed to exceed the density of the zoning district in which it is located, and must meet the minimum lot size requirements in the Polk County Lake Classification System for each unit within the PUD. A conditional use permit shall be obtained by the applicant before the recording/approval of a PUD.
- (c) (1) All new developed lots and construction allowed after July 14, 2015, that have riparian access must conform to Table 1.

Table 1. Site Dimensions

| | Class 1 | Class 2 | Class 3 | Rivers/Streams |
|---|---|---|---|---|
| Lot size** | 20,000 square feet 10,000 square feet* | 20,000 square feet 10,000 square feet* | 20,000 square feet 10,000 square feet* | 20,000 square feet 10,000 square feet* |
| Lot width (minimum average) | 100 feet 65 feet* | 100 feet 65 feet* | 100 feet 65 feet* | 100 feet 65 feet* |
| Shoreline (OHWM) setback | 75 feet | 75 feet | 75 feet | 75 feet |
| Shoreline vegetation protection area landward from OHWM | 35 feet | 35 feet | 35 feet | 35 feet |

| | | | | |
|---|---|---------|---------|---------|
| Side yard setback to a principal structure | 10 feet | 15 feet | 25 feet | 15 feet |
| Side yard setback to an accessory structure | 5 feet | 10 feet | 25 feet | 10 feet |
| Rear setback for a dwelling | 25 feet | 25 feet | 25 feet | 25 feet |
| Rear setback for accessory structure | 10 feet | 10 feet | 10 feet | 10 feet |
| Setback averaging | 1. Distance from proposed building site: 250 feet or less from main building to main building 2. Number of buildings needed: 2, one on each side 3. Setback is the average of the principal structures on adjoining lots 4. Minimum setback: 35 feet | | | |
| Increased principal structure setback | Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high-water mark provided all of the following are met: <ol style="list-style-type: none"> Both of the existing principal structures are located on adjacent lot to the proposed principal structure. Both of the existing principal structures are located within 200 feet of the proposed principal structure. Both of the existing principal structures are located greater than 75 feet from the ordinary high-water mark. Both of the existing principal structures were required to be located at a setback greater than 75 feet from the ordinary high-water mark. The increased setback does not apply if the resulting setback limits the placement to an area on which the structure cannot be built. | | | |

* Minimum lot size and average width for lots served by a public sewer system.

** New lots are also subject to the requirements of the county subdivision ordinance.

*** The side yard setbacks above only apply if more restrictive than the side yard setbacks listed under the respective zoning district in division 2 of this article.

- (2) The county shall review, pursuant to Wis. Stats. § 236.45, all land divisions in shoreland areas which create three or more parcels or building sites of five acres each or less within a five-year period. In such review all of the following factors shall be considered:
- Hazards to the health, safety or welfare of future residents.
 - Proper relationship to adjoining areas.
 - Public access to navigable waters, as required by law.
 - Adequate stormwater drainage facilities.

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- e. Conformity to state law and administrative code provisions.
- (3) The county shall review all easements, pursuant to Wis. Stats. ch. 236. The purpose of this review is to prevent intensification and commercialization of riparian parcels and for the other purposes in section 32-1. The county shall have 45 days to review and issue a determination on the legality of any proposed easements before the recording such document. The following easements shall be deemed illegal easements in the shoreland areas of Polk County:
- a. Any easement that, directly or indirectly, grants a non-riparian lot access to a navigable water or the right to use a navigable water for any purpose.
 - b. Any easement that, directly or indirectly, grants a person(s), partnership, corporation, limited liability company or other entity access or the right to use the navigable water through a riparian property unless the person is an immediate family member or an entity owned exclusively by an immediate family member for personal use primary by the immediate family member.
 - c. Any easement that, directly or indirectly, grants the ability to install a dock or moor a boat on a riparian parcel
- (d) Access limitations to navigable waters.
- (1) No riparian outlet within the shoreland zoning area shall be allowed to be created, except for an outlet within a subdivision for access roads or stormwater pond purposes only, if such outlet does not provide any riparian access or rights, either directly or indirectly.
 - (2) Any existing private access outlet created to provide lake access prior to the effective date of the ordinance from which this section is derived shall meet the following requirements:
 - a. Such access strip must be a minimum of 50 feet in width for its entire depth.
 - b. No private access strip may serve more than five single-family dwellings or five backlots.
 - c. No camping or RV parking is allowed on such access strip.
 - d. No structures are allowed on such access strip.
 - e. Private access strips must be at least 1,000 feet apart.
 - f. No rights/access can be given to any other lots or backlots even if there is less than five dwellings or five backlots using the access Outlet currently.
 - (3) No riparian lot shall be used for any commercial use without being zoned properly and in compliance with all required/applicable permits.
 - (4) Any expansion or change of an existing commercial use on a riparian parcel must be approved by the Polk County Zoning Office prior to any changes.
 - (5) No owners of a riparian or non-riparian lot within the county may charge, directly or indirectly, any fees, assessments, or receive any other form of compensation for providing access, transportation to, or use of a navigable water or a riparian parcel. Notwithstanding the first sentence of this paragraph, an owner or legal occupier of a riparian lot may charge a fee for the use of a dock on the owner's property to one individual provided it is not for more than five months in any calendar year and it does not make the property a high density use. The term "use of the navigable water" includes, but is not limited to, swimming, docking, boating, fishing, canoeing/kayaking, etc.
- (e) For all properties located within the shoreland zoning district, the following setback requirements shall apply:
- (1) The setback from any state or federal highway shall be 110 feet from the centerline of the highway or 50 feet from the right-of-way, whichever is greater.

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- (2) The setback from any county highway shall be 75 feet from the centerline of the highway or 42 feet from the right-of-way, whichever is greater.
 - (3) The setback from any town road, public street, or highway shall be 63 feet from the centerline of the road or 30 feet from the right-of-way, whichever is greater or as required by the county subdivision ordinance, unless the town board approves a reduced setback. A permit shall be issued for the reduced setback once written town approval (i.e., minutes, letter, resolution) is received if all of the other ordinance requirements are met.
 - (4) The setback from any private road shall be 35 feet from the centerline of the road ~~unless the town board approves a reduced setback. A permit shall be issued for the reduced setback once written town approval (i.e., minutes, letter, resolution) is received if all of the other ordinance requirements are met.~~
 - (5) All buildings and structures shall be set back from the OHWM of navigable waters as required by the table of dimensional standards in Table 1 in subsection (c) of this section. Such setback shall be measured as the shortest horizontal distance from the structure to the OHWM.
 - (6) The following structures are exempt from shoreline, drainage way, and wetland setback requirements:
 - a. Shoreline protection structures permitted by the department of natural resources.
 - b. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are two meters or less in diameter.
 - c. Pedestrian walkways, stairways, and railings essential to access the shore due to steep slopes or wet soils and which comply with section 42-302. Such stairways or walkways may be no more than five feet in width and landings may not exceed 50 square feet.
 - d. Temporary erosion control projects designed to remedy significant, existing erosion that cannot otherwise be controlled provided the project is received prior to project start and approved by the land and water resource department.
 - e. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pump house covers, private on-site wastewater treatment systems that comply with Wis. Adm. Code ch. SPS 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control stormwater runoff from the structure.
 - f. Open structures listed in Wis. Stats. § 59.69(1v) or section 42-303.
 - g. Open fences provided they don't extend within 35 feet of the ordinary high-water mark unless specifically allowed under Wis. Stats. ch. 90 as a property boundary fence. Open fences within the setback area require a land use permit.
 - h. ~~Devices or systems used to treat runoff from impervious surfaces.~~
 - i. ~~A fence that meets all the following requirements:~~
 1. ~~A height not taller than 15 feet.~~
 2. ~~Located not less than 2 feet landward of the ordinary high water mark.~~
 3. ~~Located entirely outside of a highway right-of-way.~~
 4. ~~Located not less than 10 feet from the edge of a roadway and not more than 40 feet from the edge of a roadway or highway right-of-way, whichever is greater.~~
 5. ~~Generally perpendicular to the shoreline.~~
 - j. ~~A bridge for which the department has issued a permit under s. 30.123, Stats.~~

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- (7) Privacy fences shall have a rear and side yard setback of two feet unless the applicant obtains written permission from their neighbor to construct the fence within the setback area. The fence owner must be able to maintain the fence without trespassing on the neighbor's property, so the type of fence constructed shall be considered and approved by the zoning office.
 - (8) Privacy fences shall meet the required road setback unless written approval of a reduced road setback is received from the governmental unit maintaining the road. A town may also approve a reduced private road setback; however, at no point should a privacy fence encroach upon any easement or road right-of-way.
 - (9) Open fences are exempt from road setbacks but cannot encroach upon any easement or road right-of-way.
 - (10) Boathouses shall be set back at least ten feet from the ordinary high-water mark of non-navigable streams and drainage ways.
 - (11) All buildings and structures except for those permitted to be within wetland areas shall be setback at least 25 feet from the boundary of mapped wetlands.
- (f) For nonconforming structures located within the applicable setback areas, the following will apply:
- (1) If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to this article.
 - (2) An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure or is limited by another provision of this article.
 - (3) An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level or is limited by another provision of this article.
 - (4) A structure, of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015, may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Any expansion of the structure beyond the existing footprint must comply with the provisions of this article.
 - (5) Nonconforming principal structures. The following shall apply to preexisting principal structures:
 - a. Lateral expansion within the setback area, provided the following requirements are met:
 1. The use of the nonconforming structure has not been discontinued for a period of 12 months or more if a nonconforming use.
 2. The existing principal structure is at least 35 feet from the OHWM.
 3. Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion can be closer to the OHWM than the closest point of the existing principal structure.
 4. Limitations on land disturbing activities in section 42-306 are observed.
 5. The mitigation requirements of section 42-305 are received, approved, and implemented.
 6. All other provisions of the shoreland ordinance shall be met.
 - b. Expansion beyond the setback area, provided the following requirements are met:

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1. May be expanded horizontally, landward, or vertically, provided the expanded area meets the building setback requirements under Table 1 in subsection (c) of this section and all other provisions of this article.
- c. Relocation of a principal structure, provided the following requirements are met:
1. The use of the nonconforming structure has not been discontinued for a period of 12 months or more if a nonconforming use.
 2. The existing principal structure is at least 35 feet from the OHWM.
 3. No portion of the relocated structure will be closer to the OHWM than the closest point of the existing principal structure.
 4. The county determines that no other location is available on the property to build a principal structure of the same square footage as the structure proposed for relocation that will result in compliance with the shoreland setback under Table 1 in subsection (c) of this section. Determination of acceptable location may include the following: soils, steep slopes, setback compliance. Setback compliance shall be in this order: shoreland, roadway, side yard, rear yard, vegetation considerations are not allowed.
 5. Limitations on land disturbing activities in section 42-306 are observed.
 6. The mitigation requirements of section 42-305 are received, approved, and implemented.
 7. All other provisions of the shoreland ordinance shall be met.
- (g) Boathouses. Maintenance and repair of preexisting boathouses that extend beyond the ordinary high-water mark of any navigable waters shall comply with the requirements of Wis. Stats. § 30.121(3).
- (h) Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled, provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure.
- (i) Structures that were granted variances or illegally constructed structures are not considered nonconforming structures, and are not allowed to be expanded under subsection (f) of this section.
- (j) The county may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.
- (Ord. No. 08-20, art. 11, 4-21-2020; Ord. No. 25-21 , 5-18-2021; Res. No. 15-22 , § 1, 3-15-2022)

Sec. 42-302. Shoreland protection area.

- (a) The shoreland protection area of all lots shall conform to Wis. Adm. Code § NR 115.05(1)(c) regarding vegetation removal to protect natural scenic beauty, fish and wildlife habitat, and water quality. Developed lots can be maintained in their present condition without removal of trees and shrubs within the shoreland protection area. Accordingly:
- (1) ~~The county may allow removal of trees and shrubs in the vegetative buffer zone, measured 35 feet wide perpendicular from the ordinary high-water mark (OHWM), to create an access and viewing corridor. The maximum width of an access and viewing corridor may be 10 feet or up to 35 percent of the lots shoreline footage, whichever is greater, except that the maximum width of an access and viewing corridor may not exceed 200 feet. In the vegetated strip of land 35 feet wide measured perpendicular from the ordinary high-water mark (OHWM), no more than 35 feet in every 100 feet measured parallel to the shore, on any lot shall allow removal of all trees and shrubs for a viewing corridor.~~ A viewing corridor requires a land use permit from the county zoning office.

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- (2) In the shoreland areas more than 35 feet wide inland, trees and shrubbery cutting shall be governed by consideration of the effect on water quality and consideration of sound forestry practices and soil conservation practices.
 - (3) The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.
 - (4) Viewing corridor may be split on a property but the total width of all of the corridors cannot total more than the maximum width allowed.
 - (5) Viewing corridors are measured perpendicular to the water on an angle and pedestrian access may meander within corridor, however they must not exceed the maximum width.
 - (6) Viewing corridors are allowed to run contiguously for the entire maximum width allowed.
- (b) Allowed uses by permit or conditional use permit in a shoreland protection area.
- (1) Placement of a pier, wharf, temporary boat shelter or boatlift shall be confined to waters immediately adjacent the viewing corridor described in subsection (a)(1) of this section, unless such location is not feasible due to steep slopes, wet soils or similar limiting conditions.
 - (2) One developed pedestrian access to the shoreline may be provided if:
 - a. It is located within the viewing corridor unless such location is not feasible due to steep slopes, wet soils or similar limiting conditions;
 - b. It is located and constructed so as to avoid erosion;
 - c. It is located and constructed so as to maintain screening of development from view from the water;
 - d. It is the minimum construction necessary to provide access and includes no additional construction other than railings essential for safety;
 - e. It is no more than five feet wide with landings of 50 square feet or less; and
 - f. It is constructed of materials that blend with the natural ground cover in the vicinity of the pathway.
 - (3) An elevated walkway or powered lift may be added to a developed access if:
 - a. It is the minimum construction essential to access the shore because of steep slopes, wet soils or similar limiting conditions;
 - b. It complies with the standards for location and construction of such pathways;
 - c. Construction plans are approved by the zoning office; and
 - d. Stairways on 20 percent or greater slopes are constructed to minimize erosion.
 - (4) Shoreline protection activities authorized by a state permit with erosion control measures approved by the county land and water resources department must be designed to remedy significant, existing erosion problems.
 - (5) Removal of dead and diseased trees that are a safety hazard, which endanger structures, and the removal of noxious vegetation which possess a threat to health or safety (i.e., poison ivy), provided that any vegetation removed be replaced by replanting in the same area as soon as practicable. The permit fee is waived for removing vegetation under this provision.

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- (6) Roadways are constructed adjacent to permitted stream crossings.
- (7) Public and private watercraft constructed launching sites are authorized only by the following standards, provided the following are maintained:
- Construction allowed on slopes of less than 20 percent;
 - There is no general public access otherwise available to the waterway;
 - Launching sites on residential property shall not be paved;
 - Access sites shall be located within the viewing corridor unless such location is not feasible due to steep slopes, wet soils or similar limiting conditions;
 - A state Chapter 30 permit shall be obtained for all construction and also be required when areas of 10,000 square feet are disturbed above the OHWM and must be obtained prior to said county application; and
 - Vegetation removal and land disturbing activities minimized and runoff diverted or controlled so that erosion within the access corridor is avoided.
- (8) Fish and wildlife habitat management projects included in a department of natural resources approved management plan.
- (9) Commercial timber harvest is allowed and exempt from permit requirements of subsections (a) and (b) of this section, if one or both of the following conditions is satisfied:
- Such activity complies with appropriate practices specified in the state's forestry best management practices for water quality published by the department of natural resources or a plan approved by the county forest committee.
 - Such activities are conducted on public lands and conform to federal, state, and county management plans. Respective master plans are deemed to meet the intent of this article by established riparian protection standards through aesthetic management zones and appropriate management practices to maintain water quality and wildlife habitat.
- (10) Agricultural cultivation is allowed exemption from the provisions of this section related to the vegetation protection area and land disturbing activities if such activity complies with federal, state, and local laws or ordinances.
- (c) Vegetation removal penalties.
- (1) In addition to any other penalties, the penalty for removing vegetation in violation of this article shall include replacement of vegetation with native vegetation at the property owner's expense according to one of the options set forth in subsection (c)(2) of this section.
- (2) Replacement vegetation options.
- Option 1. Replace vegetation removed within 35 feet of the ordinary high-water mark according to the tree replacement schedule below. All trees must be replanted within 75 feet of the ordinary high-water mark.

Tree Replacement Schedule

| DBH of Existing Tree Removed | Number of Replacement Trees (2" DBH) |
|------------------------------|---|
| Less than 6 inches | 1 |
| Between 6 and 12 inches | 2 |

| | |
|--------------------------|---|
| Between 12 and 18 inches | 3 |
| Between 18 and 24 inches | 4 |
| Between 24 and 30 inches | 5 |
| Between 30 and 36 inches | 6 |
| Greater than 36 inches | The equivalent of 1 tree per 6 inches DBH of the removed trees. |

DBH = Diameter Breast Height

- b. Option 2. Calculate the number of trees under option 1 to be replaced. Plant 75 percent of the required trees and establish 40 square feet of native plantings for each additional tree required within shoreland protection area. The native planting shall be contiguous, and at least ten feet wide-parallel or perpendicular to the shore.
- c. Option 3. Calculate the number of trees under option 1 to be replaced. Plant 50 percent of the trees within 75 feet of the ordinary high-water mark, and 70 square feet of native plantings for each additional tree required within shoreland protection area. The native planting shall be contiguous and follow practices found in the state field office technical guide.
- d. Option 4. Calculate the number of trees under option 1 to be replaced. Plant 25 percent of the required trees, and establish a full buffer of native vegetation according to the practices found in the state field office technical guide in the shoreland protection area.

(Ord. No. 08-20, art. 12, 4-21-2020; Res. No. 48-21, § 1, 11-9-2021)

DIVISION 5. ADMINISTRATION AND ENFORCEMENT

Sec. 42-337. Administrative provisions.

- (a) *Zoning administrator.* The zoning department staff shall have the following duties and powers and the land and water resources department staff shall assist in the same:
 - (1) Advise applicants on the provisions of this article and assist them in preparing permit applications and appeal forms.
 - (2) Issue permits and inspect properties for compliance with this article.
 - (3) Keep records of all permits issued, inspections made, work approved and other official actions.
 - (4) Must have permission to access any premises between 8:00 a.m. and 6:00 p.m. for the purpose of performing duties set forth in this division.
 - (5) Submit copies of variances, conditional uses and decisions on appeals for map or text interpretation and map or text amendments within ten days after they are granted or denied to the department of natural resources.
 - (6) Investigate and report all violations of this article to the environmental services committee.
- (b) *Zoning permits.* The following applies to the issuance and revocation of permits:
 - (1) *When required.* Except where another section of this article specifically exempts certain types of activities or development from this requirement, a zoning permit shall be obtained from the Zoning

Administrator before any said activity or development, structural alteration, or repair, as defined in division 2 of this article, is initiated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this article and obtain all necessary permits. State agencies are required to comply when Wis. Stats. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the state department of transportation are exempt when Wis. Stats. § 30.2022(1) applies.

- (2) *Application.* An application for a zoning permit shall be made to the zoning administrator upon forms furnished by the county and shall include, for the purpose of proper enforcement of these regulations, the following data:
- Name and address of applicant and property owner.
 - Legal description of the property and type of proposed use.
 - A to-scale sketch of the dimensions of the lot and location of buildings from the lot lines, centerline of abutting highways and the ordinary high-water mark at the day of the sketch.
 - Whether or not a private water or septic system is to be installed.
- (3) *Duration period of land use permits.* Land use permits for land use changes shall expire 12 months from their date of issuance where no action has been taken to accomplish such changes or two years after issuance.

(c) *Revocation.*

- (1) *Generally.* Where the conditions of a zoning permit, **conditional use**, or a variance are violated, the same are deemed revoked.
- (2) *Conditional and permitted uses.* ~~A warning shall be issued when a documented violation is received and verified by the zoning office directly related to the conditional/permitted use. If the zoning office receives a second documented violation within six months of the first violation, the zoning office shall revoke the permit.~~ A property with a revoked permit shall be required to wait ~~three~~ twelve months before they may apply for another conditional ~~or~~ permitted use. ~~If a use is revoked twice within three years, another conditional/permitted use permit shall not be issued within a year of the second revocation. A 30-day stay period shall be provided as part of the revocation process before the revocation becomes effective unless a human health hazard exists.~~

(d) *Environmental services committee.* The committee shall be responsible for hearing all conditional use permit applications submitted to the county zoning office and the following shall apply to conditional use permits:

- (1) *Application for a conditional use permit.* Any use listed as a conditional use in this article shall be permitted only after an application has been submitted and an appropriate application fee paid to the zoning administrator and a conditional use permit has been granted by the environmental services committee.
- (2) *Standards applicable to all conditional uses.* In passing upon a conditional use permit, the environmental services shall evaluate the effect of the proposed use upon the following criteria:
- The maintenance of safe and healthful conditions.
 - The prevention and control of water pollution including sedimentation.
 - Existing topographic and drainage features and vegetative cover on the site.
 - The location of the site with respect to floodplains and floodways of rivers and streams.
 - The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.

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- f. The location of the site with respect to existing and future access roads.
 - g. The need of the proposed use for a shoreland location.
 - h. Its compatibility with uses on adjacent land.
 - i. The amount of septic waste to be generated and the adequacy of the proposed disposal system.
 - j. Location factors that:
 - 1. Domestic uses shall be generally preferred;
 - 2. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source; and
 - 3. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.
- (3) *Conditions attached to conditional use permit.* Upon consideration of the factors listed above, the environmental services committee shall attach such conditions, in addition to those required elsewhere in this article as are necessary to further the purposes of this article. Violations of any of these conditions shall be deemed a violation of this article and result in immediate revocation of the conditional use permit. Such conditions may include, without limitation of a specific enumeration: type of shore cover; increased setbacks and yards; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; bonding; deed restrictions; location of piers, docks, parking and signs; and type of construction. To secure information upon which to base its determination, the environmental services committee may require the applicant to furnish, in addition to the information required for a conditional use permit, the following information:
- a. A plan of the area showing contours, soil types, ordinary high-water marks, groundwater conditions, bedrock, slope and vegetative cover.
 - b. Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
 - c. Plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.
 - d. Specifications for areas of proposed filling, grading, lagooning or dredging.
 - e. Other pertinent information necessary to determine if the proposed use meets the requirements of this article.
- (4) *Notice and public hearing.* Before passing upon an application for a conditional use permit; the environmental services committee shall hold a public hearing. Notice of such public hearing, specifying the time, place, and matters to come before the environmental services committee, shall be given as a Class 2 notice under Wis. Stats. ch. 985, and notice shall be provided to the appropriate district office of the department of natural resources at least ten days prior to the hearing as well as all property owners within 300 feet of the site under consideration. The environmental services committee shall state in writing the grounds for refusing a conditional use permit.
- (5) *Recording.* When a conditional use permit is approved, an appropriate record shall be made of the land use and structures permitted and such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a conditional use permit shall be provided to the appropriate district office of the department of natural resources within ten days after application for the conditional use permit is granted or denied.

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- (6) *Expiration.* Conditional use permits for construction, alteration or removal of structures shall expire 12 months from their date of issuance if no building activity has begun within such time.

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