



# Proposed Zoning Districts Land Use Planning & Zoning

9/20/2017

## TOWN OF BERLIN

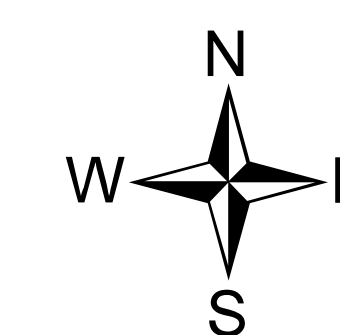
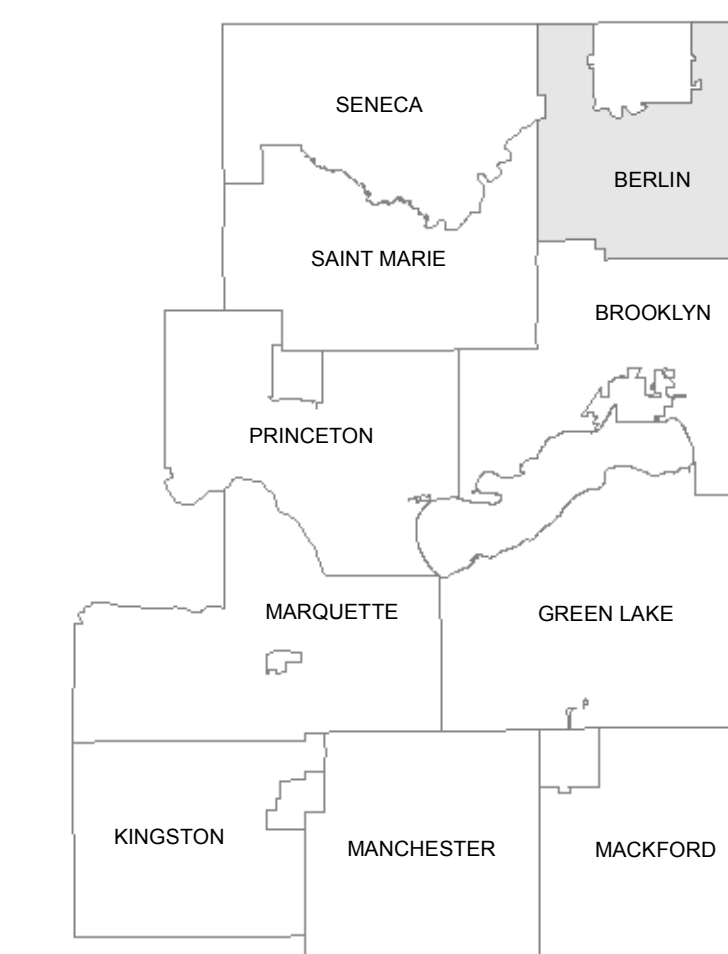
### Legend

- A-1 Farmland Preservation
- A-2 General Agriculture
- C-1 General Commercial
- C-2 Extensive Commercial
- I Industrial
- M-1 Mineral Extraction
- M-2 Sanitary Landfill
- NRC Natural Resource Conservancy
- R-1 Single Family Residence
- R-2 Single Family Mobile Home Residence
- R-3 Multiple Family Residence
- R-4 Rural Residential
- RC Recreation
- AO Adult Orientated Establishment
- ETZA Extra Territorial Zoning Area

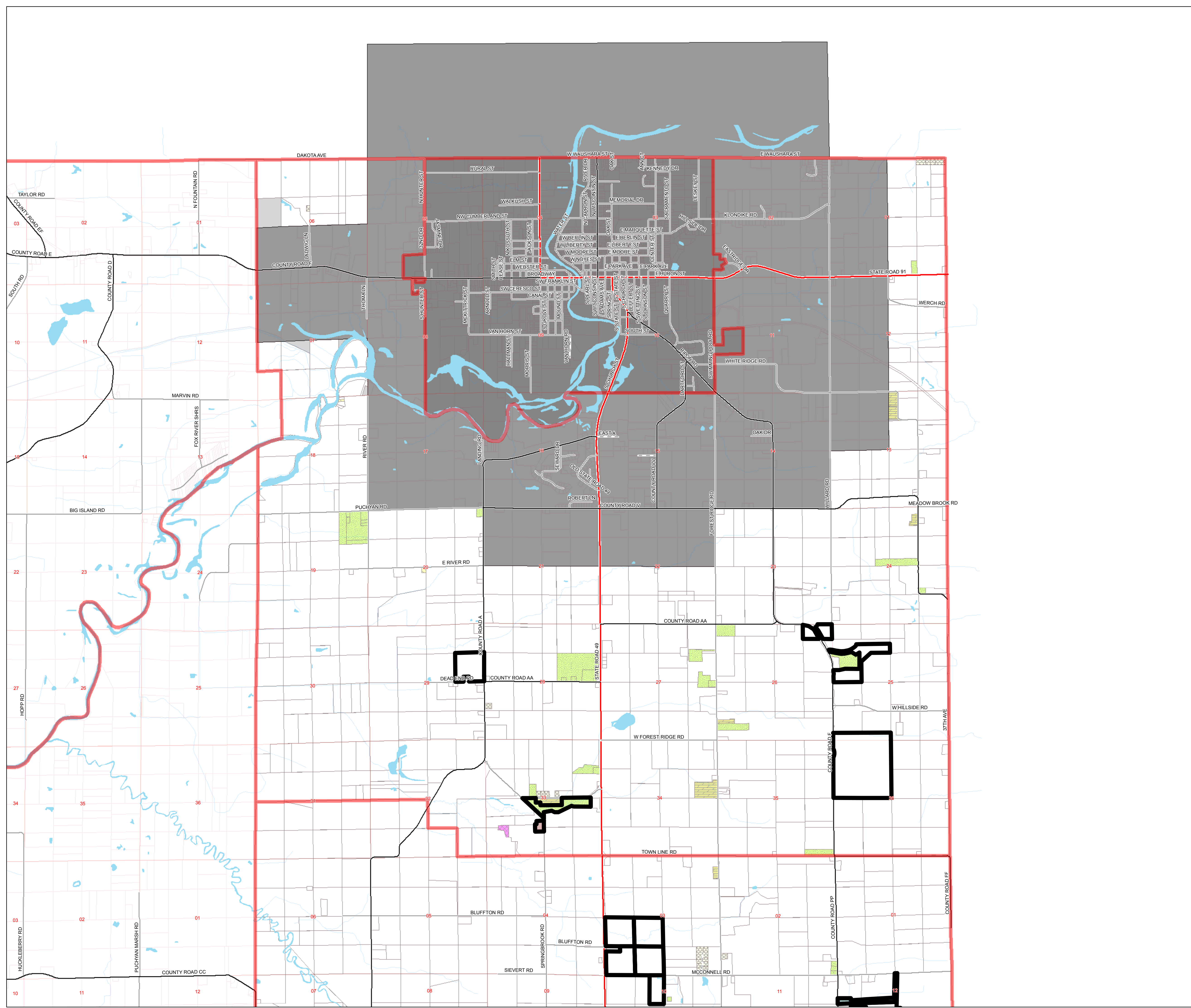
### Roads

- State Road
- County Road
- City Street, Village Street, or Township Road
- Private Road
- Railroad

- Municipal Boundary
- Parcel
- Section
- Waterbody



0 2,000 Feet





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## TOWN OF BROOKLYN

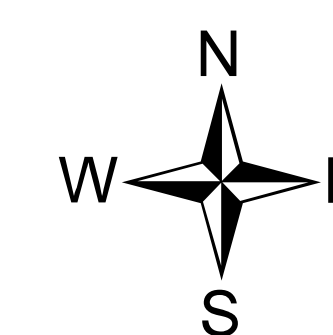
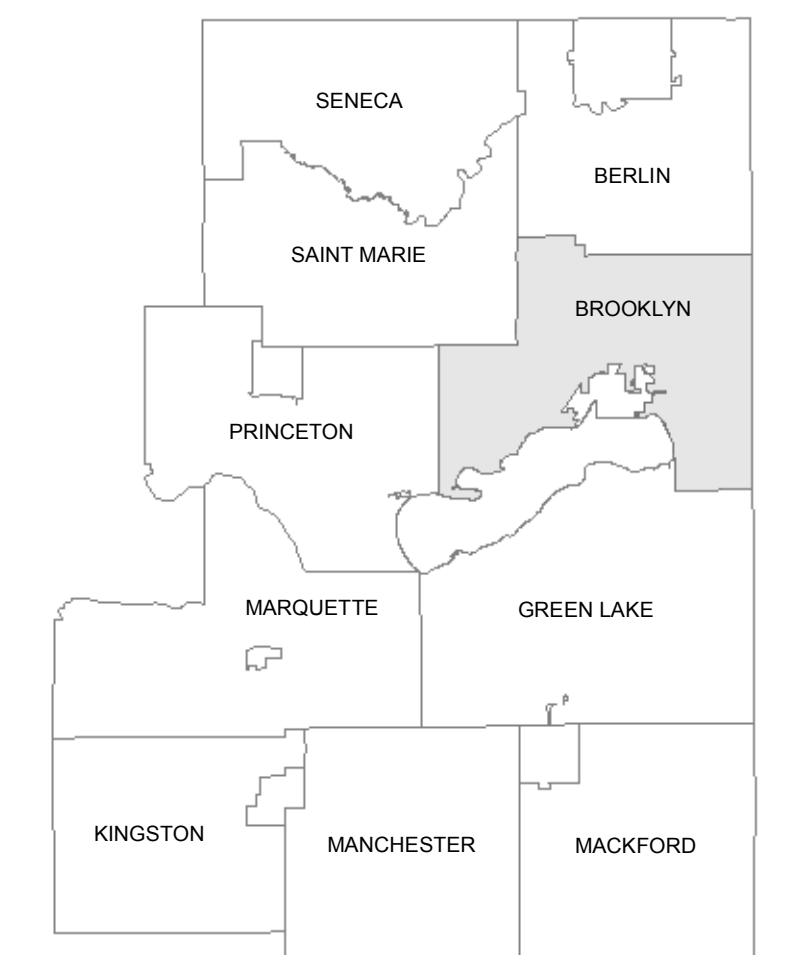
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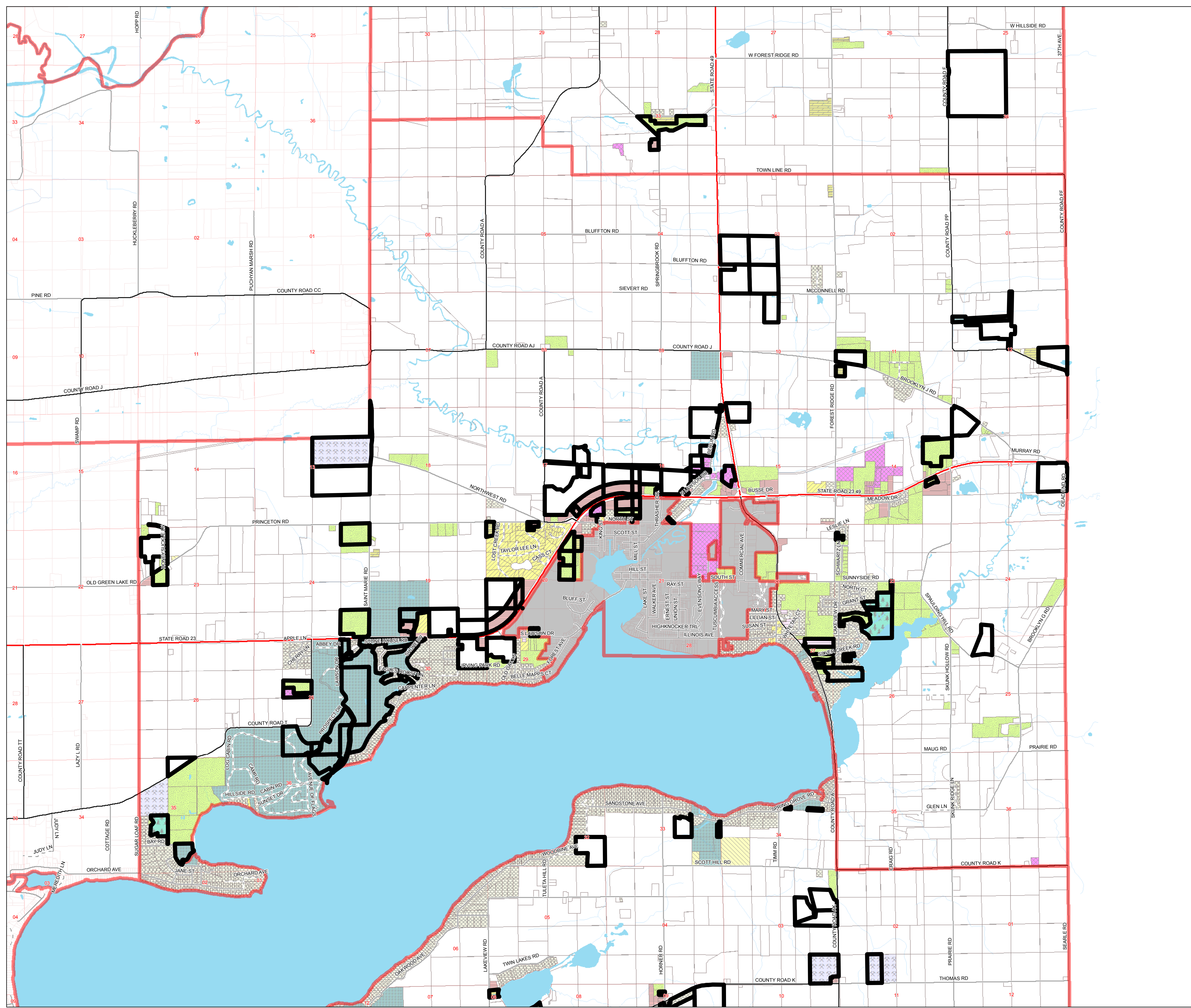
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# Proposed Zoning Districts Land Use Planning & Zoning

9/20/2017

## TOWN OF GREEN LAKE

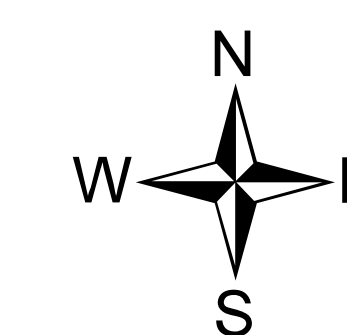
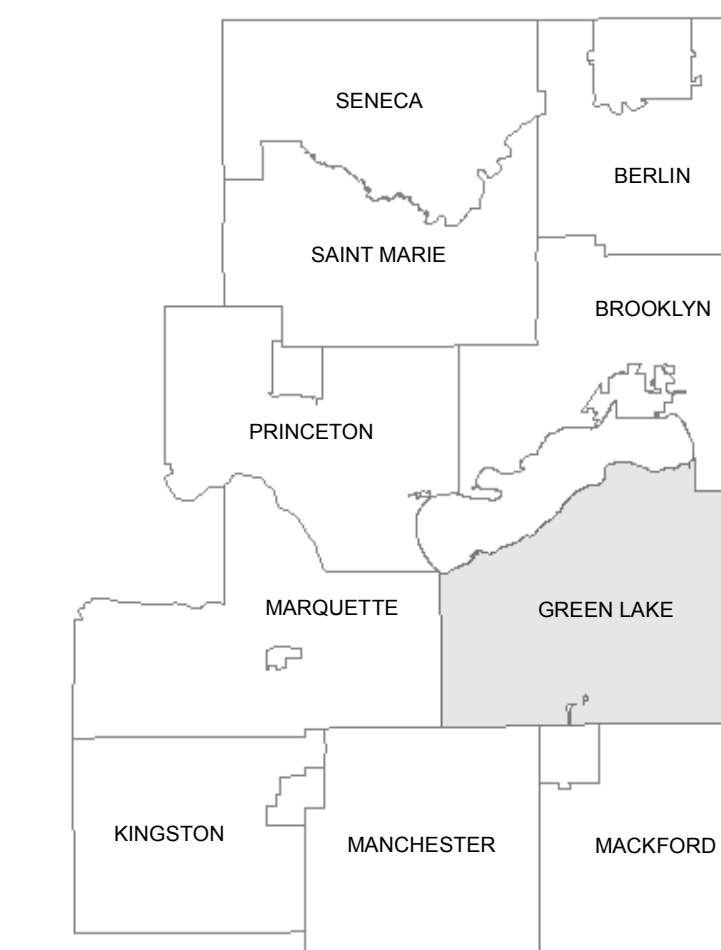
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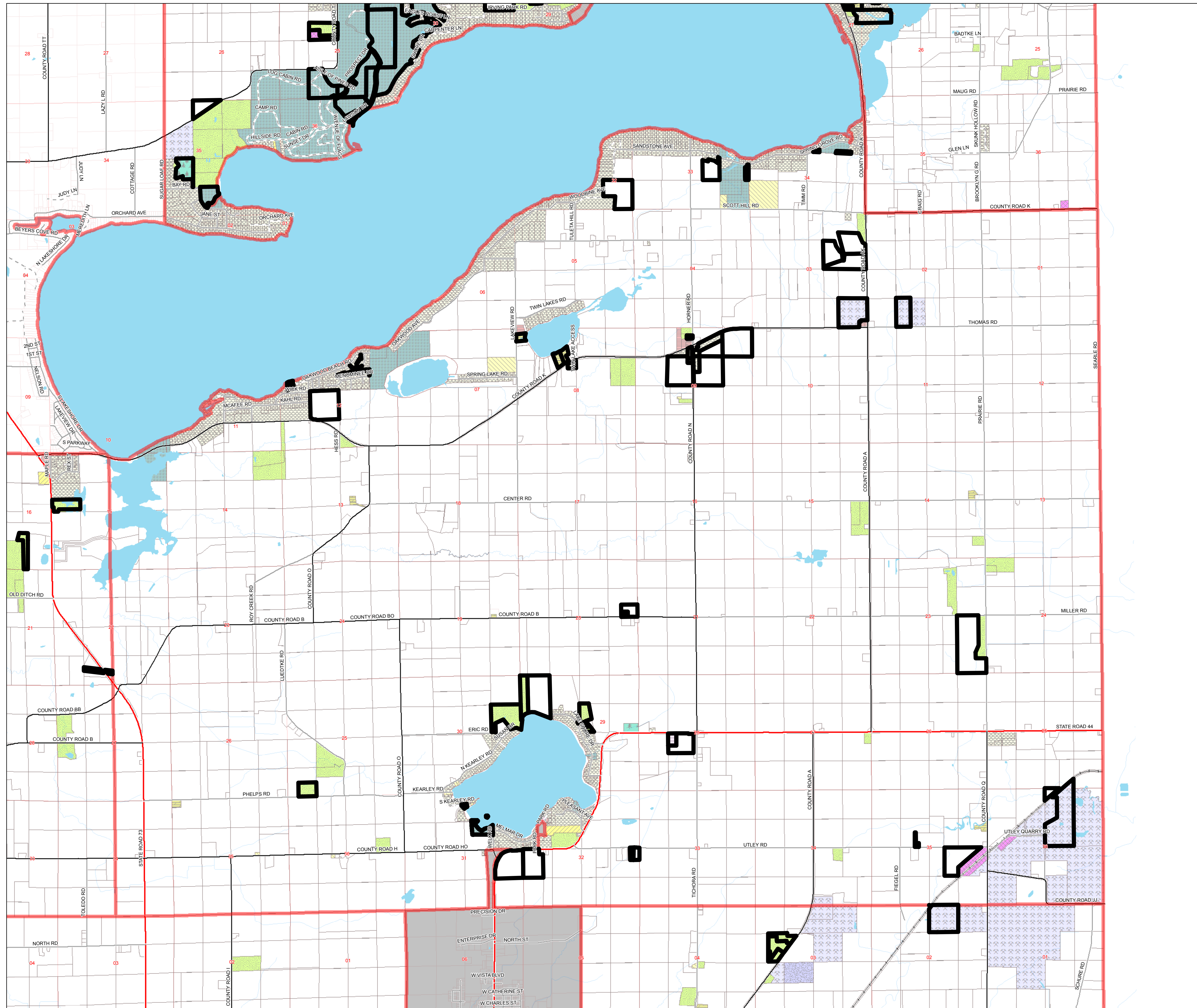
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# Proposed Zoning Districts Land Use Planning & Zoning

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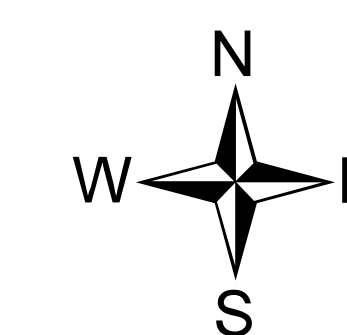
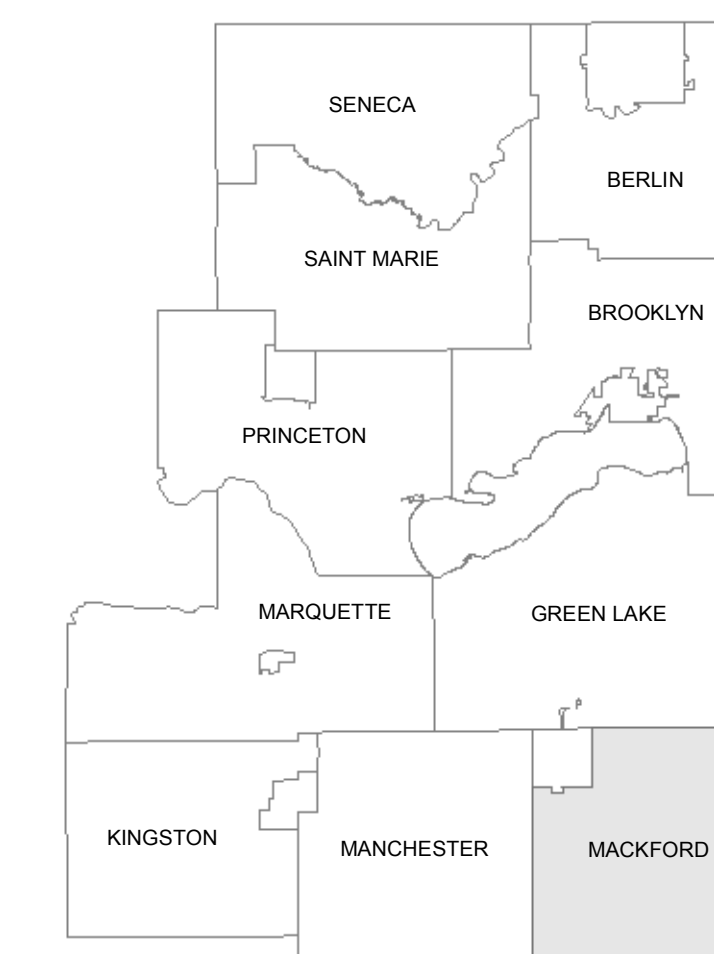
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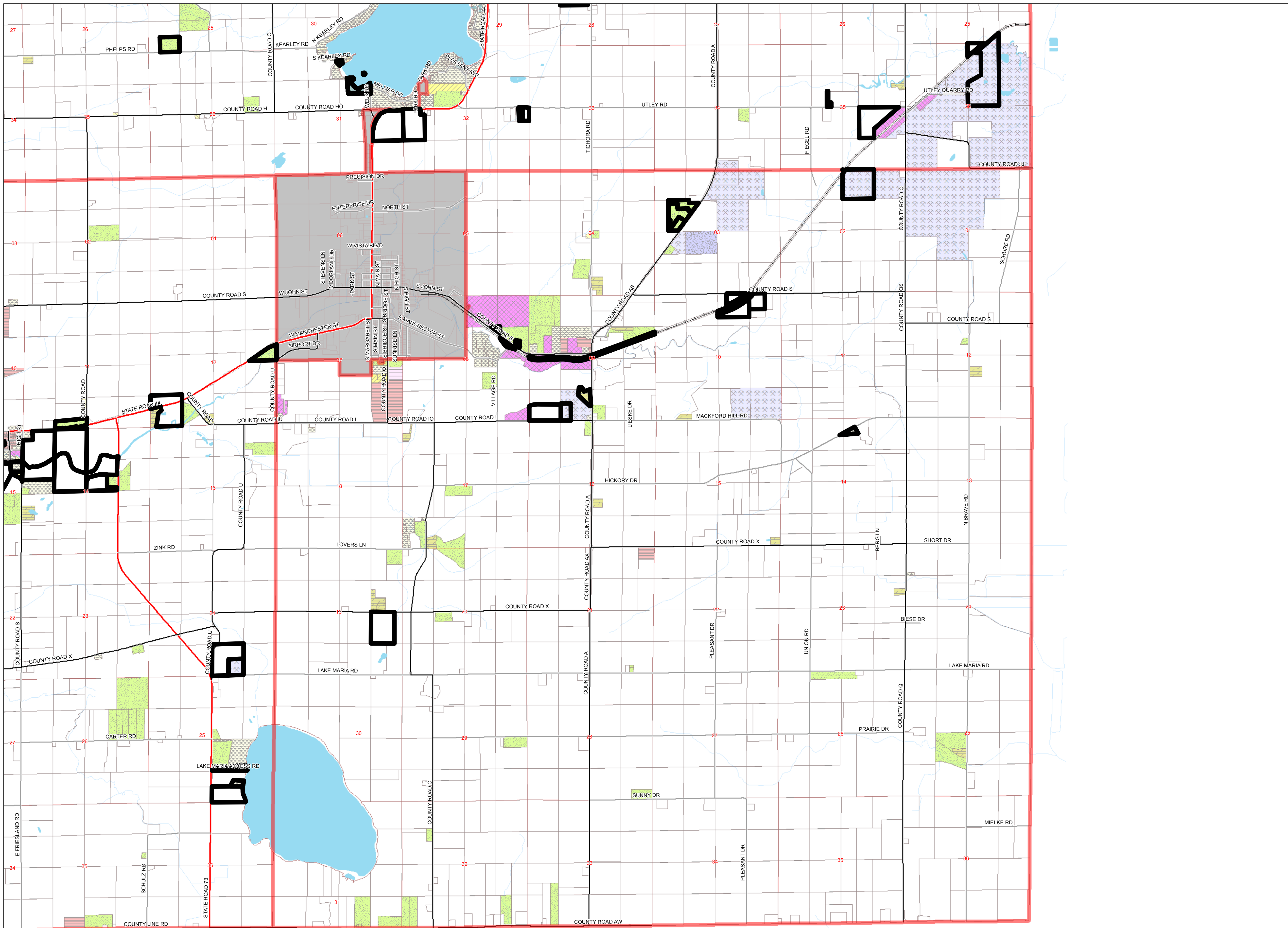
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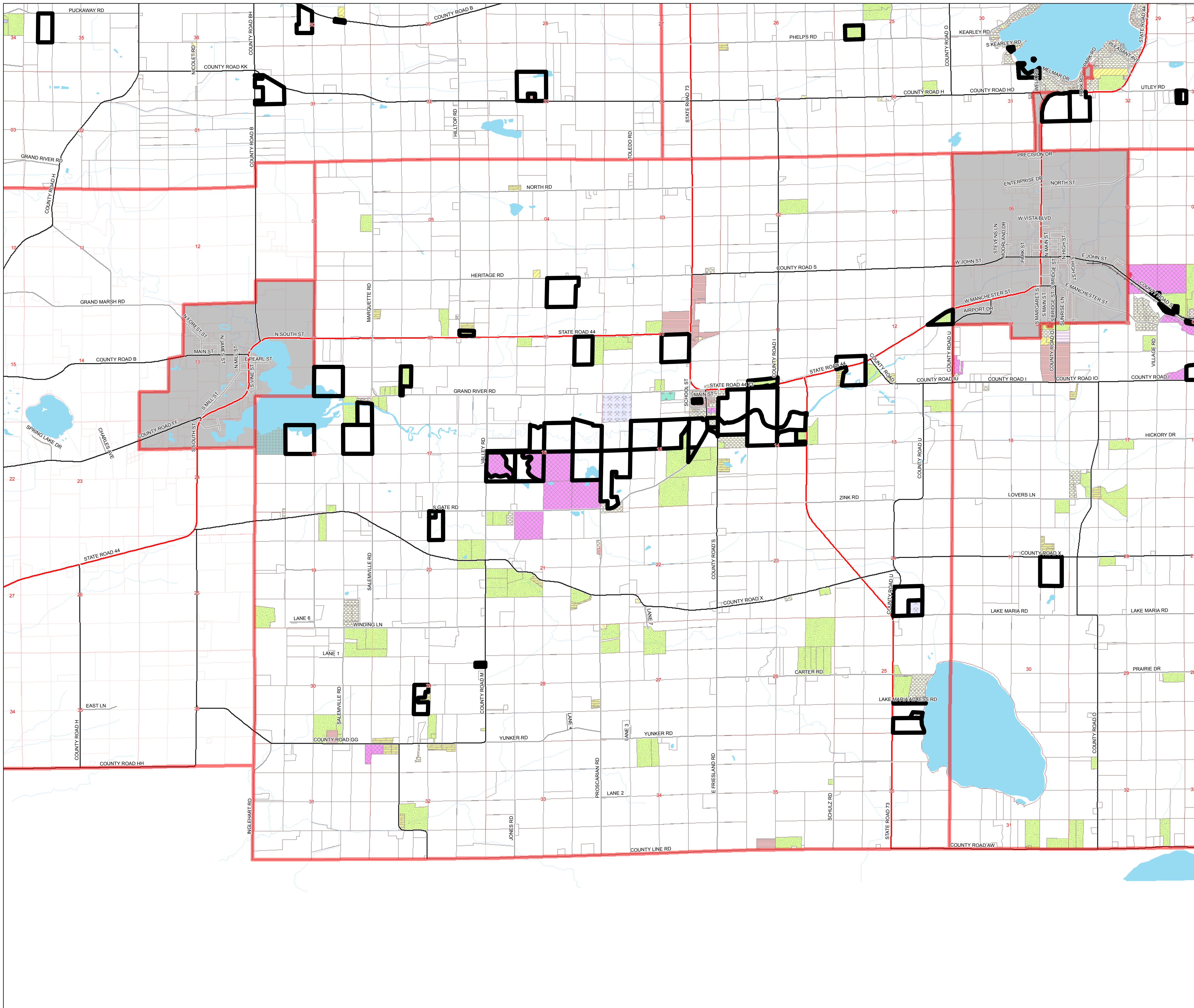
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0 2,000 Feet





**Proposed Zoning Districts  
Land Use Planning & Zoning**

9/20/2017

**TOWN OF MANCHESTER**

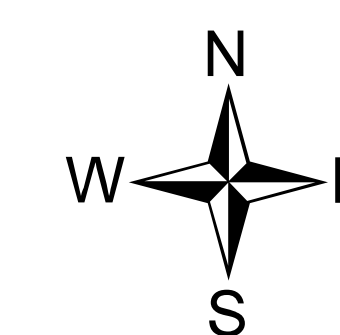
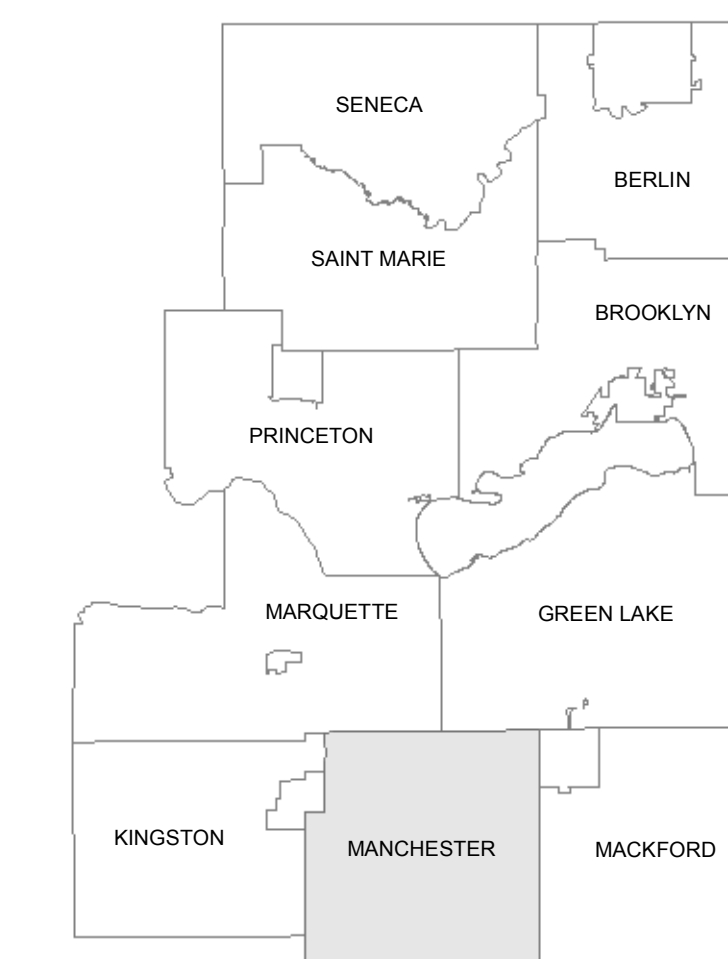
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# Proposed Zoning Districts Land Use Planning & Zoning

9/20/2017

## TOWN OF MARQUETTE

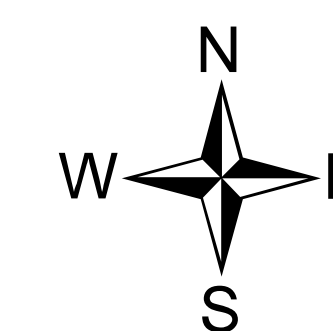
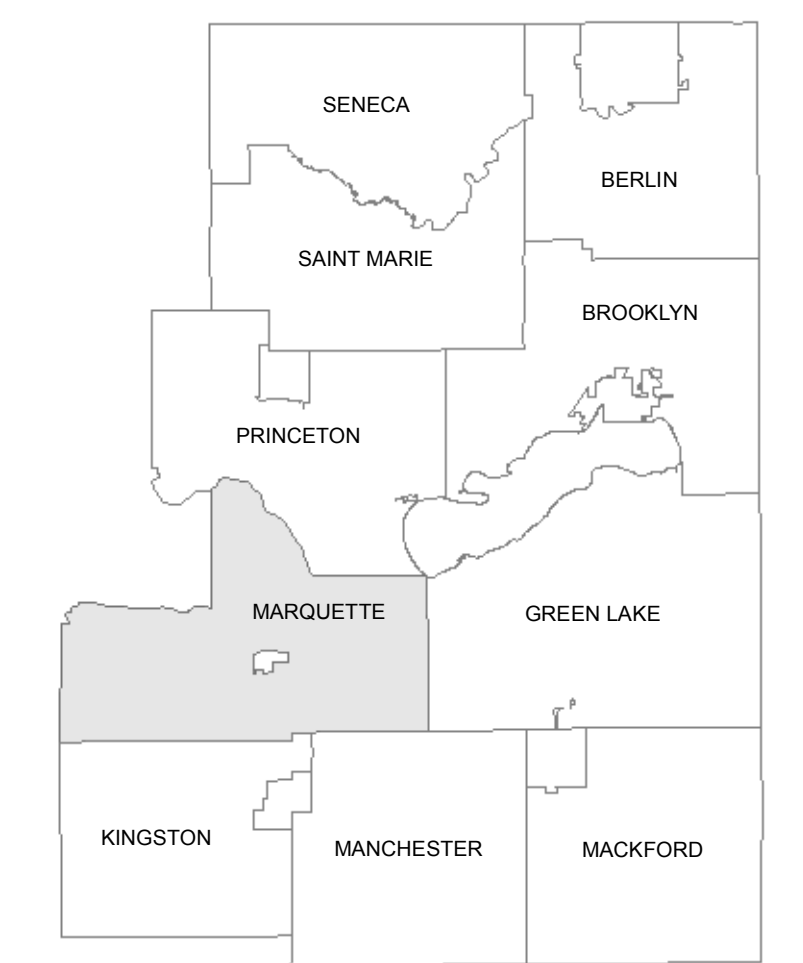
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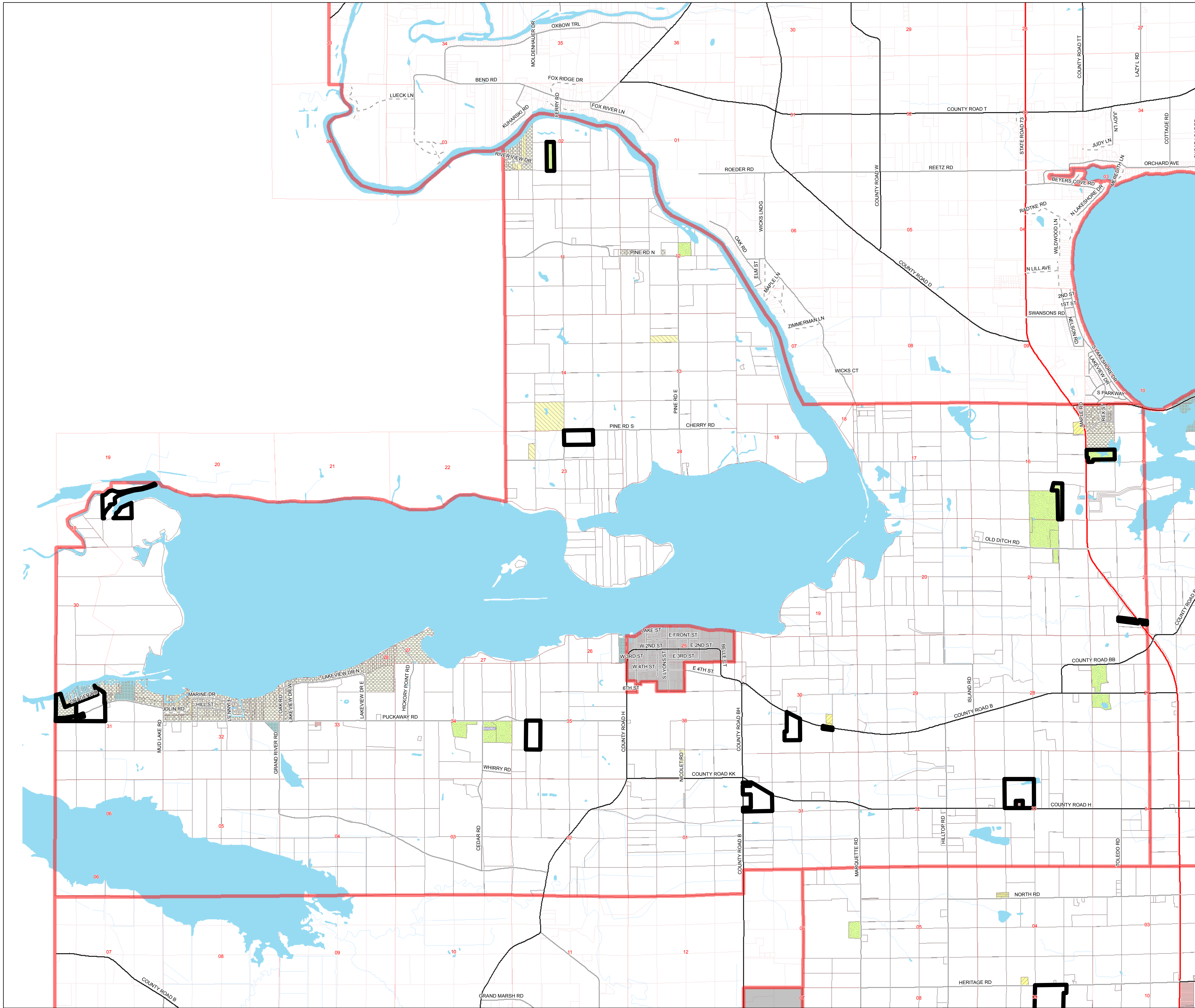
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**Proposed Zoning Ordinance Amendments by Article:** Zoning Ordinance remains the same unless specified below: Comments to the right describe the rationale behind the changes.

Article III. General Provisions

Section 350-13.B. Every residential building hereafter erected, converted, enlarged or structurally altered shall be located on a lot, and in no case shall there be more than one main residential building on one lot.

**Commented [MEK1]:** Added “residential” for additional clarity to standard.

**Section 350-14. Nonconforming uses, structures and lots or parcels.**

**Commented [MEK2]:** “Or parcels” added as “lot” has specific definition that excludes parcels. Parcels also can be nonconforming in area.

~~350-14.A.(5) When a structure containing a nonconforming use is damaged by fire, explosion, act of God, the natural elements, or the public enemy to the extent of more than 50% of its current total assessed value, it shall not be restored except in conformity with the regulations of the district in which it is located.~~

**Commented [MEK3]:** Deleted standard due to conflict with State Law

350-14.B.(3) Alterations, additions and expansions that change the exterior dimensions of the structure and that do not conform to this chapter, but which do not increase the dimensional nonconformity beyond that which existed prior to the effective date of this chapter, are allowed provided that they do not exceed 50% of the current total assessed value of the structure for the lifetime of the structure. Also see Section 350-51 relating to existing nonconforming buildings, signs, structures, or parts thereof located in highway setbacks.

**Commented [MEK4]:** Added to direct reader to additional standards that may apply to their project.

350-14.C. Nonconforming lots or parcels. Any lot or parcel created prior to the effective date of this chapter, or revisions and/or amendments thereto, which does not meet the current minimum lot or parcel size standards of this chapter shall not be reduced in size unless the reduction results in compliance with the minimum lot or parcel size standard of the zoning district in which it is located.

**Commented [MEK5]:** “Or parcels” added as described by previous comment.

~~350-14.E. Split-zoned lots or parcels: In no case shall a land use permit be issued to a property owner or property owner’s agent for a lot or parcel that is split-zoned. In these cases, the property owner shall consult the Land Use Planning & Zoning Department to obtain a resolution strategy to remedy the split-zoning condition. The resolution strategy could include a comprehensive plan amendment, rezone, and a certified survey map. Once the split-zoning condition has been eliminated, a land use permit may be issued subject to the provision of this chapter.~~

**Commented [MEK6]:** In order to eventually transition to parcel based zoning, split-zoned parcels must be resolved to a single zoning district. This standard has the effect of resolving these parcels prior to a land use permit being issued for a project.

350-15 Accessory building structures.

Unless otherwise stated in this chapter, accessory uses and structures are permitted in any district, but not until their principal structure/use is present or under construction. ~~Any detached accessory building structure closer than five feet to a principal structure shall adhere to or exceed all minimum required setbacks of the principal building structure. An accessory building structure attached to a principal building structure shall meet all the dimensional standards of the principal building structure.~~

**Commented [MEK7]:** Eliminated standard as principal and accessory structures have the same building setbacks due to previous zoning ordinance amendments.

**Commented [MEK8]:** “Structure” added to include non-building structures.

350-18.A. Except as otherwise provided in this chapter, every building/structure hereafter erected, moved or structurally altered for residential purposes shall be located on a lot at least 100 feet in

**Commented [MEK9]:** Struck “for residential purposes” as this standard should apply to structures for all purposes.

average width and 20,000 square feet in area, regardless of the district in which such building is, or is to be, located, provided that when the regulations of ~~Ch. COMM 83, Wis. Adm. Code DSPS 383~~, require a larger area, then such state regulations shall prevail.

**Commented [MEK10]:** This added language provides an ordinance standard that was previously being administered and enforced but was removed accidentally by a previous zoning ordinance amendment.

**Commented [MEK11]:** "COMM 83" was replaced by DSPS 383.

Class	Private Water Supply Systems			Public Water Supply Systems	
	Minutes required for water to fall	Minimum Lot Area (Square Feet)	Minimum Average Lot Width (feet)	Minimum Lot Area (Square Feet)	Minimum Average Lot Width (feet)
1	Under 10	20,000	100	12,000	75
2	10 to 30	20,000	100	14,000	75
3	30 to 45	25,000	100	16,000	75
4	45 to 60	25,000	100	18,000	100

**Commented [MEK12]:** Table is outdated and in conflict with State Law.

350-19.A. Except as otherwise provided in this chapter, the maximum height of any building hereafter erected, moved or structurally altered shall ~~as required in the following table~~ be 35 feet (see definition "structure height", not to exceed 2 ½ stories, regardless of the district in which such building is, or is to be, located).

District	Height
Residential	2 ½ stories or 35ft
Recreational	2 ½ stories or 35ft
Agricultural	2 ½ stories or 35ft
Conservancy	2 ½ stories or 35ft
Commercial	2 ½ stories or 35ft
Industrial	2 ½ stories or 35ft

**Commented [MEK13]:** Eliminates table due to there being no difference in height standards regardless of zoning district, summarized height standards and included in text.

**Commented [MEK14]:** Added "minimum" to ease administration of standard.

350-20.B\* Commercial and industrial buildings are required to provide a minimum setback 1.1 times their overall height.

350-21.E. (1) In all districts there shall be provided, at the time any building or structure is erected, off street parking spaces in accordance with the requirements of this section. A site plan, including layout of parking spaces of any area for more than five vehicles, shall be submitted to the ~~Surveyor/Land Development Director~~ Land Use Planning & Zoning Department for approval prior to construction. Requests for parking lots shall be accompanied by detailed plans on landscaping, parking layout, drainage provisions and driveway locations.

**Commented [MEK15]:** Position does not exist, replaced with "Land Use Planning & Zoning Department to cover any staff member of the LUP&Z Department, not just a single position.

350-22.B. Substandard lots not served by a public sewer. The provisions of Subsection A and ~~Ch. COMM 85, Wis. Adm. Code DSPS 385~~, shall apply, and, in addition, the minimum lot area shall be 7,500 square feet and the minimum lot width 50 feet at the building line and 50 feet average width.

**Commented [MEK16]:** COMM 85 replaced by DSPS 385



350-23. Outdoor lighting installations shall be permitted in all yard areas, but no closer than three feet to an abutting property line, and shall be ~~adequately~~ shielded or hooded. ~~so that no direct light, excessive glare or illumination is cast upon other properties.~~ In no case shall outdoor lighting installations be aimed or directed at a neighboring property.

**Commented [MEK17]:** Removed “adequately” as Committee felt the word was ambiguous.

**Commented [MEK18]:** Struck and added a clearer standard related to lighted being aimed or directed. Easier to administer and enforce.

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#### Article IV. Zoning Districts

350-24. Districts established.

A. The Farmland Preservation District is regulated by Ch. 91, Wis. Stats and certified by the Department of Agriculture, Trade and Consumer Protection. All permitted and conditional uses provided to this district are listed in Section 350-27.

**Commented [MEK19]:** Added this text to introduce DATCP as the regulatory body of the State relating to Chapter 91, Wis. Stats.

B. The permitted and conditional uses listed under all other zoning districts represent uses that are consistent with the purpose and intent of each zoning district. In cases where an unlisted use is proposed the Land Use Planning and Zoning Department shall determine its consistency with a zoning district. A conditional use permit shall be required for any proposed use which the Land Use Planning and Zoning Department determines consistent with a zoning district, but also determines that the effect of the proposed use on the character of the neighborhood and the location’s suitability for development warrants additional review.

C. For the purposes of this chapter, Green Lake County, Wisconsin, is hereby divided into 14 zoning districts, as follows:

**Commented [MEK20]:** Amendments would remove Appendix A “Zoning Matrix”. This text directs the reader to each zoning district in order to determine the permitted and conditional uses allowed in that district. Also DATCP can be assured that the Farmland Preservation District’s uses are not subverted by other ordinance sections or appendices.

**Commented [MEK21]:** Alphanumeric adjustment

**Commented [MEK22]:** Committee decision to rename A-1 to “Farmland Preservation District” to clearly state the intentions of the district.

A-1	<del>Exclusive Agriculture District</del> Farmland Preservation District
A-2	General Agriculture District
NRC	Natural Resource Conservancy District
C-1	General Commercial District
C-2	Extensive Commercial District
I	Industrial District
M-1	Mineral Extraction District
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RC	Recreation District

- R-1 Single-Family Residence District
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- R-3 Multiple-Family Residence District
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- AO Adult-Oriented Establishment District

350-26 Official Map.

There shall be an official Zoning District Map, Green Lake County, which shall be available to the public through the County ~~Surveyor / Land Development Director~~ Land Use Planning and Zoning Department. The Zoning District Map shall be a digital electronic data map layer of the County's Geographic Information System (GIS). The County ~~Surveyor / Land Development Director~~ Land Use Planning and Zoning Department shall from time to time update the Zoning District Map as necessary to reflect changes in zoning district boundaries enacted by the County Board as amendments under this chapter.

**Commented [MEK23]:** Position does not exist, replaced with "Land Use Planning & Zoning Department to cover any staff member of the LUP&Z Department, not just a single position.

**Commented [MEK24]:** Same as above comment

350-27 ~~A-1 Exclusive Agriculture District. This district provides for the preservation, maintenance and enhancement of agriculture, forestry and natural areas to protect the land best suited for farming and other agricultural uses of Green Lake County. The agriculture district regulations are designed to regulate use of land and structures where soil and topography conditions are best adapted to agricultural pursuits and are consistent with and satisfy all the requirements and standards of Ch. 91, Wis. Stats., Farmland Preservation.~~

A. ~~Permitted uses.~~

- ~~(1) Agriculture.~~
- ~~(2) Beekeeping.~~
- ~~(3) Dairying.~~
- ~~(4) Egg production.~~
- ~~(5) Fish and fur farms.~~
- ~~(6) Floriculture.~~
- ~~(7) Forestry.~~

- (8) —Grazing.
- (9) —Greenhouse.
- (10) —Home occupation.
- (11) —Horse trails.
- (12) —Nature trails.
- (13) —Orchards.
- (14) —Paddocks.
- (15) —Plant nurseries.
- (16) —Raising of livestock.
- (17) —Raising of poultry.
- (18) —One single family dwelling for farm owner.
- (19) —Stables.
- (20) —Sod farming.
- (21) —Game farms and management.
- (22) —Horticulture.
- (23) —Raising of:
  - (a) —Cash crops.
  - (b) —Grain.
  - (c) —Fruits.
  - (d) —Nuts.
  - (e) —Berries.
  - (f) —Mint.
  - (g) —Grass.
  - (h) —Seed crops.

~~(i) —Vegetables.~~

~~(24) —Roadside farm stand.~~

~~(25) —Any use similar to the above when not specifically identified in another zoning district.~~

~~B. — Conditional uses. An application for a conditional use permit shall not be approved unless, at a minimum, it complies with the conditions and standards set forth in Article VII, Conditional Use Permits.~~

~~(1) —Single family dwelling for caretaker or laborer engaged in a permitted use.~~

~~(2) —Commercial livestock sales barns.~~

~~(3) —Housing for migratory or seasonal farm laborers.~~

~~(4) —Commercial feed lots over 100 animals.~~

~~(5) —Private airstrip when utilized in conjunction with permitted agricultural uses.~~

~~(6) —Veterinary clinics, shelters and kennels.~~

~~(7) —Municipal buildings.~~

~~(8) —Radio and television towers, communication towers, microwave radio relay structures and mechanical appurtenances.~~

~~(9) —Schools. [Added 6-17-2008 by Ord. No. 935-08.]~~

~~C. —Accessory uses.~~

~~(1) —Buildings for the purpose of sheltering livestock, farm equipment and farm produce.~~

~~(2) —Accessory structures associated with the residential use of the property.~~

~~D. —Parcel standards.~~

~~(1) —Area: 35 acres minimum.~~

~~(2) —Width: 625 feet minimum.~~

~~(3) —Depth: 625 feet minimum.~~

~~E. —Principal structure standards.~~

~~(1) —Front yard setback:~~

- (a) ~~State trunk highways: 67 feet minimum.~~
- (b) ~~County trunk highways: 42 feet minimum.~~
- (c) ~~Town roads: 42 feet minimum.~~
- (2) ~~Rear yard setback: 25 feet minimum.~~
- (3) ~~Side yard setback: 12 feet minimum, both sides.~~
- (4) ~~Shore yard setback: 75 feet minimum.~~
- (5) ~~Building height: none required.~~
- (6) ~~Dwellings shall meet all minimum principal structure standards of the R-1 Single-Family Residence District.~~
- F. ~~Attached and detached accessory building structure standards. [Amended 2-15-2011 by Ord. No. 989-2011]~~
  - (1) ~~Front yard setback: same as principal structure.~~
  - (2) ~~Rear yard setback: same as principal structure, except when abutting or contiguous to any other zoning district, the setback shall be a minimum of 100 feet.~~
  - (3) ~~Side yard setback: same as principal structure, except when abutting or contiguous to any other zoning district, the setback shall be a minimum of 100 feet.~~
  - (4) ~~Shore yard setback: same as principal structure.~~
  - (5) ~~Height: none.~~
  - (6) ~~Structure footprint area: none.~~
  - (7) ~~Human habitation of a detached accessory building structure may be allowed, however shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.~~

**A-1 (Farmland Preservation District)**

**A. Purpose**

The purpose of this district is to promote areas for uses of a generally exclusive agricultural nature in order to protect farmland and to allow participation in the state's farmland preservation program. Land zoned under this district must comply with the following:

**(1) Permitted Uses**

**Commented [MEK25]:** Old A-1 zoning district text that is not in compliance with Chapter 91 Wis. Stats. This is to be replaced with new text developed by Martenson & Eisele and certified by DATCP.

- (a) Agricultural uses. See Section D for agricultural use definitions.
  - (b) Not including the specified accessory uses identified in Subsection (2), other accessory uses including the farm residence. See Section D for accessory use definition.
  - (c) Upon prior notification to the county, transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for those uses.
  - (d) [Subsection (c) acknowledges that state or federal law may sometimes preempt local authority to restrict the siting of certain facilities. It does not purport to determine which state or federal actions are preemptive. It merely says that IF state or federal action is preemptive, no local permit is required and there is no need to rezone the site out of the farmland preservation district. Uses covered by subsection (c) might include, for example, state and federal highways, federally-mandated pipelines, and energy generation and transmission facilities whose location and design are specifically mandated by the Wisconsin Public Service Commission pursuant to a certificate of convenience and necessity.]
  - (e) Undeveloped natural resource and open space areas.
  - (f) Non-Farm residences built prior to January 1, 2014.
- (2) Conditional Uses
- (a) Agriculture-related uses. (See Section D for agricultural related use definition.)
  - (b) A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
    - i. It is conducted on a farm by an owner or operator of that farm.
    - ii. It requires no buildings, structures, or improvements other than those described in Section 350-27 D. (1)(a) or 350-27 D. (1)(c).
    - iii. The total cumulative hours worked by paid employees, excluding the owner(s), shall not exceed 160 hours per week.
    - iv. It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
  - (c) Upon prior notification to the County, transportation, communication, pipeline, electric transmission, utility, or drainage uses, facilities for the generation from sunlight, wind, coal or natural gas, if all the following apply:
    - i. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
    - ii. 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.

- iii. 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.
  - iv. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - v. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (d) Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:
- i. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - ii. 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.
  - iii. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
  - iv. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - v. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- (e) Nonmetallic mineral extraction, if all of the following apply:
- i. The operation complies with Subchapter I of Chapter 295, Wisconsin Statutes, and rules promulgated under that subchapter, with applicable provisions of local ordinances under Ch. §295.14, Wis. Stats. (including all applicable provisions of this ordinance), and with any applicable requirements of the Wisconsin Department of Natural Resources concerning the restoration of nonmetallic mining sites.
  - ii. The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - iii. The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.
  - iv. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.

- v. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- vi. The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.
- vii. Compliance with Chapter 213 (Nonmetallic Mining Reclamation).
- (f) Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Chapter 295, Wisconsin Statutes.
- (g) Private airport or air strip qualifying as an accessory use under Ch. 91.01(1), Wis. Stats.
- (h) Dog kennels qualifying as an accessory use under Ch. 91.01(1), Wis. Stats.
- (i) Game farms/shooting preserves qualifying as an accessory use under Ch. 91.01(1) (b), Wis Stats. To meet the definition of agricultural use, the game birds or cervids must be raised on the farm for release for hunting.
- (j) Shooting Ranges meeting the requirements in Ch. 91.01(1)(d), Wis. Stats.
- (k) Manure storage systems. (Please note that permits for manure storage systems are subject to Ch. ATCP 50.56 and Ch. ATCP 51, Wis Adm. Code.
- (l) Slaughtering of livestock from the A-1 District.
- (m) Processing agricultural by-products or wastes received directly from farms, including farms in the A-1 District.

Note: The County may issue a conditional use permit for a proposed land use not identified in this section if the proposed land use meets applicable conditions under this section. Before issuing a conditional use permit, the County shall determine in writing, that the proposed use meets applicable conditions under this section. The County may issue the permit subject to conditions designed to carry out the purposes of this ordinance.

**(3) Area, Height and Setback Requirements:**

- (a) Dimensional standards: A lot or parcel shall have no less than 15 acres of contiguous land area.
- (b) All Principal Structures shall be on a lot consistent with the principal use permitted on such lot by the regulations of the district in which it is located.

Note: The area within the road right(s)-of-way shall not be included for the standards of this subsection. Design standards pursuant to Chapter 315, Code of Green Lake County, Land Division and Subdivision, shall apply to a newly created lot or parcel for this subsection.

- (c) Principal structure setback and height standards.

i. Street yard setback:

1. State trunk road rights-of-way: 67 feet minimum.



2. All other public road rights-of-way: 40 feet minimum.

ii. Rear yard setback: 25 feet minimum.

iii. Side yard setback: 12 feet minimum.

iv. Structure height, dwelling structure: 35 feet.

(d) Accessory building structure standards. An accessory building structure shall satisfy all of the following standards:

i. Setbacks: same as principal structure.

ii. Height: none

iii. Structure footprint area: none.

iv. Volume: none.

v. Human habitation of a detached accessory building structure may be allowed; however, it shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.

**B. Rezoning Land out of the A-1 Farmland Preservation Zoning District**

Land may be rezoned out of the A-1 Farmland Preservation Zoning District if the County, through their review and recommendation, and after a public hearing, finds that all of the following apply:

(1) The land is better suited for a use not allowed in the A-1 Farmland Preservation Zoning District.

(2) The rezoning is consistent with the Green Lake County Comprehensive Plan.

(3) The rezoning is substantially consistent with the Green Lake County Farmland Preservation Plan, certified under Ch. 91, Wis. Stats., which is in effect at the time of zoning.

(4) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(5) Note: The above Section B (1-4) does not apply to any of the following situations:

(a) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Ch. 91, Wis. Stats.

(b) A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Green Lake County farmland preservation plan map, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.

**C. Certification of Ordinance and Amendments by DATCP**

(1) This Zoning Ordinance must be certified by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) in order for owners of land that is

zoned A-1 Farmland Preservation in the Green Lake County to be eligible to claim tax credits under the State of Wisconsin's Farmland Preservation Program.

(2) Green Lake County shall notify DATCP of any amendments as required by Ch. 91.36(8), Wis. Stats.

(3) Green Lake County shall notify DATCP by March 1 annually, of any acres rezoned out of a farmland preservation zoning district during the previous year and a map that clearly shows the location of those acres as required by Ch. 91.48(2) and 91.48(3), Wis. Stats.

#### **D. Farmland Preservation Definitions**

For the purposes of Section 350-27 of this Ordinance, the following definitions shall be used.

Please see Section 350-77 for conventional zoning district definitions.

(1) Accessory Use: Within the A-1 Zoning District means any of the following land uses on a farm:

(a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:

- i. A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
- ii. A facility used to keep livestock on the farm.
- iii. A facility used to store or process inputs primarily for agricultural uses on the farm.
- iv. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
- v. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
- vi. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.
- vii. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.

(b) An activity or business operation that is an integral part of or incidental to, an agricultural use.

(c) A farm residence, including normal residential appurtenances.

(d) Any other use that DATCP, by rule, identifies as an accessory use.

(2) Agricultural Use: 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 Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an agricultural use.

(3) Agriculture-related use: An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes. In addition, any use that the Department of Agriculture, Trade and Consumer Protection identifies by rule as an agriculture-related use. An "agricultural related use" must be primary (not just incidentally) related to agriculture, and must have a direct connection to agriculture uses in the A-1 zoning district.

(4) Certified Farmland Preservation Plan: A farmland preservation plan that is certified as determined under Ch. 91.12, Wis. Stats.

(5) Certified Farmland Preservation Zoning Ordinance: A zoning ordinance that is certified as determined under Ch. 91.32, Wis. Stats.

(6) Common Ownership: Ownership by the same person or persons, or by persons that are all wholly owned by the same person or persons. "Common ownership" includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.

Land is deemed to be under "common ownership," for purposes of this ordinance, if it is all owned by the same individual, married couple, joint tenants, and tenants in common, corporation, LLC, partnership, estate or trust. If land parcels are owned by separate legal entities, but those legal entities are all wholly owned by exactly the same person or persons, those land parcels are deemed to be under "common ownership" for purposes of this ordinance.

(7) Contiguous: Adjacent to or sharing a common boundary. "Contiguous" land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of- way. Parcels are not "contiguous" if they meet only at a single point.

(8) Conditional Uses: Uses of a special nature as to make impractical their predetermination as a permitted use in a district. Conditional uses as used in the A-1 Farmland Preservation Zoning District must meet the requirements of Ch. 91.46, Wis. Stats.

(9) Farm: All land under common ownership that is primarily devoted to agricultural use. For the purpose of this definition, land is deemed to be primarily devoted to agricultural use if the following apply:

- (1) The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use; or,
- (2) A majority (greater than 50%) of the land is in agricultural use.

In determining whether land is in agricultural use for purposes of par. (2), a zoning authority may consider how the land is classified for property tax purposes. See Ch. TAX 18, Wis. Adm. Code.]

(10) Farm Residence: A single-family or two family residence 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.

To qualify as a "farm residence," a residence must be located on a "farm." If a farm owner deeds off a residential parcel to another person (even if that person is the farm owner's parent, child or employee), the separately-owned parcel is no longer part of the original "farm." A residence built on that parcel does not qualify as a "farm residence" unless the parcel qualifies as a "farm" in its own right.

(11) Gross Farm Revenues: Means gross receipts from agricultural use of a farm, excluding rent receipts, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. Gross farm revenue includes receipts accruing to a renter, but does not include rent paid to the landowner.

(12) Livestock: Includes bovine animals, equine animals, goats, poultry, sheep, swine, farm raised deer, farm raised game birds, camelids, ratites and farm raised fish.

(13) Nonfarm Residence: Any residence other than a farm residence.

(14) Nonconforming Uses or Structures: Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Ordinance which does not conform to the regulations of this Ordinance. Any such structure conforming in respect to use, but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

(15) Open Space Parcel: A parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

(16) Person: An individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.

(17) Protected Farmland: Land that is any of following:

- (a) Land that is located in the A-1 Farmland Preservation Zoning District certified under Ch. 91, Wis. Stats.
- (b) Covered by a farmland preservation agreement under Ch. 91, Wis. Stats.
- (c) Covered by an agricultural conservation easement under Ch. 93.73, Wis. Stats.
- (d) Otherwise legally protected from nonagricultural development

**Commented [MEK26]:** New text by Martenson & Eisele and certified by DATCP, and consistent with 2016 Farmland Preservation Plan.

## A-2 General Agriculture District

### A. Purpose

This agricultural district is intended to preserve and enhance land for agricultural uses. This district's uses and standards are designed to implement Comprehensive Plan goals by encouraging agricultural uses of various sizes in areas where soil and other conditions are best suited to these agricultural pursuits, and controlling residential development to avoid conflict with agricultural uses. This district is generally compatible with other agricultural districts where varying levels of agricultural uses and open space uses are permitted and supported by the Comprehensive Plan, such as, but not limited to, A-1 ~~Exclusive Agricultural Farmland Preservation~~ and R-4 Rural Residential. The best use of these lands is agricultural.

**Commented [MEK27]:** Added to maintain layout consistency of zoning districts with the A-1, Farmland Preservation District.

**Commented [MEK28]:** Renamed district to Farmland Preservation.

350-28.A(1). Permitted uses. Those uses permitted in this district shall be agricultural and those that are consistent with agricultural uses. ~~In addition to any conditional uses listed below, the conditional uses that may be allowed in this district are specified in Chapter 350, Appendix A, Zoning District Matrix.~~

**Commented [MEK29]:** Alphanumeric adjust.

**Commented [MEK30]:** Amendment would eliminate this appendix so no need to refer to an omitted appendix.

Section 350-28.A.(1)(a) thru (ag) stay the same, and add...

(ah) All permitted uses described in Section 350-27 Farmland Preservation District

**Commented [MEK31]:** Committee determined that the permitted uses in A-1 should be allowed in A-2.

350-28.A(2). Conditional uses. Conditions and standards for a conditional use permit are set forth in Chapter 350, Article VII, Conditional Use Permits. ~~In addition to any conditional uses listed below, the conditional uses that may be allowed in this district are specified in Chapter 350, Appendix A, Zoning District Matrix.~~

**Commented [MEK32]:** Alphanumeric adjust

**Commented [MEK33]:** Amendment would eliminate this appendix so no need to refer to an omitted appendix.

Section 350-28.B.(1)(a) thru (ab) stay the same, and add...

(ac) RV and boat storage for rental

(ad) Yard and Landscaping services

(ae) All conditional uses listed in Section 350-27 Farmland Preservation District

**Commented [MEK34]:** Committee wanted to add these uses as a CUP in the A-2, General Ag district.

**Commented [MEK35]:** Added to maintain layout consistency of zoning districts with the A-1, Farmland Preservation District.

350-28.A(3). Area, Height and Setback Requirements.

- ~~(a) A lot or parcel shall have no less than 8 acres of contiguous land area.~~
- ~~(b) All Principal Structures shall be on a lot consistent with the principal use permitted on such lot by the regulations of the district in which it is located.~~

Note: The area within the road right(s)-of-way shall not be included for the standards of this subsection. Design standards pursuant to Chapter 315, Code of Green Lake County, Land Division and Subdivision, shall apply to a newly created lot or parcel for this subsection.

~~(a) A lot or parcel shall have no less than eight acres of contiguous land area. Note: The area within the road right(s)-of-way shall not be included for the standards of this subsection. Design standards pursuant to Chapter 315, Code of Green Lake County, Land Division and Subdivision, shall apply to a newly created lot or parcel for this subsection.~~

~~(3) Width. The land area shall have a minimum width of 300 feet. The dimensions within the road right(s)-of-way shall not be included for the standards of this subsection.~~

(c) Principal Structure setback and height standards

- (i) Street yard setback
  - 1. State trunk road rights-of-way: 67 feet minimum
  - 2. All other public road rights-of-way: 40 feet minimum
- (ii) Rear yard setback: 25 feet minimum
- (iii) Side yard setback: 12 feet minimum
- (iv) Structure height, dwelling structure: 35 feet

(d) Accessory building structure standards. An accessory building structure shall satisfy all of the following standards:

- (i) Setbacks: same as principal structure
- (ii) Height: none
- (iii) Structure footprint area: none
- (iv) Structure volume: none
- (v) Human habitation of a detached accessory building structure may be allowed; however, it shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.

**NRC Natural Resource Conservancy District**

350-31.A.(3) The maps designated below are hereby adopted and made a part of the Natural Resources Conservancy District outside of the shoreland area. They are on file in the ~~office of the Surveyor~~ Land Development Director for Land Use Planning and Zoning Department of Green Lake County.

**Commented [MEK36]:** The A-2 District presently has an 8 acre minimum, these changes are simply to maintain layout consistency with the A-1 district.

**Commented [MEK37]:** This is the text removed and replaced above.

**Commented [MEK38]:** Committee removed as it felt that this standard is not necessary and in some cases effectively removed farmland from production in order to provide the required lot width.

**Commented [MEK39]:** (10) alphanumeric adjustments

**Commented [MEK40]:** Position eliminated, replaced with Department, so not a single office would be identified in the standard but the entirety of the Department.

~~350-31.A.(4) The district shall be considered an overlay district of the A-1 Exclusive Agriculture District as established in the § 91.57, Wis. Stats.~~

**Commented [MEK41]:** Committee decided to include the NRC, Natural Resources Conservancy district as full zoning district and not just an overlay.

350-31.D. ~~Area, height and setback regulations~~ ~~area uses~~: refer to §§ 350-18, 350-19 and 350-20

**Commented [MEK42]:** Added for layout consistency. Same with C-1, C-2, & I to follow.

350-31.E. ~~Highway setbacks~~: refer to § 350-50A.

**Commented [MEK43]:** Added for layout consistency. Same with C-1, C-2 & I to follow.

### C-1 General Commercial District

350-32.C. ~~Area, height and setback regulations~~ ~~area uses~~: refer to §§ 350-18, 350-19 and 350-20

350-32.D. ~~Highway setbacks~~: refer to § 350-50A.

### C-2 Extensive Commercial District

350-33.C. ~~Area, height and setback regulations~~ ~~area uses~~: refer to §§ 350-18, 350-19 and 350-20

350-33.D. ~~Highway setbacks~~: refer to § 350-50A.

### I Industrial District

350-34.C. ~~Area, height and setback regulations~~ ~~area uses~~: refer to §§ 350-18, 350-19 and 350-20

350-34.D. ~~Highway setbacks~~: refer to § 350-50A.

### M-1 Mineral Extraction District

350-35.C. Yard requirements. All excavations shall be at least 100 feet from the right-of-way of any public or approved private street or property line. All accessories ~~to the mineral extraction use~~, such as ~~mining buildings, structures, equipment~~, offices, parking areas and stockpiles, shall be at least 100 feet from any right-of-way or property line.

**Commented [MEK44]:** Added other accessories to better describe these items so mining companies are aware of their restrictions.

~~350-35.G. Area and height regulations: refer to §§ 350-18 and 350-19.~~

**Commented [MEK45]:** Added as M-1 had no area or height restrictions.

### M-2 Sanitary Landfill District

~~350-36.D. Area, height and setback regulations: refer to §§ 350-18, 350-19 and 350-20.~~

~~350-36.E. Highway setbacks: refer to § 350-50A.~~

**Commented [MEK46]:** Added as M-2 had no area, height, or setback restrictions.

### RC Recreation District

~~350-37.C.(17) Refer to 350-54.A.~~

**Commented [MEK47]:** Reference is to a later omitted section that allowed additional uses as conditional uses in zoning districts other than A-1. Previous changes lump the permitted and conditional uses within each zoning district. This increases a reader's chance that they will or will not identify their proposed use in their respective zoning district.

350-37.C.(18) Boat rentals; conditions that shall be required for boat rentals shall include and are not limited to waste containment, sanitary facility, noise limits, screening, parking, parking

controls, time requirements, lighting and identification of sites, fish cleaning, gasoline and oil handling, and disposition of all waste materials. Any conditional use permit shall include approval as per Green Lake County Chapter 338 – Shoreland Zoning Ordinance, Ch. 30, Wis. Stats., and Ch. NR 326, Wis. Adm. Code.

**Commented [MEK48]:** Committee added as additional layer of reference.

350-34.C. Area, Height and setback regulations/area uses: refer to §§ 350-18, 350-19 and 350-20

**Commented [MEK49]:** Added for layout consistency with the other zoning districts.

350-34.D. Highway Setbacks: refer to § 350-50A.

**Commented [MEK50]:** Added for layout consistency with the other zoning districts.

### R-1 Single-Family Residence District

350-38.A.(7) Unoccupied outside storage of camping trailer, motor home, boats, fishing shanty or other similar recreational vehicles or devices as an accessory use. There shall be a combined limit of two items per family dwelling unit.

**Commented [MEK51]:** “Outside” better clarifies the standard.

**Commented [MEK52]:** Makes this standard include “boats, fishing shanty” like similar standards in the other Residential districts.

350-38.B. Conditional uses. Refer to 350-54.A.

**Commented [MEK53]:** Reference is to a later omitted section that allowed additional uses as conditional uses in zoning districts other than A-1. Previous changes lump the permitted and conditional uses within each zoning district. This increases a reader’s chance that they will or will not identify their proposed use in their respective zoning district.

350-38.C. Area regulations: Refer to § 350-18

350-38.D.(3) Side yard setback: 12 feet minimum, except lots 85 feet or less in width shall have a side yard setback of 10 feet.

**Commented [MEK54]:** Added for layout consistency with the other zoning districts.

### R-2 Single-Family Mobile Home Residence District

350-39.C.(1) A petition requesting an amendment of this chapter and zoning maps describing the area to be rezoned (together with a sketch map of the same) to Class Two Residential District must be filed with the Surveyor/Land Development Director Land Use Planning and Zoning Department bearing the signatures of 80% of the property owners in the area to be so rezoned. Upon receipt of such petition, the Surveyor/Land Development Director Land Use Planning and Zoning Department shall verify the number of signatures before filing the same with the Land Use Planning and Zoning Committee of the County Board for further action in accordance with the following provisions.

**Commented [MEK55]:** Added this to avoid confusion. Later on in the ordinance an exemption allows for narrower lots to have a 10ft side yard setback.

**Commented [MEK56]:** Position eliminated, replaced with Department, so not a single office or position would be identified in the standard but the entirety of the Department. Three identical changes were made as shown.

350-39.C.(2) Upon receipt of the petition described above from the Surveyor/Land Development Director Land Use Planning and Zoning Department, the Land Use Planning and Zoning Committee shall set the same for hearing after publishing notice of hearing as a Class 2 notice. At the hearing, the Land Use Planning and Zoning Committee shall determine if the area requested to be rezoned is feasible for Class Two residential purposes and whether or not objection has been made by 20% or more of all property owners living within the proposed district or within a radius of 1.5 miles from the boundaries of the proposed district. Objection must be made in writing and may be filed with the Surveyor/Land Development Director Land Use Planning and Zoning Department prior to the date set for said hearing or may be made orally and filed in writing at the hearing itself. If the Land Use Planning and Zoning Committee finds that such objection has been made, it shall certify the same and order a referendum of all the property owners of the town in which the proposed district lies (and additionally a referendum of all the property owners of all adjacent towns that lie



within a distance of 1.5 miles from the boundaries of the proposed district) and shall set the date therefor, not later than 90 days from the date of order, and shall notify the clerk of the town(s) affected, who shall cause notice of the referendum to be published as a Class 2 notice and who shall further mail notice of the referendum to all property owners of his/her town, whether present within the County or absent therefrom. Absentee ballots will be accepted in said referendum and shall be handled and regulated by the provisions of §§ 6.85 through 6.89 (as applicable), Wis. Stats. Said town clerk(s) shall further cause all other preparations to be made for the conduct of said referendum and together with the Land Use Planning and Zoning Committee shall make an estimate of the total cost of said referendum, which shall be borne by the initial petitioners, who shall pay to the clerk of the town(s) involved a deposit of the estimated cost of the referendum, all unused portions of which shall be returned to them after the completion of said referendum. Failure to pay such deposit within 10 days from the date of receiving notice of the estimated cost shall cause automatic dismissal of the petition. All town clerks involved in said referendum shall withhold mailing of notice or publication of notice of such referendum until all costs have been paid as herein required. The question to be stated in such referendum shall be substantially as follows: "Shall a portion of the Town of \_\_\_\_\_ located in Section \_\_\_\_\_, containing about \_\_\_\_\_ acres, be rezoned to Class Two Residential District permitting mobile homes to be parked therein as permanently located single-family dwellings? (YES or NO)."

350-39.D. Area and height regulations: refer to §§ 350-18 and 350-19.

**Commented [MEK57]:** Added for layout consistency with the other zoning districts.

350-39.E. Principal structure setback and height standards. [Added 8-19-2014 by Ord. No. 1092-2014 ]

- (1) Street yard setback:
  - (a) State trunk road rights-of-way: 67 feet minimum.
  - (b) All other public road rights-of-way: 40 feet minimum.
  - (c) All riparian lots or parcels that front on a public Town road right-of-way: 25 feet minimum.
- (2) Rear yard setback: 25 feet minimum.
- (3) Side yard setback: 12 feet minimum, except lots 85 feet or less in width shall have a side yard setback of 10 feet.
- (4) Structure height; dwelling structure: 35 feet overall maximum.

**Commented [MEK58]:** Added this to avoid confusion. Later on in the ordinance an exemption allows for narrower lots to have a 10ft side yard setback.

350-39.F. Accessory building structures. The total combined footprint area allowed for attached and detached accessory building structures shall not exceed 10% of the land area, excluding any road right-of-way. Each accessory building structure shall satisfy all of the following standards: [Added 2-15-2011 by Ord. No. 989-2011]

**Commented [MEK59]:** Alphanumeric adjust.

- (1) Setbacks: same as principal structure.
- (2) Height: 25 feet maximum; ground floor surface to peak. There shall be no sidewalls above the ground floor ceiling joist. Ground floor sidewalls shall not exceed 15 feet in height.
- (3) Area: 1,500 square foot maximum footprint (ground floor).
- (4) Volume: 25,000 cubic feet maximum volume.
- (5) Human habitation of a detached accessory building structure may be allowed, however shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.

**R-3 Multiple Family Residence District**

350-40.A. Permitted uses. ~~In addition to any uses listed below, the uses permitted in this district are specified in § 350, Appendix A. Zoning District Matrix.~~

**Commented [MEK60]:** Amendment would eliminate this appendix so no need to refer to an omitted appendix.

350-40.B. Conditional uses. Conditions and standards for a conditional use permit are set forth in § 350, Article VII, Conditional Use Permits. ~~In addition to any conditional uses listed below, the conditional uses permitted in this district are specified in § 350, Appendix A. Zoning District Matrix.~~

**Commented [MEK61]:** Amendment would eliminate this appendix so no need to refer to an omitted appendix.

350-40.C. Area, Height and Setback Requirements.

**Commented [MEK62]:** Added for layout consistency with the other zoning districts.

(1) A lot or parcel shall have a one-acre-minimum contiguous land area.

~~(2) Width. The lot or parcel in this district shall have a minimum average width of 100ft. The dimension within the road right(s)-of-way shall not be included for the standards of this subsection.~~

**Commented [MEK63]:** Not necessary as previous text amends cover this.

Note: The area within the road right(s)-of-way shall not be included for the standards of this subsection. Design standards pursuant to Chapter 315, Code of Green Lake County, Land Division and Subdivision Ordinance, shall apply to a newly created lot or parcel for this subsection.

**Commented [MEK64]:** Added for layout consistency with the other zoning districts.

**R-4 Rural Residence District**

350-41.A. Permitted uses. ~~In addition to any uses listed below, the uses permitted in this district are specified in § 350, Appendix A. Zoning District Matrix.~~

**Commented [MEK65]:** Amendment would eliminate this appendix so no need to refer to an omitted appendix.

350-41.B. Conditional uses. Conditions and standards for a conditional use permit are set forth in § 350, Article VII, Conditional Use Permits. ~~In addition to any conditional uses listed below, the conditional uses permitted in this district are specified in § 350, Appendix A. Zoning District Matrix.~~

**Commented [MEK66]:** Amendment would eliminate this appendix so no need to refer to an omitted appendix.

350-41.C. Area, Height and Setback Requirements

**Commented [MEK67]:** Added for layout consistency with the other zoning districts.

- (1) A lot or parcel shall have a three-acre-minimum and less than eight-acre-maximum of contiguous land area.

**Note:** The area within the road right(s)-of-way shall not be included for the standards of this subsection. Design standards pursuant to Chapter 315, Code of Green Lake County, Land Division and Subdivision Ordinance, shall apply to a newly created lot or parcel for this subsection

**Commented [MEK68]:** Added for layout consistency with the other zoning districts

- (2) ~~Width. The land area shall have a minimum width of 200ft. The dimension within the road right(s) of way shall not be included for the standards of this subsection.~~

**Commented [MEK69]:** Committee chose to omit this requirement from this zoning district. Seemed overly regulatory.

#### AO Adult-Oriented Establishment District

Section 350-42.F. Area, height and setback regulations: refer to §§ 350-18 and 350-19 and the Commercial District setbacks under § 350-20.

Section 350-42.G. Highway setbacks: refer to § 350-50A.

**Commented [MEK70]:** There were no area, height or setback standards for this district.

#### Article V. Nonbuilding Structures

350-43.B.(4)(b) One on-site freestanding sign in addition to the building-mounted sign to advertise a business conducted or service available on the premises shall be allowed and shall not exceed 32 50 square feet in gross area and shall have a minimum setback of 10 feet from the right-of-way line.

**Commented [MEK71]:** Committee changed as 32sqft seemed overly burdensome for certain businesses on highways with larger right-of-ways.

350-43.B.(5) Other off-site signs not specifically referred to in this Section shall not exceed 300 square feet in gross area. These signs are not allowed in R-1, R-2, R-3, R-4 and NRC Zoning Districts and shall meet the following standards:

**Commented [MEK72]:** Committee wanted to allow these signs on R-4 lands.

(a) An off-site sign 32 50 square feet or less shall have a minimum setback of 10 feet from the right-of-way line.

**Commented [MEK73]:** Committee changed as 32sqft seemed overly burdensome for certain businesses on highways with larger right-of-ways.

(b) An off-site sign that is greater than 32 50 square feet and up to and including 300 square feet shall have a minimum setback from the right-of-way line as required by the zoning district in which the sign is located.

**Commented [MEK74]:** Committee changed as 32sqft seemed overly burdensome for certain businesses on highways with larger right-of-ways.

350-43.F. No sign shall contain, include or be illuminated by flashing lights or be composed of animated or moving parts, or be a ~~fixed or changing flashing digital~~ electronic type sign. A lighted sign shall be shielded to prevent glare or illumination onto other premises or roadways.

**Commented [MEK75]:** Committee wanted to allow for modern signage which could include electronic sign. Committee did not want the electronic sign to be an attractive nuisance so the Committee made sure to eliminate flashing type electronic signs.

#### Article VI. Highway Setback Lines

350-50.A. Along highways generally. The setback distance from the center line or right-of-way line, at any point, for the respective classes of highways shall be as follows:

<b>Highway Classification</b>	<b>Setback From Center Line (feet)</b>	<b>Setback From Front Lot Line (feet)</b>
State trunk highways	110	Not less than 67
County trunk highways	75	Not less than <del>42</del> 40
Town roads, except in platted subdivisions	75	Not less than <del>42</del> 40
Streets in platted subdivisions		40

**Commented [MEK76]:** Committee modified these highway setbacks to be consistent with subdivision road setbacks.

**Commented [MEK77]:** same

**350-51. Structures prohibited within setback lines.**

No new building, new sign or other new structure, including cemeteries, nor any part thereof, shall be placed between the setback lines established by this chapter and the highway except as provided by this chapter. ~~and no such building, sign, structure or part thereof existing within such setback lines on the effective date of this chapter shall be altered, enlarged or added to in any way that increases or prolongs the permanency thereof, unless granted a permit variance therefor shall have been issued by the Board of Adjustment. No such building, sign, structure or part thereof existing within such setback lines on the effective date of this chapter shall be reconstructed in its original existing location after having been destroyed by fire, storm, or other catastrophe to the extent of 50% or more of its assessed value prior to such destruction unless a permit therefor shall have been issued by the Board of adjustment. In the absence of assessment record, the applicant shall submit evidence of value satisfactory to the Board of Adjustment. As a condition precedent to the issuing of a permit for the alteration, enlargement or reconstruction of any such building, sig or structure, the Board may make such reasonable requirements as will further and protect the purpose and intent of this chapter. No building, sign, structure or part thereof, existing within such setback lines on the effective date of this chapter, shall be altered, enlarged or added to in any way that increases or prolongs the permanency thereof, unless granted a variance therefore by the Board of Adjustment.~~

**Commented [MEK78]:** Removed “such” from text to better administer this standard.

**Commented [MEK79]:** BOA cannot grant permits, they grant variances and the LUP& Z Department issues land use permits.

**Commented [MEK80]:** Refers to 50% rule and reconstruction, which is in conflict with State Law. Other language is provided for in BOA section of the ordinance.

350-52.A.(2) Telephone, telegraph and power transmission poles and lines and microwave radio relay structures, except satellite earth stations, may be constructed within the setback lines, provided that the owner will file with the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department of Green Lake County an agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this chapter, at his expense, when necessary for the improvement of the highway and pay a recording fee.

**Commented [MEK81]:** Position eliminated, replaced with Department, so not a single office or position would be identified in the standard but the entirety of the Department.

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Article VII. Conditional Use Permits

350-54 Conditional uses.

A. Investigations of, and public hearings on, conditional uses required by the regulations of this article shall be conducted by the Land Use Planning and Zoning Committee for the purpose of determining the effect of the proposed use or the location thereof on the character of the neighborhood and its suitability for development by utilizing the minimum review standards and criteria of this article. The Land Use Planning and Zoning Committee shall review requests for a conditional use permit and, after public hearing and application of the standards identified in this article, shall approve, approve with conditions or deny all such requests.

**Commented [MEK82]:** Alphanumeric adjust.

~~A. The following are permitted as conditional uses in all zoning districts except in the A-1 Exclusive Agriculture District:~~

~~(1) Airport, provided that the Land Use Planning and Zoning Committee shall find, as a condition precedent to issuing the permit, that the proposed location is necessary to the public convenience.~~

~~(2) Charitable institutions.~~

~~(3) Microwave radio relay structure and mechanical appurtenances.~~

~~(4) Penal and correctional institutions.~~

~~(5) Public hospitals, when such hospital building shall be located not less than 100 feet from any lot in any residence district not used for the same purpose.~~

~~(6) Public utility or public service corporation buildings or structures, provided that the Land Use Planning and Zoning Committee shall find such buildings or structures to be reasonably necessary for the public convenience, safety or welfare.~~

~~(7) Public utility transmission lines.~~

~~(8) Radio and television towers.~~

~~(9) Trailers and temporary structures for the shelter of persons or property, on a lot in connection with the construction of a permanent building or buildings on such lot, for a period not to exceed one year.~~

350-57. Review and Revocation of conditional use permits.

**Commented [MEK83]:** Omitted due to prior decision by Committee to locate all the permitted and conditional uses in their respective zoning district. This list allows additional uses that are allowed in all except A-1. Problematic from a reader's perspective as well as administration

350-57.A. The Land Use Planning and Zoning Committee shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved

**Commented [MEK84]:** Added "and Revocation" to better describe the section's purpose.

conditional uses. Such authority shall be in addition to the enforcement authority of the ~~Surveyor/Land Development Director Land Use Planning and Zoning Department~~ to order the removal or discontinuance of any unauthorized alterations of an approved conditional use and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval, or violation of any other provision of this chapter.

**Commented [MEK85]:** Position eliminated, replaced with Department, so not a single office or position would be identified in the standard but the entirety of the Department.

350-57.B. Complaint procedure. Upon written complaint by any citizen or official, the Land Use Planning and Zoning Committee shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation or either the purpose and intent of this chapter, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Land Use Planning and Zoning Committee may, in order to bring the subject conditional use into compliance with the standards set forth in this chapter or conditions previously imposed by the Land Use Planning and Zoning Committee, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. Additionally, the offending party may be subjected to a forfeiture as set forth in Article X. In the event that no reasonable modification of such conditional use can be made, the Land Use Planning and Zoning Committee may revoke the subject conditional approval and direct the ~~Surveyor/Land Development Director Land Use Planning and Zoning Department~~ and Corporation Counsel to seek the elimination of the subject use. Following any such hearing the decision of the Land Use Planning and Zoning Committee shall be furnished to the current owner of the conditional use in writing stating the reasons therefor. An appeal from a decision of the Land Use Planning and Zoning Committee under this section may be taken to the Board of Adjustment.

**Commented [MEK86]:** Position eliminated, replaced with Department, so not a single office or position would be identified in the standard but the entirety of the Department.

350-58 The County Land Use Planning and Zoning Committee may require the ~~Surveyor/Land Development Director Land Use Planning and Zoning Department~~ to issue a conditional use permit after review and public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this chapter.

**Commented [MEK87]:** Position eliminated, replaced with Department, so not a single office or position would be identified in the standard but the entirety of the Department.

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#### Article VIII. Board of Adjustment

350-61.H. Should a change in circumstances occur within said twelve-month period which, in the applicant's opinion, changes the character of the application, then the applicant shall, in that event, submit a request for an additional hearing, outlining the changes in circumstances that have occurred. The Board shall review the request of the applicant, and if in the opinion of the majority of the Board there is sufficient change in said circumstances to warrant a hearing, the ~~Surveyor/Land Development Director Land Use Planning and Zoning Department~~ shall schedule said hearing under the normal rules of procedure of the Board.

**Commented [MEK88]:** Position eliminated, replaced with Department, so not a single office or position would be identified in the standard but the entirety of the Department.

350-62.A. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of Green Lake County affected by any decision, order or ruling of the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department. Such appeal shall be taken within 30 days, as provided by the rules of the Board of Adjustment, by filing with the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department a notice of appeal, on forms provided by the Department, specifying the grounds thereof.

**Commented [MEK89]:** Position eliminated, replaced with Department, so not a single office or position would be identified in the standard but the entirety of the Department.

**Commented [MEK90]:** Position eliminated, replaced with Department, so not a single office or position would be identified in the standard but the entirety of the Department.

350-62.B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department shall certify to the Board of Adjustment, after the notice of appeal shall have been filed with the Land Use Planning and Zoning Department, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application or notice to the Land Use Planning and Zoning Department and on due cause shown.

**Commented [MEK91]:** Position eliminated, replaced with Department, so not a single office or position would be identified in the standard but the entirety of the Department.

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Article IX. Administration and Enforcement

350-64.A. ~~The Surveyor/Land Development Director~~ Land Use Planning and Zoning Department or designee(s) shall administer and enforce ~~be the enforcement officer(s) for the Land Use Planning and Zoning Department under~~ this chapter for Green Lake County.

**Commented [MEK92]:** Position eliminated, replaced with Department, so not a single office or position would be identified in the standard but the entirety of the Department.

350-64.D. It shall be the duty of the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department or designee(s) to investigate alleged violation(s) of this chapter to determine the facts and, if a violation is identified, to pursue enforcement to achieve compliance.

**Commented [MEK93]:** Position eliminated, replaced with Department, so not a single office or position would be identified in the standard but the entirety of the Department.

350-64.E. In addition to the Corporation Counsel having the authority to file a complaint to achieve compliance with the below said land use ordinances, the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department or designee(s) shall have the authority to prepare, sign and issue citations in order to achieve compliance with the following land use ordinances:

**Commented [MEK94]:** Position eliminated, replaced with Department, so not a single office or position would be identified in the standard but the entirety of the Department.

- (1) Chapter 350, Zoning (Ordinance Nos. 146-76 and 381-89).
- (2) Chapter 315, Land Division and Subdivision (Ordinance No. ~~150-76~~ 1056-2013).
- (3) Chapter 300, Floodplain Zoning (Ordinance No. ~~339-87~~ 970-2009).
- (4) Chapter 338, Shoreland ~~Protection Zoning~~ (Ordinance No. ~~303-85~~ 20-2016).
- (5) Chapter 334, Sewage Systems, Private (Ordinance No. 225-80).
- (6) Chapter 323, Nonmetallic Mining Reclamation (Ordinance No. ~~735-2001~~ 902-07).

**Commented [MEK95]:** Ordinance number changed in 2013.

**Commented [MEK96]:** Ordinance number changed in 2009.

**Commented [MEK97]:** Ordinance name changed in 2016

**Commented [MEK98]:** Ordinance number changed in 2016

**Commented [MEK99]:** Ordinance number changed in 2007

350-65.A. ~~Except as provided in Subsection C, n~~No building or structure or billboard or any part thereof, except as herein provided, shall hereafter be erected, enlarged, altered, repaired or moved within the areas subject to the provisions of this chapter until a land use permit shall have been applied for in writing and obtained from the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department. Such permit shall be posted in a prominent place on the premises prior to and during the period of construction, alteration, repair or moving. Land use permits shall be valid for a period of one year from date of issue unless otherwise specified on the permit. A copy of such permit shall be filed with ~~in the Surveyor/Land Development Director~~ Land Use Planning and Zoning Department office and with the inspector and clerk for the town in which the permit is effective. Forms for the application for land use permits shall be supplied by the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department. All such forms shall be approved by the County Board. For fee schedule refer to Article XII, Fee Schedule.

**Commented [MEK100]:** Omitted as Subsection C is reserved (no text or standards).

**Commented [MEK101]:** Position eliminated, replaced with Department, so not a single office or position would be identified in the standard but the entirety of the Department.

**Commented [MEK102]:** Position eliminated, replaced with Department, so not a single office or position would be identified in the standard but the entirety of the Department.

**Commented [MEK103]:** Position eliminated, replaced with Department, so not a single office or position would be identified in the standard but the entirety of the Department.

**Commented [MEK104]:** Omitted as Subsection C is reserved (no text or standards).

350-65.B. ~~Except as provided in Subsection C, a~~All applications for land use permits shall be accompanied by a location sketch drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location of the building on the lot, the existing and intended use of the building, the number of families to be accommodated, its situation with reference to the highway, the distance between the nearest point on the building and the center line of the highway, and such other information with regard to the proposed building and neighboring lots or buildings as may be called for on the application or may be necessary to provide for the enforcement of this chapter. ~~The Surveyor/Land Development Director~~ Land Use Planning and Zoning Department may require satisfactory evidence of actual lot line location, including a surveyor's certificate and map where necessary.

**Commented [MEK105]:** Position eliminated, replaced with Department, so not a single office or position would be identified in the standard but the entirety of the Department.

#### 350-66. Certificate of Compliance.

Upon written request from the owner, the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department may issue a certificate of compliance at a fee as provided in Article XII, Fee Schedule, for any building or premises existing at the time of the adoption of this chapter, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this chapter.

**Commented [MEK106]:** Position eliminated, replaced with Department, so not a single office or position would be identified in the standard but the entirety of the Department.

350-67.A. Town boards, or town zoning/planning committees as established by town boards, shall be notified in writing at least 10 days prior to a public hearing on a conditional use or zoning amendment change in that town by the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department or Land Use Planning and Zoning Committee.

**Commented [MEK107]:** Position eliminated, replaced with Department, so not a single office or position would be identified in the standard but the entirety of the Department.

350-67.E. A copy of the conditional use permit or rezoning change, if approved by the County Land Use Planning and Zoning Committee, shall be forwarded by the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department to the board chairman of the affected town.

**Commented [MEK108]:** Position eliminated, replaced with Department, so not a single office or position would be identified in the standard but the entirety of the Department.



Article XI. Amendments

350-74. Fee. A fee shall be paid by the person filing the amendment to the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department to defray the cost of administration, investigation, advertising and processing of the amendment application. Refer to Article XII, Fee Schedule.

**Commented [MEK109]:** Position eliminated, replaced with Department, so not a single office or position would be identified in the standard but the entirety of the Department.

Article XIII. Word Usage and Definitions

350-77

All definitions stay the same except the changes below...

ANIMAL UNIT

A unit of measure used to determine the total number of single animal types or combination of animal types, ~~as specified in Appendix A, or as hereinafter amended~~, which are fed, confined, maintained or stabled in an animal feeding operation.

**Commented [MEK110]:** Appendix A would be omitted through this amendment, so no need to refer to an omitted appendix.

ANIMAL UNITS COMBINED

Any combination of animal types calculated by adding the number of single animal types as multiplied by the equivalency factors, ~~as identified in Appendix A~~ of this chapter.

**Commented [MEK111]:** Appendix A would be omitted through this amendment, so no need to refer to an omitted appendix.

NONCONFORMING LOT OR PARCEL

A lot ~~or parcel~~, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of an ordinance but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the ordinance.

**Commented [MEK112]:** "Or Parcel" added to definition as a parcel can be nonconforming and thus should have the same status.

**Commented [MEK113]:** same

SPLIT-ZONED LOT OR PARCEL

A lot or parcel whereby the lot or parcel consists of more than one zoning district.

**Commented [MEK114]:** Committee added definition to help aid Department in identifying and resolving these parcels.

Attachments:

~~Appendix A – Zoning Matrix~~

**Commented [MEK115]:** Committee omitted Appendix A as they felt that it added "loop-holes" to allow uses zoning districts that were not intended for those uses. Especially problematic when it came to the uses allowed in A-1, Farmland Preservation. DATCP would not have certified with present Appendix A.

# Chapter 350

## Zoning

**[HISTORY: Adopted by the Board of Supervisors of Green Lake County 6-15-1976 by Ord. No. 146-76, as amended through Ord. No. 790-03. Subsequent amendments noted where applicable.]**

### GENERAL REFERENCES

Adult-oriented establishments — See Ch. 93.

Comprehensive Plan — See Ch. 280.

Farmland preservation — See Ch. 295.

Floodplain zoning — See Ch. 300.

Land division and subdivision — See Ch. 315.

Shoreland Zoning — See Ch. 338.

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### Article I

#### Introduction

#### § 350-1 Authority.

This chapter is adopted under the authority granted by §§ 59.69 and 59.694, Wis. Stats., and amendments thereto.

#### § 350-2 Title.

This chapter shall be known as, referred to, and cited as the "Zoning Ordinance, Green Lake County, Wisconsin" and hereinafter referred to as "this chapter."

#### § 350-3 Purpose.

The purpose of this chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of Green Lake County.

#### § 350-4 Intent.

A. It is the general intent of this chapter to:

- (1) Regulate the use of structures, lands and waters of Green Lake County;
- (2) Regulate lot coverage, population density and distribution, and the location and size of structures of Green Lake County;
- (3) Secure safety from fire, flooding, panic and other dangers;
- (4) Provide adequate light, air, sanitation, and drainage;
- (5) Further the appropriate use of land and conservation of natural resources;
- (6) Obtain the wise use, conservation, development, and protection of the County's water, soil, wetland, woodland, and wildlife resources and attain a balance between land uses and the ability of the natural resources base to support and sustain such uses;
- (7) Prevent overcrowding and avoid undue population concentration and urban sprawl;

- (8) Prevent noise pollution;
- (9) Stabilize and protect the natural beauty and property values of the County;
- (10) Lessen congestion in and promote the safety and efficiency of the streets and highways;
- (11) Facilitate the adequate provision of public facilities and utilities;
- (12) Preserve natural growth and cover and promote the natural beauty of the County; and
- (13) Implement those municipal, County, watershed, or regional comprehensive plans or their components adopted by the County.

B. Additionally, it is intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

**§ 350-5 Abrogation and greater restrictions.**

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

**§ 350-6 Interpretation.**

In their interpretation and application, the provisions of this chapter shall be liberally construed in favor of the County and shall not be construed to be a limitation or repeal of any other power granted by the Wisconsin Statutes.

**§ 350-7 Severability.**

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

**§ 350-8 Conflicting ordinances.**

Except as provided in § 350-9, all prior County ordinances, or parts of ordinances, and amendments thereto conflicting with this chapter are hereby repealed and superseded by this chapter.

**§ 350-9 When effective.**

This chapter (as amending Ordinance No. 146-76) shall be effective after a public hearing, recommendation by the County Land Use Planning and Zoning Committee, adoption by the County Board of Supervisors, and publication or posting as provided by law. Zoning Ordinance No. 146-76 for Green Lake County, Wisconsin, as amended, shall remain in effect in each individual town as approved by the town board of supervisors.

Article II  
(Reserved)

§ 350-10 (Reserved)

Article III  
General Provisions

§ 350-11 **Findings; abatement of nuisances.**

The proper regulation of the use of certain structures, lands and waters only through the use of the zoning districts contained within this chapter is neither feasible nor adequate. Therefore, the following regulations, which shall be applied in addition to the district regulations, are necessary to accomplish the intent of this chapter. No provision of this chapter shall be construed to bar an action to enjoin or abate the use or occupancy of any land, buildings or other structures as a nuisance under the appropriate laws of the State of Wisconsin.

§ 350-12 **Jurisdiction.**

The provisions of this chapter shall apply to all structures, land, water and air within the unincorporated areas of Green Lake County, Wisconsin.

§ 350-13 **Compliance required; number of buildings per lot; existing construction.**

- A. The use of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located.
- B. Every residential building hereafter erected, converted, enlarged or structurally altered shall be located on a lot, and in no case shall there be more than one main residential building on one lot.
- C. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof, the construction of which shall have been started before the effective date of this chapter.

§ 350-14 **Nonconforming uses, structures and lots or parcels.**

- A. Nonconforming uses.
  - (1) The existing lawful use of a structure or premises upon the effective date of this chapter or any amendment thereto may be continued although such does not conform to the provisions of this chapter for the district in which it is located, but such nonconforming use shall not be extended. The construction of a private residential accessory structure shall not be considered as the extension of a nonconforming use.
  - (2) If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of the same or a more restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.
  - (3) If a nonconforming use of a structure or premises is discontinued for a period of 12 consecutive months, any future use of the structure or premises shall conform to the regulations for the district in which it is located.
  - (4) If a premises contains an existing nonconforming use, a conforming use shall not be permitted on that premises until such time as the nonconforming use is discontinued or brought into compliance with the provisions of this chapter.

- (6) Passage of this chapter in no way legalizes any illegal uses existing at the time of its adoption.
- B. Nonconforming structures. Structures that were lawfully constructed prior to the effective date of this chapter that are conforming to this chapter as to use but do not conform as to dimensional rules (setbacks, height, separations, etc.) and which are proposed to be altered are subject to the following requirements:
- (1) Repairs and improvements of a maintenance nature are allowed.
  - (2) Alterations, additions and expansions that change the exterior dimension of the structure and that conform to the dimensional rules of this chapter are allowed.
  - (3) Alterations, additions and expansions that change the exterior dimensions of the structure and that do not conform to this chapter, but which do not increase the dimensional nonconformity beyond that which existed prior to the effective date of this chapter, are allowed provided that they do not exceed 50% of the current total assessed value of the structure for the lifetime of the structure. Also see Section 350-51 relating to existing nonconforming buildings, signs, structures, or parts thereof located in highway setbacks.
  - (4) No alterations, additions or expansions may occur that will increase the dimensional nonconformity.
- C. Nonconforming lots or parcels. Any lot or parcel created prior to the effective date of this chapter, or revisions and/or amendments thereto, which does not meet the current minimum lot or parcel size standards of this chapter shall not be reduced in size unless the reduction results in compliance with the minimum lot or parcel size standard of the zoning district in which it is located.
- D. No building shall be erected, structurally altered or relocated and no lumber, materials, furniture or other equipment shall be stocked, piled or stored in a manner that shall be of such character as to adversely affect the property values and general desirability of the neighborhood.
- E. Split-zoned lots or parcels: In no case shall a land use permit be issued to a property owner or property owner's agent for a lot or parcel that is split-zoned. In these cases, the property owner shall consult the Land Use Planning & Zoning Department to obtain a resolution strategy to remedy the split-zoning condition. The resolution strategy could include a comprehensive plan amendment, rezone, and a certified survey map. Once the split-zoning condition has been eliminated, a land use permit may be issued subject to the provisions of this chapter.

§ 350-15 Accessory building structures.

[Amended 2-15-2011 by Ord. No. 989-2011]

Unless otherwise stated in this chapter, accessory uses and structures are permitted in any district, but not until their principal structure/use is present or under construction.

§ 350-16 (Reserved)

§ 350-17 Dwelling design and construction.

- A. All dwellings and buildings as defined and permitted by this chapter shall conform to the following. They shall:
- (1) Be attached to a permanent foundation meeting the requirements of the State of Wisconsin Uniform Dwelling Code provisions in such a manner as to comply with standards for vertical loading, uplift and lateral forces and so designed and constructed that the floor elevation is reasonably compatible with other dwellings in the area.

- (2) Have a first-story minimum area of 800 square feet and be not less than 20 feet in their smallest horizontal dimension, exclusive of attached garage, carport or open deck.
  - (3) Have any wheels, axles, hitches, tow bars and other equipment necessary for transporting on streets or highways removed when the structure is placed on the foundation.
- B. The requirements as set forth in Subsection A(2) above do not apply to dwellings located in an R-2 District. Further, a person may apply to the Land Use Planning and Zoning Committee to obtain a conditional use permit to deviate and vary from the provisions set forth in Subsection A(2) of this section. The Land Use Planning and Zoning Committee may grant a conditional use permit to deviate from any of the provisions of Subsection A(2) if the applicant can show that the dwelling will not adversely affect the aesthetics of the neighborhood or reduce the value of surrounding properties.

**§ 350-18 Area regulations.**

- A. Except as otherwise provided in this chapter, every building/structure hereafter erected, moved or structurally altered shall be located on a lot at least 100 feet in average width and 20,000 square feet in area, regardless of the district in which such building is, or is to be, located, provided that when the regulations of DSPS 383, require a larger area, then such state regulations shall prevail.
- B. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.
- C. Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this chapter, such lot may be occupied by one family.

**§ 350-19 Height regulations.**

- A. Except as otherwise provided in this chapter, the maximum height of any building hereafter erected, moved or structurally altered shall be 35 feet (see definition “structure height”), not to exceed 2 ½ stories, regardless of the district in which such building is, or is to be, located.
- B. Churches, schools, hospitals, sanatoriums and other public/quasi-public buildings may be erected to a height not exceeding 60 feet nor five stories, provided that the front, side and rear yards required in the district in which such building is to be located are each increased at least one foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- C. Height exceptions. Farm buildings not for human habitation; chimneys; cooling towers; elevator bulkheads; fire towers; monuments; penthouses; stacks; scenery lofts; tanks; water towers; ornamental towers; spires; wireless, television or broadcasting towers; masts or aerials; telephone, telegraph and power transmission poles and lines; and microwave radio relay structures and necessary mechanical appurtenances are hereby excepted from the height regulations of this chapter and may be erected in accordance with other regulations or ordinances of Green Lake County.

**§ 350-20 Front, side and rear yard regulations.**

- A. There shall be a side yard on each side of a building hereafter erected, moved or structurally altered.
- B. Except as otherwise provided in this Section, every structure hereafter erected, moved or structurally altered shall provide the minimum side and rear yards as required by the following table for the district in which such structure is, or is to be, located:

<b>District</b>	<b>Each Side Yard (feet)</b>	<b>Rear Yard (feet)</b>
Residential	12	25
Recreational	12	25
Agricultural	12	25
Conservancy	20	25
*Commercial	12	25
*Industrial	20	25

\*Commercial and Industrial buildings are required to provide a minimum setback 1.1 times their overall height.

- C. Except as otherwise provided in this Section, every building hereafter erected, moved or structurally altered, shall be set back from the adjoining highway or highways as required by Article VI, Highway Setback Lines.
- E. Except as otherwise provided in this ordinance, no structure shall be erected or extended into a required yard, except the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than 12 inches.
- F. Reserved.

**§ 350-21 Motor vehicles and parking.**

- A. No commercial motor vehicle exceeding three tons' capacity shall be stored in any private garage or in a residential district.
- B. In any commercial or industrial district, wherever a lot abuts upon a public or private alley, sufficient space for the loading or unloading of vehicles shall be provided on the lot in connection with any business or industrial use so that the alley shall at all times be free and unobstructed to the passage of traffic.
- C. Motor vehicles may not be parked in such a manner as to be injurious to the use and enjoyment of other property in the immediate vicinity nor substantially diminish and impair property values within the neighborhood.
- D. A motor vehicle that is abandoned, disassembled, nonoperative, disabled, junked, wrecked, or no longer licensed shall not be stored anywhere on any premises except in an authorized salvage yard or unless it is completely enclosed in a structure.
- E. Off-street parking.

- (1) In all districts there shall be provided, at the time any building or structure is erected, off-

street parking spaces in accordance with the requirements of this section. A site plan, including layout of parking spaces of any area for more than five vehicles, shall be submitted to the **Land Use Planning and Zoning Department** for approval prior to construction. Requests for parking lots shall be accompanied by detailed plans on landscaping, parking layout, drainage provisions and driveway locations.

- (2) Size of stall. Parking stalls shall be at least nine feet in width by not less than 20 feet in depth for sixty-degree parking angles and not less than 27 feet in depth for ninety-degree parking angles, and there shall be at least 16 feet of width between opposite facing parking stalls for ingress and egress.
- (3) Special residential requirements. Those parking areas for five or more vehicles, if adjoining a residential use, shall be screened from such use by a solid wall, fence, evergreen planting or equivalent visual density or other effective means, built and maintained at a minimum height of five feet. Where a solidly constructed decorative fence is provided along the interior lot line, the minimum setback for parking area shall be five feet from said lot line. Said fence shall be located a minimum of one foot from said lot line.
- (4) Number of stalls. The number of parking stalls required is shown in the following table:

<b>Use</b>	<b>Minimum Parking Required</b>
Dwellings, single-family	1 stall per dwelling unit
Dwellings, duplex and multifamily	1.5 stalls for each dwelling unit
Housing for the elderly	0.75 space for each dwelling unit with 1/2 of these spaces to be built before occupancy and the balance of which spaces shall be reserved until such time as the County may order them installed
Hotels and motels	1 stall for each guest room and 1 stall for each 2 employees
Sororities, dormitories and rooming and boarding houses	1 stall for each 2 sleeping rooms plus 1 for each 2 employees
Retirement homes, orphanages, convents and monasteries	1 stall per 2,000 feet of principal floor area
Hospitals, sanitariums, institutions and rest and nursing homes	1 stall for each 3 beds plus 1 stall for each 3 employees
Medical and dental clinics	5 stalls for each doctor or dentist
Theaters, auditoriums, community centers, sport arenas and other places of public assembly	1 stall for each 5 seats or spaces equal to 20% of capacity in persons, whichever is greater
Restaurants	1 stall for each 100 square feet of floor area



Use	Minimum Parking Required
	excluding the kitchen
Bars and places of entertainment	1 stall for each 75 square feet of floor area
Office building and professional offices having less than 6,000 square feet of floor area	1 parking space per 150 square feet of floor area
Office building and professional offices having 6,000 square feet or more of floor area, banks and savings institutions	At least 1 parking space for each 200 feet of floor area
Drive-in establishments	At least 1 parking space for each 15 square feet of floor area in the building
Manufacturing and processing plants (including meat and food laboratories and warehouses)	1 stall for every 2 employees; number of employees shall be construed to mean the maximum number on the premises at one time
Libraries, museums, art galleries, etc.	1 for each employee, plus 1 for each 4 seats plus 1 for each 500 square feet of floor area not having seats
Washing and cleaning establishments	1 for each 2 employees, plus 1 space for every wash machine or 1 for each 200 square feet of floor area, whichever is greater
Funeral homes, mortuaries and similar type uses	1 for each 50 square feet of floor area in parlors or assembly rooms
Other businesses and commercial uses	1 for each 300 square feet of floor area
Churches and other places of religious assembly	1 for each 5 seats or 1 for 90 linear inches of pew space
Cartage, express and parcel delivery and freight terminals	1 for each 2 employees (on the largest shift for which the building is designed) plus 1 for each motor vehicle maintained on the premises
Elementary and junior high schools	2 for each classroom plus 1 for every 8 seats in auditoriums or assembly halls
High schools, colleges, universities and other institutions of higher learning	1 for every 6 students plus 1 for each teacher, administrator and employee
Business, technical and trade school	1 for each 5 students plus 1 for each 2 employees

<b>Use</b>	<b>Minimum Parking Required</b>
Government offices	1 stall for each 300 square feet of floor area and 1 stall for each 2 employees
Motor vehicle sales (new and used)	1 space for each 500 square feet of floor area used plus one space for each 30 square feet of outdoor display area for each motor vehicle to be displayed (this requirement does not include service garages; see below)
Repair shops and retail and service stores	1 space for each 150 square feet of net floor space
Automobile repair garages and service stations	1 space for each 2 employees plus 2 spaces for each service bay
Bowling alleys	4 spaces for each alley
(5)	Uses not listed. In the case of structures or uses not mentioned, the provision for a use that is similar shall apply. Floor space or area shall mean the gross floor area inside the exterior walls, where the floor space is indicated above as a basis for determining the amount of off-street parking required.
(6)	Combined uses. Combinations of any of the above uses shall provide the total number of stalls required for each individual use. Two or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided that such uses are not operated during the same hours. The following conditions must be met for any joint use: <ul style="list-style-type: none"> <li>(a) The proposed joint parking space is within 500 feet of the use it will serve.</li> <li>(b) The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.</li> <li>(c) A properly drawn legal instrument approved by the Land Use Planning and Zoning Committee, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the County Clerk. Said instrument may be a three-party agreement, including the County and all private parties involved. Such instrument shall first be approved by Corporation Counsel.</li> </ul>
(7)	Handicapped parking requirements. In addition to any other requirements relating to parking spaces contained in this chapter, the provisions contained in §§ 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto, are hereby adopted by reference and made applicable to all parking facilities whenever constructed.
(8)	Changes in building or use. Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of 25% or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of 50% or more in the floor area, said building or

use shall then comply with the parking requirements set forth in the district in which it is located.

- (9) This chapter shall apply to all buildings and structures erected after the effective date of this chapter.

**§ 350-22 Substandard lots.**

- A. Substandard lots served by a public sanitary sewer. A substandard lot served by a public sanitary sewer that is at least 7,500 square feet in area and is 50 feet in width at the building line and 50 feet average width may be used as a building site for a single-family dwelling upon issuance of a land use permit if it meets the following requirements:
- (1) Such use is permitted in the zoning district.
  - (2) The lot is of record in the office of the County Register of Deeds prior to the effective date of this chapter.
  - (3) The lot is in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the terms of this chapter.
  - (4) All dimensional requirements of this chapter are complied with insofar as practical.
- B. Substandard lots not served by a public sewer. The provisions of Subsection A and **DSPS 385**, shall apply, and, in addition, the minimum lot area shall be 7,500 square feet and the minimum lot width 50 feet at the building line and 50 feet average width.
- C. Other substandard lots. A building permit for the improvement of a lot having lesser dimensions than those stated in Subsections A and B of this section shall be issued only after the granting of a variance by the Board of Adjustment.

**§ 350-23 Outdoor lighting.**

Outdoor lighting installations shall be permitted in all yard areas, but no closer than three feet to an abutting property line, and shall be shielded or hooded. **In no case shall outdoor lighting installations be aimed or directed at a neighboring property.**

**Article IV  
Zoning Districts**

**§ 350-24 Districts established.**

**[Amended 6-17-2008 by Ord. No. 935-08; 8-21-2012 by Ord. No. 1033-2012; 10-15-2013 by Ord. No. 1070-2013; 8-19-2014 by Ord. No. 1093-2014]**

**A. The Farmland Preservation District is regulated by Ch. 91, Wis. Stats and certified by the Department of Agriculture, Trade and Consumer Protection. All permitted and conditional uses provided to this district are listed in Section 350-27.**

**B. The permitted and conditional uses listed under all other zoning districts represent uses that are consistent with the purpose and intent of each zoning district. In cases where an unlisted use is proposed the Land Use Planning and Zoning Department shall determine its consistency with a zoning district. A conditional use permit shall be required for any proposed use which the Land Use Planning and Zoning Department determines consistent with a zoning district, but also determines that the effect of the proposed use on the character of the neighborhood and the location's suitability for development warrants additional review.**

**C.** For the purposes of this chapter, Green Lake County, Wisconsin, is hereby divided into 14 zoning districts, as follows:

A-1	(Farmland Preservation District)
A-2	General Agriculture District
NRC	Natural Resource Conservancy District
C-1	General Commercial District
C-2	Extensive Commercial District
I	Industrial District
M-1	Mineral Extraction District
M-2	Sanitary Landfill District
RC	Recreation District
R-1	Single-Family Residence District
R-2	Single-Family Mobile Home Residence District
R-3	Multiple-Family Residence District
R-4	Rural Residential District
AO	Adult-Oriented Establishment District

§ 350-25 **District boundaries.**

**[Amended 8-19-2014 by Ord. No. 1093-2014]**

The boundaries of the aforesaid districts are hereby established as shown on the map titled "Zoning District Map, Green Lake County," which map accompanies and is made a part of this chapter. All notations and references shown on the district map are as much a part of this chapter as though specifically described herein.

- A. Unless otherwise indicated, the district boundaries are street or highway center lines or railroad right-of-way lines or such lines extended, lines parallel or perpendicular to such street, highway or railroad lines, the shoreline of lakes or streams, the lines bounding a section or fraction thereof, or lot or alley lines, and where the designation on the district map indicates that the various districts are approximately bounded by any of the above lines, such lines shall be construed to be the district boundaries.
- B. Where a dimension appears adjacent to a district boundary line, such dimension shall be construed to be the length in feet of such district boundary line, measured to the street or highway center line or railroad right-of-way line, when such district boundary line intersects a street, highway or railroad.

- C. Where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the designations of the district map are approximately bounded by lot lines, said lot lines shall be construed to be the boundaries of the district.
- D. Where the above rules do not apply, the district boundary lines shown on the district map shall be determined by use of the scale shown on such map.

§ 350-26 **Official map.**

**[Amended 8-19-2014 by Ord. No. 1093-2014]**

There shall be an official Zoning District Map, Green Lake County, which shall be available to the public through the County **Land Use Planning and Zoning Department**. The Zoning District Map shall be a digital electronic data map layer of the County's Geographic Information System (GIS). The **Land Use Planning and Zoning Department** shall from time to time update the Zoning District Map as necessary to reflect changes in zoning district boundaries enacted by the County Board as amendments under this chapter.

§ 350-27 **A-1 Farmland Preservation District**

**A. Purpose**

The purpose of this district is to promote areas for uses of a generally exclusive agricultural nature in order to protect farmland and to allow participation in the state's farmland preservation program. Land zoned under this district must comply with the following:

**(1) Permitted Uses**

- (a) Agricultural uses. See Section D for agricultural use definitions.
- (b) Not including the specified accessory uses identified in Subsection (2), other accessory uses including the farm residence. See Section D for accessory use definition.
- (c) Upon prior notification to the county, transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for those uses.
- (d) [Subsection (c) acknowledges that state or federal law may sometimes preempt local authority to restrict the siting of certain facilities. It does not purport to determine which state or federal actions are preemptive. It merely says that IF state or federal action is preemptive, no local permit is required and there is no need to rezone the site out of the farmland preservation district. Uses covered by subsection (c) might include, for example, state and federal highways, federally-mandated pipelines, and energy generation and transmission facilities whose location and design are specifically mandated by the Wisconsin Public Service Commission pursuant to a certificate of convenience and necessity.]
- (e) Undeveloped natural resource and open space areas.
- (f) Non-Farm residences built prior to January 1, 2014.

**(2) Conditional Uses**

- (a) Agriculture-related uses. (See Section D for agricultural related use definition.)

- (b) A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
- i. It is conducted on a farm by an owner or operator of that farm.
  - ii. It requires no buildings, structures, or improvements other than those described in Section 350-27 D.(1)(a) or 350-27 D.(1)(c).
  - iii. The total cumulative hours worked by paid employees, excluding the owner(s), shall not exceed 160 hours per week.
  - iv. It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
- (c) Upon prior notification to the County, transportation, communication, pipeline, electric transmission, utility, or drainage uses, facilities for the generation from sunlight, wind, coal or natural gas, if all the following apply:
- i. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - ii. 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.
  - iii. 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.
  - iv. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - v. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (d) Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:
- i. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - ii. 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.
  - iii. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
  - iv. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - v. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

(e) Nonmetallic mineral extraction, if all of the following apply:

- i. The operation complies with Subchapter I of Chapter 295, Wisconsin Statutes, and rules promulgated under that subchapter, with applicable provisions of local ordinances under Ch. §295.14, Wis. Stats. (including all applicable provisions of this ordinance), and with any applicable requirements of the Wisconsin Department of Natural Resources concerning the restoration of nonmetallic mining sites.
- ii. The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
- iii. The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.
- iv. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
- v. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- vi. The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.
- vii. Compliance with Chapter 213 (Nonmetallic Mining Reclamation).

(f) Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Chapter 295, Wisconsin Statutes.

(g) Private airport or air strip qualifying as an accessory use under Ch. 91.01(1), Wis. Stats.

(h) Dog kennels qualifying as an accessory use under Ch. 91.01(1), Wis. Stats.

(i) Game farms/shooting preserves qualifying as an accessory use under Ch. 91.01(1) (b), Wis. Stats. To meet the definition of agricultural use, the game birds or cervids must be raised on the farm for release for hunting.

(j) Shooting Ranges meeting the requirements in Ch. 91.01(1)(d), Wis. Stats.

(k) Manure storage systems. (Please note that permits for manure storage systems are subject to Ch. ATCP 50.56 and Ch. ATCP 51, Wis. Adm. Code.

(l) Slaughtering of livestock from the A-1 District.

(m) Processing agricultural by-products or wastes received directly from farms, including farms in the A-1 District.

Note: The County may issue a conditional use permit for a proposed land use not identified in this section if the proposed land use meets applicable conditions under this section. Before issuing a conditional use permit, the County shall determine in writing, that the proposed use meets applicable conditions under this section. The County may issue the permit subject to conditions designed to carry out the purposes of this ordinance.

**(3) Area, Height and Setback Requirements**

- (a) A lot or parcel shall have no less than 15 acres of contiguous land area.
- (b) All principal structures shall be on a lot consistent with the principal use permitted on such lot by the regulation of the zoning district in which it is located.

Note: The area within the road right(s)-of-way shall not be included for the standards of this subsection. Design standards pursuant to Chapter 315, Code of Green Lake County, Land Division and Subdivision, shall apply to a newly created lot or parcel for this subsection.

**(c) Principal structure setback and height standards.**

**i. Street yard setback:**

1. State trunk road rights-of-way: 67 feet minimum.

2. All other public road rights-of-way: 40 feet minimum.

**ii. Rear yard setback: 25 feet minimum.**

**iii. Side yard setback: 12 feet minimum.**

**iv. Structure height, dwelling structure: 35 feet.**

**(d) Accessory building structure standards. An accessory building structure shall satisfy all of the following standards:**

**i. Setbacks: same as principal structure.**

**ii. Height: none**

**iii. Structure footprint area: none.**

**iv. Volume: none.**

**v. Human habitation of a detached accessory building structure may be allowed; however, it shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.**

**B. Rezoning Land out of the A-1 Farmland Preservation Zoning District**

Land may be rezoned out of the A-1 Farmland Preservation Zoning District if the County, through their review and recommendation, and after a public hearing, finds that all of the following apply:

(1) The land is better suited for a use not allowed in the A-1 Farmland Preservation Zoning District.

(2) The rezoning is consistent with the Green Lake County Comprehensive Plan.

(3) The rezoning is substantially consistent with the Green Lake County Farmland Preservation Plan, certified under Ch. 91, Wis. Stats., which is in effect at the time of zoning.



(4) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(5) Note: The above Section B (1-4) does not apply to any of the following situations:

(a) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Ch. 91, Wis. Stats.

(b) A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Green Lake County farmland preservation plan map, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.

### **C. Certification of Ordinance and Amendments by DATCP**

(1) This Zoning Ordinance must be certified by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) in order for owners of land that is zoned A-1 Farmland Preservation in the Green Lake County to be eligible to claim tax credits under the State of Wisconsin's Farmland Preservation Program.

(2) Green Lake County shall notify DATCP of any amendments as required by Ch. 91.36(8), Wis. Stats.

(3) Green Lake County shall notify DATCP by March 1 annually, of any acres rezoned out of a farmland preservation zoning district during the previous year and a map that clearly shows the location of those acres as required by Ch. 91.48(2) and 91.48(3), Wis. Stats.

### **D. Farmland Preservation Definitions**

For the purposes of Section 350-27 of this Ordinance, the following definitions shall be used. Please see Section 350-77 for conventional zoning district definitions.

(1) Accessory Use: Within the A-1 Zoning District means any of the following land uses on a farm:

(a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:

i. A facility used to store or process raw agricultural commodities, all of which are produced on the farm.

ii. A facility used to keep livestock on the farm.

iii. A facility used to store or process inputs primarily for agricultural uses on the farm.

iv. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.

v. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.

vi. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.

vii. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.

(b) An activity or business operation that is an integral part of or incidental to, an agricultural use.

(c) A farm residence, including normal residential appurtenances.

(d) Any other use that DATCP, by rule, identifies as an accessory use.

(2) Agricultural Use: 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 Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an agricultural use.

(3) Agriculture-related use: An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes. In addition, any use that the Department of Agriculture, Trade and Consumer Protection identifies by rule as an agriculture-related use. An "agriculture related use" must be primary (not just incidentally) related to agriculture, and must have a direct connection to agriculture uses in the A-1 zoning district.

(4) Certified Farmland Preservation Plan: A farmland preservation plan that is certified as determined under Ch. 91.12, Wis. Stats.

(5) Certified Farmland Preservation Zoning Ordinance: A zoning ordinance that is certified as determined under Ch. 91.32, Wis. Stats.

(6) Common Ownership: Ownership by the same person or persons, or by persons that are all wholly owned by the same person or persons. "Common ownership" includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.

Land is deemed to be under "common ownership," for purposes of this ordinance, if it is all owned by the same individual, married couple, joint tenants, and tenants in common, corporation, LLC, partnership, estate or trust. If land parcels are owned by separate legal entities, but those legal entities are all wholly owned by exactly the same person or persons, those land parcels are deemed

to be under "common ownership" for purposes of this ordinance.

- (7) Contiguous: Adjacent to or sharing a common boundary. "Contiguous" land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not "contiguous" if they meet only at a single point.
- (8) Conditional Uses: Uses of a special nature as to make impractical their predetermination as a permitted use in a district. Conditional uses as used in the A-1 Farmland Preservation Zoning District must meet the requirements of Ch. 91.46, Wis. Stats.
- (9) Farm: All land under common ownership that is primarily devoted to agricultural use. For the purpose of this definition, land is deemed to be primarily devoted to agricultural use if the following apply:
- (a) The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use; or,
  - (b) A majority (greater than 50%) of the land is in agricultural use.
- In determining whether land is in agricultural use for purposes of par. (2), a zoning authority may consider how the land is classified for property tax purposes. See Ch. TAX 18, Wis. Adm. Code.]
- (10) Farm Residence: A single-family or two family residence that is the only residential structure on the farm or is occupied by any of the following:
- (a) An owner or operator of the farm.
  - (b) A parent or child of an owner or operator of the farm.
  - (c) An individual who earns more than 50 percent of his or her gross income from the farm.
- To qualify as a "farm residence," a residence must be located on a "farm." If a farm owner deeds off a residential parcel to another person (even if that person is the farm owner's parent, child or employee), the separately-owned parcel is no longer part of the original "farm." A residence built on that parcel does not qualify as a "farm residence" unless the parcel qualifies as a "farm" in its own right.
- (11) Gross Farm Revenues: Means gross receipts from agricultural use of a farm, excluding rent receipts, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. Gross farm revenue includes receipts accruing to a renter, but does not include rent paid to the landowner.
- (12) Livestock: Includes bovine animals, equine animals, goats, poultry, sheep, swine, farm raised deer, farm raised game birds, camelids, ratites and farm raised fish.
- (13) Nonfarm Residence: Any residence other than a farm residence.
- (14) Nonconforming Uses or Structures: Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Ordinance which does not conform to the regulations of this Ordinance. Any such structure conforming in respect to use, but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

(15) Open Space Parcel: A parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

(16) Person: An individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.

(17) Protected Farmland: Land that is any of following:

(a) Land that is located in the A-1 Farmland Preservation Zoning District certified under Ch. 91, Wis. Stats.

(b) Covered by a farmland preservation agreement under Ch. 91, Wis. Stats.

(c) Covered by an agricultural conservation easement under Ch. 93.73, Wis. Stats.

(d) Otherwise legally protected from nonagricultural development

§ 350-28 A-2 **General Agriculture District.**

**[Amended 6-17-2008 by Ord. No. 935-08; 2-15-2011 by Ord. No. 989-2011; 10-15-2013 by Ord. No. 1070-2013]**

**A. Purpose.**

This agricultural district is intended to preserve and enhance land for agricultural uses. This district's uses and standards are designed to implement Comprehensive Plan goals by encouraging agricultural uses of various sizes in areas where soil and other conditions are best suited to these agricultural pursuits, and controlling residential development to avoid conflict with agricultural uses. This district is generally compatible with other agricultural districts where varying levels of agricultural uses and open space uses are permitted and supported by the Comprehensive Plan, such as, but not limited to, A-1 Farmland Preservation and R-4 Rural Residential. The best use of these lands is agricultural.

(1) Permitted uses. Those uses permitted in this district shall be agricultural and those that are consistent with agricultural uses.

(a) Accessory structure/use, agricultural.

(b) Accessory structure/use, residential.

(c) Accessory structure/use, temporary.

(d) Beekeeping.

(e) Crops, cash.

(f) Crops, field.

(g) Dairying.

(h) Dwelling, single-family.

(i) Egg production.

(j) Farm, sod.

- (k) Farm, tree.
- (l) Floriculture.
- (m) Forestry.
- (n) Grazing.
- (o) Greenhouse, accessory to permitted use.
- (p) Home occupation when established in a residential dwelling unit; all of the following shall apply:
  - (i) Shall be located in the place of permanent residency; and
  - (ii) Is incidental to the residential occupancy; and
  - (iii) Is limited to one inside level of the dwelling unit and does not occupy more than 25% of the floor area of that level; and
  - (iv) That no mechanical equipment is used other than such as is permissible for typical residential purposes; and
  - (v) There is no emission of odor, gas, smoke, dust, or noise that will be detrimental to the character of the neighborhood; and
  - (vi) That no person outside the immediate resident family operates such home occupation; and
  - (vii) A sign per § **350-43B(3)** is allowed.
- (q) Horticulture.
- (r) Livestock, raising/keeping.
- (s) Nursery, aquatic.
- (t) Nursery, plant.
- (u) Orchard.
- (v) Paddocks.
- (w) Professional home office when established in a residential dwelling unit; all of the following shall apply:
  - (i) Located in the practitioner's place of permanent residency; and
  - (ii) Is incidental to the residential occupancy, limited to one inside level of the dwelling unit and does not occupy more than 25% of the floor area of that level; and
  - (iii) A sign per § **350-43B(3)** is allowed; and
  - (iv) One person that is not a member of the resident family may be employed on the

premises.

- (x) Riding stable, personal.
- (y) Roadside stand of less than 300 square feet in area as a temporary structure not wholly enclosed for the sale of produce grown on the premises. One stand allowed per premises.
- (z) Signs per § 350-43.
- (aa) Trail, biking.
- (ab) Trail, hiking.
- (ac) Trail, horse.
- (ad) Trail, nature.
- (ae) Trail, recreation.
- (af) Utility, local service lines/structures.
- (ag) Viticulture.
- (ah) All permitted uses described in Section 350-27 Farmland Preservation District

(2) Conditional uses. Conditions and standards for a conditional use permit are set forth in Chapter 350, Article VII, Conditional Use Permits.

- (a) Air landing field, agricultural landowner use.
- (b) Animal clinic.
- (c) Animal hospital.
- (d) Animal kennel.
- (e) Animal shelter.
- (f) Animal veterinary clinic.
- (g) Cemetery.
- (h) Churches and religious structures.
- (i) Dwelling for caretaker/laborer(s), may be multiple units.
- (j) Farm, fish.
- (k) Farm, fur.
- (l) Farm, game.
- (m) Farm implement sales/repair/service.

- (n) Feed lot over 100 animals.
- (o) Fish pond, commercial.
- (p) Greenhouse, commercial retail.
- (q) Livestock auction/sales facility.
- (r) Lumber yard.
- (s) Municipal buildings including administrative offices, meeting hall and any municipal accessory structure.
- (t) Radio or television broadcasting studio.
- (u) Railroad depot/station.
- (v) Riding stable with boarding/stabling, commercial.
- (w) Sawmill.
- (x) Schools.
- (y) Sewage disposal plant.
- (z) Tower and appurtenances, communication or relay.
- (aa) Utility substation/other structure, public.
- (ab) Utility transmission lines, not regulated by the Public Service Commission.
- (ac) RV and boat storage for rental
- (ad) Yard and Landscaping services
- (ae) All conditional uses listed in Section 350-27 Farmland Preservation District

**(3) Area, Height and Setback Requirements**

- (a) A lot or parcel shall have not less than 8 acres of contiguous land area.
- (b) All principal structures shall be on a lot or parcel consistent with the principal use permitted on such lot or parcel by the regulations of the zoning district in which it is located.

Note: The area within the road right(s)-of-way shall not be included for the standards of this subsection. Design standards pursuant to Chapter 315, Code of Green Lake County, Land Division and Subdivision, shall apply to a newly created lot or parcel for this subsection.

- (c) Principal structure setback and height standards.
  - (i) Street yard setback:

1. State trunk road rights-of-way: 67 feet minimum.

2. All other public road rights-of-way: 40 feet minimum.

(ii) Rear yard setback: 25 feet minimum.

(iii) Side yard setback: 12 feet minimum.

(iv) Structure height, dwelling structure: 35 feet.

(d) Accessory building structure standards. An accessory building structure shall satisfy all of the following standards:

(i) Setbacks: same as principal structure.

(ii) Height: none.

(iii) Structure footprint area: none.

(iv) Volume: none.

(v) Human habitation of a detached accessory building structure may be allowed; however, it shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.

§ 350-29 (Reserved)

§ 350-30 (Reserved)

§ 350-31 NRC Natural Resource Conservancy District.

A. Purpose.

- (1) This district shall be used to preserve, protect and enhance the lakes, streams and wetland areas. If these areas are properly regulated, they will serve to maintain and improve water quality, improve and protect wildlife habitat, prevent flood damage, prohibit structures on soils that are not suitable for such use, and prevent septic tanks from being located in soils that may pollute water supplies and prevent proper functioning due to high groundwater.
- (2) This district shall be used to preserve, protect, enhance and restore all significant woodlands, scenic areas, submarginal farmlands, mineral extraction lands, archaeological sites, historical sites, natural watersheds, significant topography, wildlife habitat, potential recreation sites, and other natural resources that contribute to environmental quality.
- (3) The maps designated below are hereby adopted and made a part of the Natural Resources Conservancy District outside of the shoreland area. They are on file in the Land Use Planning and Zoning Department of Green Lake County.
  - (a) United States Geological Survey Quadrangle Maps for Green Lake County (revised 1980).
  - (b) Wisconsin Wetland Inventory Maps stamped "Final" on October 29, 1984.
  - (c) Floodplain Zoning Maps identified as the Flood Boundary and Floodway Map dated March 1, 1978.



B. Permitted uses.

- (1) Forestry and the production of forest products.
- (2) Forest preservation.
- (3) Forest and game management.
- (4) Private and public parks.
- (5) Wilderness areas and wildlife preservation refuges.
- (6) Picnic areas.
- (7) Golf courses and similar uses.
- (8) Hunting and fishing, clubs related to the same.
- (9) Swimming beaches.
- (10) Preservation of scenic, historic and scientific areas.
- (11) Hiking, bicycle and natural trails.
- (12) Bridle paths.
- (13) Harvesting of any wild crop, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds.
- (14) Cranberry bogs.
- (15) Grazing of animals.
- (16) Nurseries.
- (17) Sod farms.
- (18) Fur farms.
- (19) Nonresidential buildings used solely in conjunction with the raising of waterfowl, minnows, and other similar lowland animals, fowl or fish.
- (20) Arboreta and botanical gardens.
- (21) Navigation.

C. Conditional uses.

- (1) Fish hatcheries.
- (2) Flood control and drainage dams and structures.
- (3) Dams, power plants, flowages, ponds and impoundments.

- (4) Relocation of watercourse.
- (5) Any activity that would substantially disturb the natural wildlife, water or topography.
  - (a) Filling, dredging or drainage of wetlands.
  - (b) Removal of topsoil or peat.
- (6) Piers, docks, boathouses and landing sites.
- (7) Utilities such as telephone, telegraph, microwave radio and power transmission lines.
- (8) Erection of buildings or structures and signs.
  - (a) Hunting and fishing clubs.
  - (b) Park and recreational areas.
- (9) Stream bank protection.

D. **Area, height and setback regulations:** refer to §§ **350-18, 350-19** and **350-20**.

E. **Highway setbacks:** refer to § **350-50A**.

§ 350-32 **C-1 General Commercial District.**

The C-1 General Commercial District is intended to provide an area for business and commercial needs; it can be especially useful for those conditions where commercial businesses are located in a centrally situated business district.

A. Permitted uses.

- (1) Art shop, antique shop and gift shop.
- (2) Boat livery, service and repair shop.
- (3) Drugstore, ice cream shop, pharmacy and soft drink stand.
- (4) Food and drug establishments (retail), delicatessens, fruit and vegetable store, grocery store, and meat and fish markets.
- (5) Signs pertaining to the conduct of a business on the premises.
- (6) Such accessory uses as are customary in connection with the foregoing uses and are incidental thereto.

B. Conditional uses. An application for a conditional use permit shall not be approved unless, at a minimum, it complies with the conditions and standards set forth in Article **VII**, Conditional Use Permits.

- (1) Hotel or motel.
- (2) One single-family residential use established in the same building with the commercial use.

- (3) Automobile service establishment.
- (4) Restaurant, barbecue stand, cafe, cafeteria, caterer, tavern and package fermented beverage and liquor store.
- (5) Parking lot.
- (6) Public garage.
- (7) Storage building.
- (8) Municipal buildings, including administrative office, meeting hall and attached inside storage of municipal vehicles and equipment, with no outside storage allowed; no municipal accessory structure allowed on a premises until the principal structure is present. **[Added 10-17-2006 by Ord. No. 880-06]**

C. **Area, height and setback regulations:** refer to §§ **350-18, 350-19** and **350-20**.

D. **Highway setbacks:** refer to § **350-50A**.

**§ 350-33 C-2 Extensive Commercial District.**

The C-2 Extensive Commercial District is intended to provide an area for business and commercial needs of a much broader nature than the C-1 General Commercial District. This includes those businesses that may require a fairly large area of land, or for which it is desirable that they be located away from other activities, or that they be located adjacent to a highway or other major thoroughfare.

A. Permitted uses.

- (1) Any use permitted in C-1 General Commercial District.
- (2) Parking lot.
- (3) Bakery, retail or wholesale.
- (4) Barbershop or beauty parlor.
- (5) Book and stationery store or newsstand.
- (6) Business and professional offices.
- (7) Candy store or confectionery store.
- (8) Clinic.
- (9) Clothing store, department store, dress shop, dry goods store, hosiery shop, millinery shop, shoe store or shoe repair shop.
- (10) Florist shop.
- (11) Furniture store, office equipment store, or upholsterer's shop.
- (12) Hardware store, household appliance store, paint store, plumbing, heating and electrical supplies or sporting goods store.

- (13) Jewelry store or watch repair shop.
- (14) Laundry, cleaning and dyeing establishment.
- (15) Music store or radio and television store.
- (16) Optical store or photographer studio and supplies.
- (17) Signs, billboards and other outdoor advertising structures.
- (18) Telephone and telegraph office.
- (19) Undertaking establishment.
- (20) Variety store or notion shop.
- (21) Such accessory uses as are customary in connection with the foregoing uses and are incidental thereto.

B. Conditional uses. An application for a conditional use permit shall not be approved unless, at a minimum, it complies with the conditions and standards set forth in Article **VII**, Conditional Use Permits.

- (1) Single-family residential use established in the same building with the commercial use.
- (2) Drive-in theaters.
- (3) Automobile sales and service establishment.
- (4) Bowling alley or pool and billiard room.
- (5) Theaters and places of amusement.
- (6) Farm implement establishments.
- (7) Sawmills; manufacture, sale or processing of wood or plywood products.
- (8) Public garage.
- (9) Dance hall, gymnasium or skating rink.
- (10) Hotel or motel.
- (11) Radio and television broadcasting studio, towers, masts or aerials and microwave radio relay structures.
- (12) Railroad and bus depot.
- (13) Mini warehousing.
- (14) Parking lot.
- (15) Municipal buildings, including administrative office, meeting hall and attached inside

storage of municipal vehicles and equipment, with no outside storage allowed; no municipal accessory structure allowed on a premises until the principal structure is present. [Added 10-17-2006 by Ord. No. 880-06]

- C. **Area, height, and setbacks regulations:** refer to §§ 350-18, 350-19 and 350-20.
- D. **Highway setbacks:** refer to § 350-50A.

§ 350-34 I **Industrial District.**

This district is intended to provide an area for manufacturing, industrial and commercial activities. It is also intended to provide an area for a variety of uses that require relatively large installations, facilities or land areas or which would create or tend to create conditions of public or private nuisance, hazard, or other undesirable conditions or which may require special safeguards, equipment, processes, barriers, or other forms of protection, including special distance, in order to reduce, eliminate or shield the public from such conditions.

- A. Permitted uses. Any use permitted in the C-2 Extensive Commercial District except residential, educational or institutional uses, with the following provisions:
  - (1) There may be one single-family residential use established in the same building with any commercial use.
  - (2) There may be a dwelling for the owner, watchman or caretaker employed on the premises and members of his family in connection with any wholesale or industrial trade.
- B. Conditional uses. The following are permitted as conditional uses, provided that consideration is given to such matters as the creation of nuisance conditions for the public or the users of nearby areas and the creation of traffic hazards, and that any use is not in conflict with any laws of the State of Wisconsin or any ordinances of Green Lake County governing nuisances. An application for a conditional use permit shall not be approved unless, at minimum, it complies with the conditions and standards set forth in Article VII, Conditional Use Permits.
  - (1) Acid manufacture.
  - (2) Automobile wrecking yard.
  - (3) Junkyard.
  - (4) Bag cleaning
  - (5) Bones, distillation of.
  - (6) Canneries.
  - (7) Cheese factories.
  - (8) Condenseries.
  - (9) Creameries.
  - (10) Cement, lime, gypsum or plaster manufacture.
  - (11) Explosives manufacture or storage.

- (12) Fat rendering.
- (13) Fertilizer manufacturing.
- (14) Glue manufacturing.
- (15) Garbage incineration or the reduction of garbage, rubbish, offal or dead animals.
- (16) Inflammable gases or liquids, storage, refinishing, or manufacture of.
- (17) Leather and hides, manufacture or tanning.
- (18) Meat and fish products, sauerkraut and cabbage by-products, processing, packing or manufacture of.
- (19) Paper, pulp or plastics manufacture.
- (20) Slaughterhouses.
- (21) Smelting.
- (22) Stockyards.
- (23) Asphalt mixing.
- (24) Public garage.
- (25) Storage building.
- (26) Parking lot.

C. **Area, height and setback regulations**: refer to §§ **350-18, 350-19** and **350-20**.

D. **Highway setbacks**: refer to § **350-50A**.

**§ 350-35 M-1 Mineral Extraction District.**

A. Permitted uses. All uses in this district are conditional uses.

B. Conditional uses.

- (1) Aggregate or ready-mix plant.
- (2) Clay, ceramic and refractor minerals mining.
- (3) Crushed and broken stone quarrying.
- (4) Mixing of asphalt.
- (5) Nonmetallic mining services.
- (6) Processing of topsoil.
- (7) Sand and gravel quarrying.

- (8) Washing, refining or processing of rock, slate, gravel, sand or minerals.
  - (9) The extension of any existing uses as listed above.
- C. Yard requirements. All excavations shall be at least 100 feet from the right-of-way of any public or approved private street or property line. All accessories to the mineral extraction use, such as mining buildings, structures, equipment, offices, parking areas and stockpiles, shall be at least 100 feet from any right-of-way or property line.
  - D. The application for the conditional use permit shall include an adequate description of the operation; a list of equipment, machinery and structures to be used; the source, quantity and disposition of water to be used; a topographic map of the site showing existing contours with minimum vertical contour interval of five feet, trees, proposed and existing access roads, and the depth of all existing and proposed excavations; and a restoration plan.
  - E. The restoration plan provided by the applicant shall contain proposed contours after filling; depth of the restored topsoil; type of fill, planting or reforestation; and restoration commencement and completion dates. The applicant shall furnish the necessary fees to provide for the inspection and administrative costs and the necessary sureties that will enable the County to perform the planned restoration of the site in event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by the engineer, and the form and type of such sureties shall be approved by the County's legal counsel.
  - F. Existing quarrying operation.
    - (1) Within six months after the effective date of this chapter, the owners of all existing quarrying operations shall submit to the Land Use Planning and Zoning Committee the names of the quarry owners and operators and information regarding its operation.
    - (2) Within one year after adoption of this chapter, the owners shall submit to the Land Use Planning and Zoning Department a plan for restoration of the quarrying site. The restoration plan shall not impose requirements that are economically or engineeringly unreasonable with respect to conditions resulting from operation prior to enactment of this chapter.
  - G. Area and height regulations: refer to §§ 350-18 and 350-19.

§ 350-36 M-2 Sanitary Landfill District.

- A. Permitted uses. All uses in this district are conditional uses.
- B. Conditional uses.
  - (1) Sanitary landfill operations.
  - (2) Incinerators.
- C. Complete compliance with Ch. NR 500, Wis. Adm. Code, is required before application to the Land Use Planning and Zoning Committee.
- D. Area, height and setback regulations: refer to §§ 350-18, 350-19 and 350-20.
- E. Highway setbacks: refer to § 350-50A.

§ 350-37 RC Recreation District.

- A. Purpose: The primary purpose of this district is to permit commercial and noncommercial recreation development projects, including recreation-related residential land uses.
- B. Permitted uses. Recreational activities, such as:
- (1) Skiing and tobogganing.
  - (2) Snowmobile trails.
  - (3) Swimming beaches.
  - (4) Baseball, football, volleyball and related activities.
- C. Conditional uses.
- (1) Campgrounds.
  - (2) Mobile home and trailer parks.
  - (3) Cabin camps.
  - (4) Organized camps for recreational, educational and charitable purposes.
  - (5) Amusement parks.
  - (6) Drive-in movie theaters.
  - (7) Dude ranches.
  - (8) Fairgrounds.
  - (9) Go-cart tracks.
  - (10) Race tracks.
  - (11) Package fermented beverage and liquor stores.
  - (12) Riding stables.
  - (13) Recreational activities.
    - (a) Roller skating rinks.
    - (b) Skeet, trap and rifle ranges.
  - (14) Residential use, provided that it is a single-, duplex or multiple-family unit attached to a recreational resort.
  - (15) Aircraft landing and takeoff fields.
  - (16) Resort complex establishments, including public services of recreation, health, retail and personal services offered within the same complex.



~~(17) Refer to § 350-54A.~~

- (18) Boat rentals; conditions that shall be required for boat rentals shall include and are not limited to waste containment, sanitary facility, noise limits, screening, parking, parking controls, time requirements, lighting and identification of sites, fish cleaning, gasoline and oil handling, and disposition of all waste materials. Any conditional use permit shall include approval as per **Green Lake County Chapter 338 – Shoreland Zoning Ordinance**, Ch. 30, Wis. Stats., and Ch. NR 326, Wis. Adm. Code.
- (19) Access site/lot, provided that:
- (a) The access site/lot and related back lot development, including (but not limited to) all structures, piers and parking lots thereon, shall comply with all applicable state and federal laws and regulations and all applicable provisions of this chapter (including but not limited to Article VII, Conditional Use Permits); and
  - (b) The related back lot development shall be contiguous to the access site/lot, and all lands within the back lot development shall be contiguous to each other. As used in this subsection, the term "contiguous" shall mean in actual contact with or touching; a sharing of a common boundary. For example, but not in limitation of the foregoing, a back lot development that is separated from an access site/lot by a road (whether public or private) is not contiguous to the access site/lot and would not satisfy the requirements of this subsection.
- (20) Hotels, motels and resorts.
- (21) Restaurants, taverns and bars.
- (22) Private and public parks.
- (23) Golf courses and related facilities.

D. **Area, height and setback regulations**: refer to §§ 350-18, 350-19 and 350-20.

E. **Highway setbacks**: refer to § 350-50A.

§ 350-38 R-1 Single-Family Residence District.

A. Permitted uses.

- (1) Single-family dwellings, provided that the Board of Adjustment may permit the conversion of any single-family dwelling existing on the effective date of this chapter to house not more than two families. Trailers and mobile homes may not be used for dwellings except as specifically permitted by this chapter.
- (2) Churches; public schools; parochial schools; municipal buildings, except sewage disposal plants; garbage incinerators; public warehouses; public garages; public shops; storage yards; and public recreational and community center buildings and grounds.
- (3) Private clubs and lodges, except those whose chief activity is a service customarily carried on as a business.
- (4) Branch telephone exchange, provided that there is no service garage or storage yard; transformers; unit substations for the neighborhood distribution of electric power; telephone, telegraph and power distribution poles and lines; and underground public utility

lines and structures. This regulation shall not be construed to permit microwave radio relay structures, over ground transmission lines, electric power substations other than the unit or neighborhood size, or other major public utility structures except as provided in Article VII.

- (5) Home occupations, provided that no article is sold or offered for sale on the premises except such as is produced by such occupation, that no stock-in-trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes, and that no person other than a member of the immediate family living on the premises is employed.
- (6) Professional home offices: When established in a residential district, a professional home office shall be incidental to the residential occupation; not more than 25% of the floor area of only one story of a dwelling unit shall be occupied by such office, and not more than one person not a member of the resident family shall be employed on the premises. **[Amended 12-21-2004 by Ord. No. 822-04]**
- (7) Unoccupied outside storage of camping trailer, motor home, boats, fishing shanty or other similar recreational vehicles or devices as an accessory use. There shall be a combined limit of two items per family dwelling unit.

B. Conditional uses: refer to § **350-54A**.

- (1) Subdivision-specific model home/sales office. **[Added 11-12-2008 by Ord. No. 940-08]**

C. **Area regulations**: refer to § **350-18**.

D. Principal structure setback and height standards. **[Amended 8-19-2014 by Ord. No. 1092-2014]**

- (1) Street yard setback:
  - (a) State trunk road rights-of-way: 67 feet minimum.
  - (b) All other public road rights-of-way: 40 feet minimum.
  - (c) All riparian lots or parcels that front on a public Town road right-of-way: 25 feet minimum.
- (2) Rear yard setback: 25 feet minimum.
- (3) Side yard setback: 12 feet minimum, except lots 85 feet or less in width shall have a side yard setback of 10 feet.
- (4) Structure height; dwelling structure: 35 feet overall maximum.

E. Accessory building structures. The total combined footprint area allowed for attached and detached accessory building structures shall not exceed 10% of the land area, excluding any road right-of-way. Each accessory building structure shall satisfy all of the following standards: **[Added 2-15-2011 by Ord. No. 989-2011]**

- (1) Setbacks: same as principal structure.
- (2) Height: 25 feet maximum; ground floor surface to peak. There shall be no sidewalls above the ground floor ceiling joist, unless attached to the dwelling unit. Ground floor sidewalls

shall not exceed 15 feet in height.

- (3) Area: 1,500 square foot maximum footprint (ground floor).
- (4) Volume: 25,000 cubic feet maximum volume.
- (5) Human habitation of a detached accessory building structure may be allowed, however shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.

**§ 350-39 R-2 Single-Family Mobile Home Residence District.**

- A. In the Class Two Residential District, all uses and structures shall be permitted that are permitted in the regular (Class One) Residential District, and, in addition thereto, mobile homes occupied by a single family shall be permitted.
- B. Such homes shall be permanently mounted on a stone, concrete or masonry foundation and skirted and shall be adequately served by sanitary facilities installed in compliance with all local ordinances and state laws and regulations. The Land Use Planning and Zoning Committee shall determine the length of time to comply fully with this order. Mobile homes located in the Class Two Residential District shall be deemed to be a part of the real estate and assessable as such and not as mobile homes.
- C. Class Two Residential Districts shall be permitted only when approved by the County Board and when the following procedures are followed prior to such approval:
  - (1) A petition requesting an amendment of this chapter and zoning maps describing the area to be rezoned (together with a sketch map of the same) to Class Two Residential District must be filed with the **Land Use Planning and Zoning Department** bearing the signatures of 80% of the property owners in the area to be so rezoned. Upon receipt of such petition, the **Land Use Planning and Zoning Department** shall verify the number of signatures before filing the same with the Land Use Planning and Zoning Committee of the County Board for further action in accordance with the following provisions.
  - (2) Upon receipt of the petition described above from the **Land Use Planning and Zoning Department**, the Land Use Planning and Zoning Committee shall set the same for hearing after publishing notice of hearing as a Class 2 notice. At the hearing, the Land Use Planning and Zoning Committee shall determine if the area requested to be rezoned is feasible for Class Two residential purposes and whether or not objection has been made by 20% or more of all property owners living within the proposed district or within a radius of 1.5 miles from the boundaries of the proposed district. Objection must be made in writing and may be filed with the **Land Use Planning and Zoning Department** prior to the date set for said hearing or may be made orally and filed in writing at the hearing itself. If the Land Use Planning and Zoning Committee finds that such objection has been made, it shall certify the same and order a referendum of all the property owners of the town in which the proposed district lies (and additionally a referendum of all the property owners of all adjacent towns that lie within a distance of 1.5 miles from the boundaries of the proposed district) and shall set the date therefor, not later than 90 days from the date of order, and shall notify the clerk of the town(s) affected, who shall cause notice of the referendum to be published as a Class 2 notice and who shall further mail notice of the referendum to all property owners of his/her town, whether present within the County or absent therefrom. Absentee ballots will be accepted in said referendum and shall be handled and regulated by the provisions of §§ 6.85 through 6.89 (as applicable), Wis. Stats. Said town clerk(s) shall further cause all other preparations to be made for the conduct of said referendum and together with the Land Use Planning and Zoning Committee shall make an estimate of the

total cost of said referendum, which shall be borne by the initial petitioners, who shall pay to the clerk of the town(s) involved a deposit of the estimated cost of the referendum, all unused portions of which shall be returned to them after the completion of said referendum. Failure to pay such deposit within 10 days from the date of receiving notice of the estimated cost shall cause automatic dismissal of the petition. All town clerks involved in said referendum shall withhold mailing of notice or publication of notice of such referendum until all costs have been paid as herein required. The question to be stated in such referendum shall be substantially as follows: "Shall a portion of the Town of \_\_\_\_\_ located in Section \_\_\_\_\_, containing about \_\_\_\_\_ acres, be rezoned to Class Two Residential District permitting mobile homes to be parked therein as permanently located single-family dwellings? (YES or NO)."

- (3) If the answer to the above referendum is in the affirmative, the Land Use Planning and Zoning Committee shall report the same to the County Board at its next regular meeting together with the Committee's own recommendation for adoption or nonadoption of the petition in a form suitable for action by the County Board. If no referendum was necessary in that less than 20% of the eligible property owners filed objection to the petition, the Committee shall report the same to the County Board at its next regular meeting together with the Committee's own recommendation for adoption or nonadoption of the petition in a form suitable for action by the County Board. The Board shall thereupon either accept or reject such petition, by an amendatory ordinance if it accepts and by resolution or motion if it rejects the same. The Board may make any modification it sees fit in either accepting or rejecting said petition.
- (4) Class Two Residential Districts may come into existence only upon the passage of a suitable amending ordinance after applicable procedures set forth herein have been complied with. A petition that fails to be adopted may not be reintroduced for a period of one year from its initial filing date.

D. **Area and height regulations: refer to §§ 350-18 and 350-19.**

E. Principal structure setback and height standards. **[Added 8-19-2014 by Ord. No. 1092-2014]**

- (1) Street yard setback:
  - (a) State trunk road rights-of-way: 67 feet minimum.
  - (b) All other public road rights-of-way: 40 feet minimum.
  - (c) All riparian lots or parcels that front on a public Town road right-of-way: 25 feet minimum.
- (2) Rear yard setback: 25 feet minimum.
- (3) Side yard setback: 12 feet minimum, **except lots 85 feet or less in width shall have a side yard setback of 10 feet.**
- (4) Structure height; dwelling structure: 35 feet overall maximum.

**F.** Accessory building structures. The total combined footprint area allowed for attached and detached accessory building structures shall not exceed 10% of the land area, excluding any road right-of-way. Each accessory building structure shall satisfy all of the following standards: **[Added 2-15-2011 by Ord. No. 989-2011]**

- (1) Setbacks: same as principal structure.
- (2) Height: 25 feet maximum; ground floor surface to peak. There shall be no sidewalls above the ground floor ceiling joist. Ground floor sidewalls shall not exceed 15 feet in height.
- (3) Area: 1,500 square foot maximum footprint (ground floor).
- (4) Volume: 25,000 cubic feet maximum volume.
- (5) Human habitation of a detached accessory building structure may be allowed, however shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.

**§ 350-40 R-3 Multiple-Family Residence District.**

**[Amended 12-21-2004 by Ord. No. 822-04; 6-20-2006 by Ord. No. 866-06; 11-12-2008 by Ord. No. 940-08; 2-15-2011 by Ord. No. 989-2011; 8-21-2012 by Ord. No. 1032-2012]**

This residential district is intended to provide for a variety of residential uses ranging from low to high density, including those uses that may be compatible with this district. This district's uses and standards are designed to implement Comprehensive Plan goals by encouraging the uses of this district in areas where they are best suited to achieve those goals. These lands are generally compatible with other residential districts where varying levels of density are permitted and supported by the Comprehensive Plan. The best use of lands in this district is residential.

**A. Permitted uses.**

- (1) Accessory structure/use.
- (2) Boardinghouse.
- (3) Bed-and-breakfast establishment.
- (4) Community-based residential facility (CBRF).
- (5) Community living facility eight or fewer residents.
- (6) Day care, eight or fewer children.
- (7) Dwelling, single-family.
- (8) Dwelling, two-family (duplex).
- (9) Dwelling, multiple-family, three to eight units.
- (10) Home occupation:
  - (a) Shall be located in the place of permanent residency;
  - (b) Is incidental to the residential occupancy;
  - (c) Limited to one inside level of the dwelling unit and does not occupy more than 25% of the floor area of that level;
  - (d) That no article is sold or offered for sale on the premises except such as produced

by the home occupation;

- (e) That no stock-in-trade is kept or sold;
  - (f) That no mechanical equipment is used other than such as is permissible for typical residential purposes;
  - (g) There is no emission of odor, gas, smoke, dust, or noise that will be detrimental to the character of the neighborhood; and
  - (h) That no person outside the immediate resident family operates such home occupation.
- (11) Professional home office when established in a residential dwelling unit shall be:
- (a) Located in the practitioner's place of permanent residency;
  - (b) Is incidental to the residential occupancy, limited to one inside level of the dwelling unit and does not occupy more than 25% of the floor area of that level; and
  - (c) Not more than one person not a member of the resident family shall be employed on the premises.
- (12) Signs per § **350-43**.
- (13) Temporary structure/use.
- (14) Tourist rooming house.
- (15) A mobile home shall be allowed as a temporary structure for the shelter of persons and property as a result of disaster-related damages. The mobile home shall be located after obtaining all necessary permits, for no more than one year and shall be located on the premises with the construction of the new permanent structure.
- (16) Private clubs, lodges, fraternities, and others similar thereto, except those with an activity that is a service customarily carried on as a business.
- (17) Unoccupied outside storage of camping trailer, motor home, boats, fishing shanty or other similar recreational vehicles or devices as an accessory use. There shall be a combined limit of two items per family dwelling unit.

B. Conditional uses. Conditions and standards for a conditional use permit are set forth in Chapter **350**, Article **VII**, Conditional Use Permits.

- (1) Assisted living facility.
- (2) Community center.
- (3) Community living facility, nine or more residents.
- (4) Day care, nine or more children.
- (5) Dwelling, multiple-family, nine plus units.

- (6) Fraternal organization with services customarily carried on as a business.
- (7) Health care offices for medical, dental, vision.
- (8) Library or cultural exhibit.
- (9) Municipal buildings for administrative office, meeting hall, attached inside storage only of municipal vehicles and equipment, with no outside storage allowed.
- (10) Nursing home.
- (11) Parking lot.
- (12) Religious assembly/structure.
- (13) Schools.
- (14) Subdivision-specific model home/sales office.
- (15) Utility service use/structure.

C. **Area, Height and Setback Requirements**

- (1) A lot or parcel shall have a one-acre-minimum contiguous land area.

**Note: The area within the road right(s)-of-way shall not be included for the standards of this subsection. Design standards pursuant to Chapter 315, Code of Green Lake County, Land Division and Subdivision Ordinance, shall apply to a newly created lot or parcel for this subsection.**

- (2) Density. Lots and parcels for the purpose of this subsection shall be designed to provide a density (building unit to lot or parcel area) of:
  - (a) One building unit per 15,000 square feet for nonsubdivided land areas.
    - (i) The density may be further reduced to 12,000 square feet for nonsubdivided land areas with public sewer.
  - (b) One building unit per 12,000 square feet for subdivided land areas.
    - (i) The density may be further reduced to 10,000 square feet for subdivided land areas with public sewer.
- (3) Principal structure setback and height standards.
  - (a) Street yard setback:
    - (i) State trunk road rights-of-way: 67 feet minimum.
    - (ii) All other public road rights-of-way: 40 feet minimum.
    - (iii) All riparian lots or parcels that front on a public Town road right-of-way: 25 feet minimum. **[Added 8-19-2014 by Ord. No. 1092-2014]**
  - (b) Rear yard setback: 25 feet minimum.

- (c) Side yard setback: 12 feet minimum.
  - (d) Structure height; dwelling structure: 35 feet overall maximum.
- (4) Accessory structure standards. Each unit of a multiple-family dwelling residence shall be allowed one attached and one detached accessory building structure. In no case shall the total combined footprint area of all accessory building structures for the units exceed 10% of the lot or parcel area, excluding any road right-of-way. Each accessory building structure shall satisfy all of the following standards:
- (a) Setbacks: same as principal structure.
  - (b) Height: 25 feet maximum; ground floor surface to peak. There shall be no sidewalls above the ground floor ceiling joist, unless attached to the dwelling unit(s). Ground floor sidewalls shall not exceed 15 feet in height.
  - (c) Area: 600 square foot maximum footprint (ground floor).
  - (d) Volume: 10,000 cubic feet maximum volume.
- (5) Accessory nonbuilding structure standards. For the purpose of this subsection, nonbuilding structures shall be structures that do not meet the definition of "building structure." The setback for nonbuilding structures from any ownership boundary line of a lot or parcel shall be 1.1 times the overall height of that structure. The overall height shall be measured from the lowest ground point adjacent to the structure to the highest point of the structure.

**§ 350-41 R-4 Rural Residential District.**

**[Amended 6-20-2006 by Ord. No. 866-06; 11-12-2008 by Ord. No. 940-08; 2-15-2011 by Ord. No. 989-2011; 8-21-2012 by Ord. No. 1033-2012]**

This residential district is intended to provide for limited rural residential use development; require a large residential land area to maintain the rural character and to accommodate uses that are not urban in nature including light agriculture. This district's uses and standards are designed to implement Comprehensive Plan goals by encouraging a blend of residential and agricultural uses. This district may be used as a transitional zone to retain land in a less intensive use until the appropriate time for a more intensive residential or other use occurs. The lands in this district should be predominately agricultural areas not suited for agricultural production or those lands due to location that would have limited impact on agricultural production. Residents of this district may experience conditions associated with adjoining agricultural lands that are not experienced in areas of predominately residential use.

**A. Permitted uses.**

- (1) Accessory structure/use.
- (2) Beekeeping.
- (3) Community living, eight or fewer residents.
- (4) Crops, field.
- (5) Day care, eight or fewer children.
- (6) Dwelling, single-family.



- (7) Dwelling, two-family (duplex).
- (8) Floriculture.
- (9) Grazing.
- (10) Greenhouse, accessory to the permitted use.
- (11) Home occupation:
  - (a) Shall be located in the place of permanent residency;
  - (b) Is incidental to the residential occupancy;
  - (c) Limited to one inside level of the dwelling unit and does not occupy more than 25% of the floor area of that level;
  - (d) That no article is sold or offered for sale on the premises except such as produced by the home occupation;
  - (e) That no stock-in-trade is kept or sold;
  - (f) That no mechanical equipment is used other than such as is permissible for typical residential purposes;
  - (g) There is no emission of odor, gas, smoke, dust, or noise that will be detrimental to the character of the neighborhood; and
  - (h) That no person outside the immediate resident family operates such home occupation.
- (12) Horticulture.
- (13) Livestock, raising/keeping.
- (14) Orchard.
- (15) Paddock.
- (16) Professional home office when established in a residential dwelling unit shall be:
  - (a) Located in the practitioner's place of permanent residency;
  - (b) Is incidental to the residential occupancy, limited to one inside level of the dwelling unit and does not occupy more than 25% of the floor area of that level; and
  - (c) Not more than one person not a member of the resident family shall be employed on the premises.
- (17) Recreation trails.
- (18) Riding stable.
- (19) Roadside stand of less than 300 square feet in area as a temporary structure not wholly

enclosed for the sale of produce grown on the premises. One stand allowed per premises.

- (20) Signs per § 350-43.
- (21) Unoccupied outside storage of camping trailer, motor home boats, fishing shanty or other similar recreational vehicles or devices as an accessory use. There shall be a combined limit of two items per family dwelling unit.
- (22) Utility, local lines.
- (23) A mobile home shall be allowed as a temporary structure for the shelter of persons and property as a result of disaster-related damages. The mobile home shall be located after obtaining all necessary permits, for no more than one year and shall be located on the premises with the construction of the new permanent structure.

B. Conditional uses. Conditions and standards for a conditional use permit are set forth in Chapter 350, Article VII, Conditional Use Permits.

- (1) Bed-and-breakfast establishment.
- (2) Community living, nine or more residents.
- (3) Day care, nine or more children.
- (4) Tourist rooming house.
- (5) Tower and appurtenances, communication or relay.
- (6) Utility transmission lines.

C. Area, Height and Setback Requirements

- (1) A lot or parcel shall have a three-acre-minimum and less than eight-acre-maximum of contiguous land area.

**Note:** The area within the road right(s)-of-way shall not be included for the standards of this subsection. Design standards pursuant to Chapter 315, Code of Green Lake County, Land Division and Subdivision Ordinance, shall apply to a newly created lot or parcel for this subsection.

- (2) Principal structure setback and height standards.
  - (a) Street yard setback:
    - (i) State trunk road rights-of-way: 67 feet minimum.
    - (ii) All other public road rights-of-way: 40 feet minimum.
  - (b) Rear yard setback: 25 feet minimum.
  - (c) Side yard setback: 12 feet minimum.
  - (d) Structure height; dwelling structure: 35 feet overall maximum.
- (3) Accessory structure standards. The total combined footprint area allowed for attached and

detached accessory building structures shall not exceed 10% of the land area, excluding any road right-of-way. An accessory building structure shall satisfy all of the following standards:

- (a) Setbacks: same as principal structure.
  - (b) Height: 25 feet maximum; ground floor surface to peak. There shall be no sidewalls above the ground floor ceiling joist, unless attached to the dwelling unit. Ground floor sidewalls shall not exceed 15 feet in height.
  - (c) Area: 1,500 square foot maximum footprint (ground floor).
  - (d) Volume: 25,000 cubic feet maximum volume.
  - (e) Human habitation of a detached accessory building structure may be allowed, however shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.
- (4) Accessory nonbuilding structure standards. For the purpose of this subsection, nonbuilding structures shall be structures that do not meet the definition of "building structure." The setback for nonbuilding structures from any ownership boundary line of a lot or parcel shall be 1.1 times the overall height of that structure. The overall height shall be measured from the lowest ground point adjacent to the structure to the highest point of the structure.

**§ 350-42 AO Adult-Oriented Establishment District.**

- A. Purpose. The primary purpose of this section is to regulate adult-oriented establishment businesses to promote the health, safety, morals and general welfare of the citizens of Green Lake County; to aid in the alleviation and prevention of the adverse and deleterious effects of criminal activity and disruption of the public peace associated with such establishments; to establish reasonable and uniform regulations to prevent the health hazards associated with unsafe and unsanitary conditions known to exist in those establishments; and to alleviate the spread of sexually transmitted diseases and other contagious diseases in those establishments.
- B. Permitted uses. None.
- C. Conditional uses. Adult-oriented establishment.
- D. General standards.
  - (1) An adult-oriented establishment shall not locate within 1,000 feet of any land zoned residential, any public or private school, church, or religious institution, or any public park and shall not locate within 500 feet of any other adult-oriented establishment.
  - (2) No more than one adult-oriented establishment may be operated on any one parcel.
  - (3) All standards and regulations identified in Chapter **93**, Adult-Oriented Establishments, and Chapter **163**, Article **III**, Nude Dancing in Licensed Establishments, shall apply.
  - (4) All other provisions of this chapter shall apply.
- E. Standard of measurement. The distances provided in this chapter shall be measured in a straight line without regard to intervening structures or objects, from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult-oriented establishment to the nearest point of the parcel of property or land use district boundary line from which the proposed

land use is to be separated.

F. Area, height and setback regulations: refer to §§ 350-18 and 350-19 and the Commercial District setbacks under § 350-20.

G. Highway setbacks: refer to § 350-50A.

## Article V Nonbuilding Structures

### § 350-43 Signs.

**[Amended 12-15-2009 by Ord. No. 971-2009]**

The sign regulations in this section intend to promote well-maintained and attractive signage within the County; to provide for adequate business identification, advertising and communication; and to protect the safety and efficiency of the County's transportation system by reducing confusion or distractions to motorists.

- A. All signs hereafter located, erected, moved, reconstructed, extended, enlarged, or structurally altered shall be in conformity with the provisions of this chapter and require a land use permit, unless specifically stated in this section. Changing the existing message board of a sign with cosmetic materials, such as but not limited to paint, paper or corrugated plastic, does not require a land use permit.
- B. Signs within this section are as follows:
- (1) Official traffic control or traffic information or traffic directional notice signs erected by federal, state or local units of government may be placed in accordance with the highway jurisdiction. No County permit is required.
  - (2) Signs that are generally temporary and less than three square feet and are similar but not limited to agricultural seed plots, real estate, contractor identification, and government agency information are not regulated by this Section. No County permit is required.
  - (3) An on-site sign advertising a customary home occupation or professional home office shall not exceed four square feet in gross area and shall have a minimum setback of 10 feet from the right-of-way line.
  - (4) On-site signs advertising business on premises.
    - (a) One on-site sign attached to a building structure advertising a business conducted or service available on the premises shall not exceed the height of the building structure it is attached to. Such sign shall not exceed 32 square feet in gross area.
    - (b) One on-site freestanding sign in addition to the building-mounted sign to advertise a business conducted or service available on the premises shall be allowed and shall not exceed 50 square feet in gross area and shall have a minimum setback of 10 feet from the right-of-way line.
  - (5) Other off-site signs not specifically referred to in this Section shall not exceed 300 square feet in gross area. These signs are not allowed in R-1, R-2, R-3, and NRC Zoning Districts and shall meet the following standards:

- (a) An off-site sign 50 square feet or less shall have a minimum setback of 10 feet from the right-of-way line.
  - (b) An off-site sign that is greater than 50 square feet and up to and including 300 square feet shall have a minimum setback from the right-of-way line as required by the zoning district in which the sign is located.
- (6) A temporary sign, such as but not limited to rent-a-sign and message-type signs, indicating a special activity, placed on a temporary basis, erected on a trailer or otherwise readily movable means shall not exceed 32 square feet and shall have a minimum setback of 10 feet from the right-of-way line. Maximum length of time for sign placement is 60 days prior to the activity through 15 days after the activity.
- C. A sign and all its structural components shall comply with the following setback standards:
- (1) No sign allowed in this Section shall be so placed as to interfere with the visibility or effectiveness of any official traffic sign or signal placed by a governmental unit.
  - (2) The maximum setback for any sign in this Section shall be 300 feet from the right-of-way line.
  - (3) No sign shall be placed within the vision clearance triangle as provided in § 350-50B.
  - (4) All signs shall comply with all other setback standards of this Chapter related to side yard and rear yard based on the zoning district in which the sign is located.
  - (5) Setbacks shall be measured from the right-of-way line or property line to the closest part of the sign or a structural component of the sign.
- D. The height of any freestanding sign not otherwise regulated in this Section shall not exceed 20 feet above the existing elevation at the site of the sign.
- E. No sign shall resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices.
- F. No sign shall contain, include or be illuminated by flashing lights or be composed of animated or moving parts, or be a flashing electronic type sign. A lighted sign shall be shielded to prevent glare or illumination onto other premises or roadways.
- G. No combination of sign face and sign enhancement area (border and trim) shall exceed the square footage requirement of this Section. Back-to-back sign faces of the same size on the same support structure shall be considered as one area for the purpose of this standard. The supporting structure is not counted in the area calculation.
- H. No vehicle, farm implement, semi-trailer, building structure or any others similar thereto shall be used as a sign or as a backdrop for conveying information, unless specifically allowed in this Section.
- I. Signs regulated in this Section shall be spaced at least 1,500 feet apart, except signs identified in § 350-431B(1) through (4). There shall be no more than two tiers of signs at the required spacing interval. For the purpose of this Section, a "tier" shall mean a zone parallel to the right-of-way line. Each sign shall create a tier at its location.
- J. Sign regulations and standards in this Section may not be the only applicable restrictions. Other

entities of jurisdiction may regulate existing and proposed signs.

- K. Progressive or accumulative message-type signs shall be prohibited.
- L. An existing nonconforming sign structure shall only be allowed to be refaced with a new message using cosmetic nonstructural material. No structural or material upgrades are allowed.
- M. A sign and all its structural components shall comply with the following maintenance standards:
  - (1) An abandoned/obsolete sign that identifies, displays information about or otherwise relates to a purpose, event or business that has not existed or operated for 180 days, or is so old, dilapidated, or has become so out of repair as to be dangerous or unsafe, whichever comes first, shall be removed immediately.
  - (2) All signs, supports and accessories shall be maintained in good repair. Any sign shall be removed immediately if the sign does not have a fully readable message, is in disrepair or damaged and is left without repair for a minimum of 60 days.
- N. In areas of shoreland zoning jurisdiction, a sign shall meet the seventy-five-foot setback standard from the ordinary high-water mark of navigable waters.

§ 350-43.1 (Reserved)

§ 350-43.2 (Reserved)

#### **§ 350-44. Mobile tower siting regulations**

The purpose of this section is to regulate by land use permit the siting and construction of any new mobile service support structure and facilities, Class 1 collocations (the substantial modification of an existing support structure and mobile service facilities), and Class 2 collocations (collocations that do not require the substantial modification of an existing support structure and mobile service facilities).

DEFINITIONS: All definitions contained in s. 66.0404(1) Wis. Stats. are hereby incorporated by reference.

- A. Siting and construction of any new mobile service support structure and facilities and Class 1 collocations (substantial modifications to existing support structure and mobile support facilities)
  - (1) The siting and construction of any new mobile service support structure and facilities as well as for Class 1 collocations (substantial modifications to existing support structure and mobile support facilities) are conditional uses in the areas subject to the provisions of this ordinance (See ARTICLE VII. Conditional Use Permits). A land use permit is also required.
  - (2) A land use permit application must be completed by any applicant and submitted to the Land Use Planning and Zoning Department. The application must contain the following information:
    - (a) The name and business address of, and the contact individual for, the applicant.
    - (b) The location of the proposed or affected support structure.
    - (c) The location of the proposed mobile service facility.
    - (d) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support

structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

- (e) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
  - (f) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (3) The Land Use Planning and Zoning Department will provide a permit application to any applicant, upon request.
- (4) If an applicant submits an application for a land use permit to engage in an activity described in this section, which contains all of the information required under this ordinance, the Land Use Planning and Zoning Department shall consider the application complete. If the Land Use Planning and Zoning Department does not believe that the application is complete, the Land Use Planning and Zoning Department shall notify the applicant in writing within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (5) Within 90 days of its receipt of a complete application, the Land Use Planning and Zoning Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Land Use Planning and Zoning Department may agree in writing to an extension of the 90 day period:
- (a) Review the application to determine whether it complies with all applicable ordinance standards.
  - (b) Make a final decision whether to approve or disapprove the application.
  - (c) Notify the applicant, in writing, of its final decision.
  - (d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (6) The Land Use Planning and Zoning Department may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph (2)(f).
- (7) As required for all commercial structures (Section 350-20.B.), a setback 1.1 times the total height of the new mobile service support structure or any substantial modification (Class 1 collocation) shall be required.

(8) If an applicant provides the Land Use Planning and Zoning Department with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in this ordinance, that zoning ordinance standards do not apply to such a structure unless the Land Use Planning and Zoning Department provides the applicant with substantial evidence that the engineering certification is flawed.

(9) The fee for the land use permit is \$3000.

#### B. Class 2 Collocations

(1) A land use permit is required for a Class 2 collocation. A Class 2 collocation is a permitted use in the areas subject to this chapter, but still requires the issuance of a land use permit.

(2) A land use permit application must be completed by any applicant and submitted to the Land Use Planning and Zoning Department. The application must contain the following information:

(a) The name and business address of, and the contact individual for, the applicant.

(b) The location of the proposed or affected support structure.

(c) The location of the proposed mobile service facility.

(3) The Land Use Planning and Zoning Department will provide a land use permit application to any applicant upon request.

(4) A Class 2 collocation is subject to the same requirements for the issuance of a land use permit to which any other type of commercial development or land use development is subject.

(5) If an applicant submits a land use permit application to the Land Use Planning and Zoning Department for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Land Use Planning and Zoning Department shall consider the application complete. If any of the required information is not in the application, the Land Use Planning and Zoning Department shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(6) Within 45 days of its receipt of a complete application, the Land Use Planning and Zoning Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Land Use Planning and Zoning Department may agree in writing to an extension of the 45 day period:

a. Make a final decision whether to approve or disapprove the application.

b. Notify the applicant, in writing, of its final decision.



- c. If the application is approved, issue the applicant the relevant permit.
- d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

7. The fee for the permit is \$500.

§ 350-45 through § 350-47. (Reserved)

## Article VI Highway Setback Lines

§ 350-48 **Setback lines established.**

Setback lines are hereby established in Green Lake County outside the limits of incorporated cities and villages along all public highways and at the intersections of highways with highways and highways with railway, as hereinafter provided. Where a highway is located on a county, city or village boundary, this section shall not be effective on the side of such highway that is within the city or village or the adjoining county.

§ 350-49 **Center lines of highways.**

The position of the center line of any road or highway shall be determined as follows:

- A. State trunk highways that have been improved, in accordance with surveys of the State Highway Commission or plans accepted by the County Board; County trunk highways that have been improved, in accordance with engineering surveys and plans accepted by the County Board or its agent, the County Highway Committee; town roads that have been improved, in accordance with engineering surveys and plans accepted by the County or Town Board. The center line of any of the above roads or highways is the center of the surfacing or pavement or, if there is none, the center of the graded roadbed, or the center of the directional separator, if the highway is directionally divided.
- B. County trunk highways that have not been improved, in accordance with engineering surveys and plans accepted by the County Board or its agent, the County Highway Committee; town roads that have not been improved, in accordance with engineering surveys and plans accepted by the County or Town Board. The center line of any of the above roads or highways is at the midway point between fences or other markers indicating the boundaries of the highway on opposite sides thereof.

§ 350-50 **Setback distances.**

**[Amended 8-19-2014 by Ord. No. 1092-2014]**

Except as otherwise provided in the specific zoning district, the distances from the center line, as defined by § 350-49 of this article, or from the front line to the setback line shall be as provided by the following subsections. Whenever a highway is improved to a classification requiring a greater setback distance than that required by this chapter prior to such improvement, the setback distance shall not be affected by such improvement. In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail, but this regulation shall not apply to streets in platted subdivisions.

- A. Along highways generally. The setback distance from the center line or right-of-way line, at any point, for the respective classes of highways shall be as follows:

<b>Highway Classification</b>	<b>Setback From Center Line (feet)</b>	<b>Setback From Front Lot Line (feet)</b>
State trunk highways	110	Not less than 67
County trunk highways	75	Not less than 40
Town roads, except in platted subdivisions	75	Not less than 40
Streets in platted subdivisions		40

- B. At ordinary highway intersections. At grade intersections of highways, there shall be vision clearance triangles in each sector of such intersections. Each such vision clearance triangle shall be established by a supplementary setback line, which shall be a straight line connecting points located on the setback lines along the intersecting highways and 60 feet back from the intersection of such setback lines, provided that this requirement shall not apply to streets in platted subdivisions.
- C. At highway intersections with transitional widening. At intersections of highways with other highways provided with transitional widening of pavement or surfacing, such transitional widening shall be considered as additional width, and the setback line on the side that is widened shall be increased by the amount equal to the width of the additional pavement.
- D. At highway intersection with curve connections. At intersections of highways with other highways, where the intersecting highways are connected with pavement or surfacing constructed on a curve, the pavement or surfacing of the curve shall be classified as provided by § 350-49 of this section, and the setback distance along the curve shall be measured from the center line of the curved section determined accordingly.
- E. At railroad grade crossings. At grade intersections of highways with railroads, there shall be vision clearance triangles in each sector of the intersections. Each such vision clearance triangle shall be established by a supplementary setback line, which shall be a straight line connecting points located on the setback lines along the highway and the railroad right-of-way lines and 100 feet back from the intersections of such highway setback lines and railroad right-of-way lines.

**§ 350-51 Structures prohibited within setback lines.**

No new building, new sign or other new structure, including cemeteries, nor any part thereof, shall be placed between the setback lines established by this chapter and the highway except as provided by this chapter. No building, sign, structure or part thereof, existing within such setback lines on the effective date of this chapter, shall be altered, enlarged or added to in any way that increases or prolongs the permanency thereof, unless granted a variance by the Board of Adjustment.

**§ 350-52 Structures permitted within setback lines.**

- A. The following kinds of structures may be placed between the setback lines and the highway:
  - (1) Open fences.
  - (2) Telephone, telegraph and power transmission poles and lines and microwave radio relay structures, except satellite earth stations, may be constructed within the setback lines, provided that the owner will file with the Land Use Planning and Zoning Department of

Green Lake County an agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this chapter, at his expense, when necessary for the improvement of the highway and pay a recording fee.

- (3) Underground structures not capable of being used as foundations for future prohibited over ground structures.
  - (4) Access of service highways constructed according to plans as approved by the County Highway Committee. In giving such approval, the County Highway Committee shall give due consideration to highway safety.
  - (5) Signs placed by the public authorities for the guidance or warning of traffic.
  - (6) Signs permitted in the agriculture districts.
  - (7) Temporary structures permitted in the commercial and industrial districts.
- B. This section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees, provided that no field crops, shrubbery, trees, buildings or structures shall be located, maintained or permitted to grow so that the view across the sectors at the intersections, as provided by § 350-50B, C, D and E of this article, shall be obstructed.

## Article VII Conditional Use Permits

### § 350-53 Land Use Planning and Zoning Committee.

The Land Use Planning and Zoning Committee is hereby declared to be the agent of the County Board in all matters pertaining to County zoning, except for such powers as are specifically reserved to the County Board or the Board of Adjustment by the laws of the State of Wisconsin or by this chapter. See Article VIII, Board of Adjustment.

### § 350-54 Conditional uses.

A. Investigations of, and public hearings on, conditional uses required by the regulations of this article shall be conducted by the Land Use Planning and Zoning Committee for the purpose of determining the effect of the proposed use or the location thereof on the character of the neighborhood and its suitability for development by utilizing the minimum review standards and criteria of this article. The Land Use Planning and Zoning Committee shall review requests for a conditional use permit and, after public hearing and application of the standards identified in this article, shall approve, approve with conditions or deny all such requests.

B. (Reserved)

C. For all public hearings required above, general notice shall be given as the Land Use Planning and Zoning Committee shall direct, provided that special notice shall be given of any such public hearing by mail to all persons living within the boundaries of the lot or tract to be affected by any proposal for which the Land Use Planning and Zoning Committee's approval is required and to all other persons living outside of such boundaries and within 300 feet thereof.

### § 350-55 Application for permit.

Application for a conditional use permit shall be made to the County Zoning Office, on forms provided by the County Zoning Office, and shall be accompanied by the following:

- A. Application with an application fee. (See Article **XII** of this chapter for fee structure.)
- B. Detailed site plan, drawn to scale, identifying such items as existing and proposed buildings, building height, septic system, drainageways, watercourses, streams, lakes, lot lines, contours, areas to be filled or altered, wetlands, roads, existing and proposed parking area, and any other relevant physical features.
- C. Detailed description of the proposed activity (operational plan).
- D. Any additional information, as required by the County Zoning Office, which may be pertinent to the proposed conditional use.

**§ 350-56 Review of permit application; standards and conditions.**

- A. Action by the Land Use Planning and Zoning Committee: The Land Use Planning and Zoning Committee shall review a request for a conditional use permit and deny, approve, or approve with conditions the request as the Committee may deem appropriate.
- B. Standards.
  - (1) Conditional uses may be located in certain districts under certain conditions. When reviewing a conditional use permit, the Land Use Planning and Zoning Committee shall take into consideration, among other things, the recommendation of the affected town and the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such standards are being satisfied.
  - (2) No conditional use shall be approved or approved with conditions by the Land Use Planning and Zoning Committee unless it shall find the conditional use:
    - (a) Will not have a negative effect upon the health, safety, and general welfare of occupants of surrounding lands;
    - (b) Will be designed, constructed, operated, and maintained so as to be harmonious and be appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
    - (c) Will not be hazardous or disturbing to existing or future neighboring uses;
    - (d) Will not be detrimental to property in the immediate vicinity or to the community as a whole;
    - (e) Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, and schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service; and
    - (f) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public or private streets or roads.
- C. The Land Use Planning and Zoning Committee may require additional standards and conditions that may be deemed necessary for the conditional use requested to meet the standards of this article. Such additional standards and conditions may include, but not be limited to, requirements pertaining to lot coverage, lot area, setbacks, building height, off-street parking and loading, pedestrian and vehicular accessways, storage, fencing, screening, landscaping, open space, height limitations, lighting, and hours of operation.

- D. Enumerated throughout this chapter are the uses allowed in each district by conditional use permit.
- E. A conditional use shall lapse and become void one year after approval by the Land Use Planning and Zoning Committee unless substantial construction has been undertaken or the activity has commenced in accordance with the permit. The approved conditional use permit, unless otherwise specified in the conditions of approval, shall remain in effect as long as the authorized use continues. Prior to the reestablishment of an abandoned use, a new conditional use permit shall be obtained under the terms of this article.
- F. No application for a conditional use permit which has been denied wholly or in part by the Land Use Planning and Zoning Committee shall be resubmitted for a period of one year from the date of said denial, except on the grounds of new evidence or proof of change of conditions is found to be valid.

**§ 350-57 Review and Revocation of conditional use permits.**

- A. The Land Use Planning and Zoning Committee shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Land Use Planning and Zoning Department to order the removal or discontinuance of any unauthorized alterations of an approved conditional use and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval, or violation of any other provision of this chapter.
- B. Complaint procedure. Upon written complaint by any citizen or official, the Land Use Planning and Zoning Committee shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation or either the purpose and intent of this chapter, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Land Use Planning and Zoning Committee may, in order to bring the subject conditional use into compliance with the standards set forth in this chapter or conditions previously imposed by the Land Use Planning and Zoning Committee, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. Additionally, the offending party may be subjected to a forfeiture as set forth in Article X. In the event that no reasonable modification of such conditional use can be made, the Land Use Planning and Zoning Committee may revoke the subject conditional approval and direct the Land Use Planning and Zoning Department and Corporation Counsel to seek the elimination of the subject use. Following any such hearing the decision of the Land Use Planning and Zoning Committee shall be furnished to the current owner of the conditional use in writing stating the reasons therefor. An appeal from a decision of the Land Use Planning and Zoning Committee under this section may be taken to the Board of Adjustment.

**§ 350-58 Issuance of permit.**

The County Land Use Planning and Zoning Committee may require the Land Use Planning and Zoning Department to issue a conditional use permit after review and public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this chapter.

**§ 350-59 Compliance required; variances.**

Compliance with all other provisions of this chapter, such as lot width, area, year, height and setbacks, shall be required of all conditional uses. Variances shall only be granted by the Board of Adjustment in **§ 350-63B(3)**.

Article VIII  
Board of Adjustment

§ 350-60 **Personnel; appointment; terms of office; residency requirements [per § 59.694(2), Wis. Stats.].**

**[Amended 6-20-2006 by Ord. No. 867-06]**

- A. The County Board of adjustment shall consist of three members; and shall be appointed by the Chairperson of the County Board with such appointments being approved by the County Board. The term of appointment for each member shall be staggered three years, with a term beginning on July of the appropriate year. The members shall be those serving on the effective date of this chapter, who shall continue in office until the expiration of their term for which they are appointed. The alternate member(s) shall be appointed in the same manner and under the same criteria as the full members.
- B. The Chairperson of the County Board shall appoint, for staggered three-year terms, two alternate members to the Board of Adjustment, who are subject to approval of the County Board. Annually, the Chairperson of the County Board shall designate one of the alternate members as the first alternate and the other as the second alternate. The first alternate shall act, with full power, only when a member of the Board of Adjustment refuses to vote because of conflict of interest or when a member is absent. The second alternate shall act only when the first alternate refuses to vote because of conflict of interest or is absent, or if more than one member of the Board of Adjustment refuses to vote because of a conflict of interest or is absent.
- C. Alternate members shall attend all meetings of the Board of Adjustment and shall fill in for an absent member(s); member(s) having a conflict of interest; in order to form a quorum. Alternates shall serve in the order that they are numbered. When completing a quorum the alternates shall have all power and authority of a member. When present, the alternates shall be paid the same per-diem, mileage, training and reimbursement costs as a member.
- D. Successors to members and alternates shall be appointed at the expiration of each term, and in all cases each term shall be three years beginning on July 1 in the year that they are appointed, or until their successor is appointed.
- E. Vacancies that occur prior to the expiration of a term, for a member or an alternate, shall be filled in the same manner as the original appointment.
- F. Members and alternates of the Board of Adjustment shall reside within the County and outside of the limits of incorporated cities and villages; provided, however, that no two members shall reside in the same town. In addition, in making appointments, the Chairperson of the County Board shall strive for balanced representation, County-wide.
- G. The Board of Adjustment shall elect its own Chairperson. The election of a Board of Adjustment Chairperson shall occur annually at the regular April meeting prior to conducting normal business.

§ 350-61 **Meetings; records; general rules.**

- A. The Board shall meet at the call of the Chairman, or at such other times as the Board may determine, at a fixed time and place.
- B. All meetings of the Board shall be open to the public.
- C. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be a public record.

- D. Whenever the Board of Adjustment shall have under consideration an appeal, such Board shall give notice to the members of the town board of the town affected by such appeal, and the members of such town board shall be requested to meet with said Board of Adjustment and have the opportunity of making such recommendations as they deem proper.
- E. Meetings of the Board shall be conducted in accordance with the above rules and such other rules as may be adopted by the County Board pursuant to § 59.694(3), Wis. Stats.
- F. In the case of all appeals, the Board of Adjustment shall call upon the County Land Use Planning and Zoning Department for all information pertinent to the decision appealed from.
- G. An application for a specific variance may be filed and held only two times in any given twelve-month period.
- H. Should a change in circumstances occur within said twelve-month period which, in the applicant's opinion, changes the character of the application, then the applicant shall, in that event, submit a request for an additional hearing, outlining the changes in circumstances that have occurred. The Board shall review the request of the applicant, and if in the opinion of the majority of the Board there is sufficient change in said circumstances to warrant a hearing, the **Land Use Planning and Zoning Department** shall schedule said hearing under the normal rules of procedure of the Board.
- I. No variance approval shall be valid for a period longer than 12 months unless a land use permit for such order is obtained within such period and such activity is started and proceeds to completion in accordance with the terms of such permit.

**§ 350-62 Appeal procedure.**

- A. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of Green Lake County affected by any decision, order or ruling of the **Land Use Planning and Zoning Department**. Such appeal shall be taken within 30 days, as provided by the rules of the Board of Adjustment, by filing with the **Land Use Planning and Zoning Department** a notice of appeal, on forms provided by the Department, specifying the grounds thereof.
- B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the **Land Use Planning and Zoning Department** shall certify to the Board of Adjustment, after the notice of appeal shall have been filed with the Land Use Planning and Zoning Department, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application or notice to the Land Use Planning and Zoning Department and on due cause shown.
- C. Each appellant or applicant shall pay a fee to the Land Use Planning and Zoning Department as specified in Article **XII**, Fee Schedule.

**§ 350-63 Powers and duties.**

- A. Except as specifically provided, no action of the Board of Adjustment shall have the effect of permitting in any district uses prohibited in such district.
- B. The Board of Adjustment shall have the following powers:
  - (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative officer.
  - (2) To authorize, upon appeal in specific cases, such variance from the terms of this chapter as

will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done.

- (3) In every case where a variance from these regulations has been granted by the Board, the minutes of the Board shall affirmatively show that an unnecessary hardship or practical difficulty exists and the records of the Board shall clearly show in what particular and specific respects an unnecessary hardship or practical difficulty is created. "Unnecessary hardship" means, but is not limited to, the following:
    - (a) No reasonable use can be made of the property without the granting of the variance;
    - (b) The hardship is something that is unique to this property and not the owner of the property;
    - (c) The hardship is not self-created; and
    - (d) The hardship is not solely economic.
  - (4) The Board of Adjustment may reverse or affirm, wholly or in part, or may modify any order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the administrative officer. The concurring vote of two members of the Board shall be necessary to reverse any order, requirement, decision or determination appealed from, or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of this chapter.
- C. The Board of Adjustment shall interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan as shown on the District Map accompanying and made a part of this chapter.
  - D. The Board of Adjustment shall have the power to call on any other County department for assistance in the performance of its duties, and it shall be the duty of such other departments to render such assistance as may be reasonably required.
  - E. In exercising the foregoing powers, the Board of Adjustment may in appropriate cases establish suitable conditions and safeguards in harmony with the general purpose and intent of this chapter.

## Article IX Administration and Enforcement

§ 350-64 **Land Use Planning and Zoning Department; citations.**  
**[Amended 12-21-2004 by Ord. No. 822-04]**

- A. The **Land Use Planning and Zoning Department** shall administer and enforce this chapter for Green Lake County.
- B. The Land Use Planning and Zoning Department shall collect fees that are collectable from the applicants for permits, certificates and public hearing items and shall remit said fees to the County Treasurer on a timely basis.
- C. It is the duty of Land Use Planning and Zoning Department to receive and act upon applications for



land use permits and certificates of occupancy, follow up complaints and have such other duties as provided by this chapter.

- D. It shall be the duty of the **Land Use Planning and Zoning Department** to investigate alleged violation(s) of this chapter to determine the facts and, if a violation is identified, to pursue enforcement to achieve compliance.
- E. In addition to the Corporation Counsel having the authority to file a complaint to achieve compliance with the below said land use ordinances, the **Land Use Planning and Zoning Department** shall have the authority to prepare, sign and issue citations in order to achieve compliance with the following land use ordinances:
  - (1) Chapter **350**, Zoning (Ordinance Nos. 146-76 and 381-89).
  - (2) Chapter **315**, Land Division and Subdivision (Ordinance No. **1056-2013**).
  - (3) Chapter **300**, Floodplain Zoning (Ordinance No. **970-2009**).
  - (4) Chapter **338**, Shoreland Zoning (Ordinance No. **20-2016**).
  - (5) Chapter **334**, Sewage Systems, Private (Ordinance No. 225-80).
  - (6) Chapter **323**, Nonmetallic Mining Reclamation (Ordinance No. **902-07**).

§ 350-65 **Land use permit.**

- A. ~~Except as provided in Subsection C, n~~No building or structure or billboard or any part thereof, except as herein provided, shall hereafter be erected, enlarged, altered, repaired or moved within the areas subject to the provisions of this chapter until a land use permit shall have been applied for in writing and obtained from the **Land Use Planning and Zoning Department**. Such permit shall be posted in a prominent place on the premises prior to and during the period of construction, alteration, repair or moving. Land use permits shall be valid for a period of one year from date of issue unless otherwise specified on the permit. A copy of such permit shall be filed with the **Land Use Planning and Zoning Department** and with the inspector and clerk for the town in which the permit is effective. Forms for the application for land use permits shall be supplied by the **Land Use Planning and Zoning Department**. All such forms shall be approved by the County Board. For fee schedule refer to Article **XII**, Fee Schedule.
- B. ~~Except as provided in Subsection C, a~~All applications for land use permits shall be accompanied by a location sketch drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location of the building on the lot, the existing and intended use of the building, the number of families to be accommodated, its situation with reference to the highway, the distance between the nearest point on the building and the center line of the highway, and such other information with regard to the proposed building and neighboring lots or buildings as may be called for on the application or may be necessary to provide for the enforcement of this chapter. The **Land Use Planning and Zoning Department** may require satisfactory evidence of actual lot line location, including a surveyor's certificate and map where necessary.
- C. (Reserved)
- D. (Reserved)
- E. A copy of all land use permits shall be sent to the town clerk, town assessor and land use inspector of the town in which the permit was granted.

§ 350-66 **Certificate of compliance.**

**[Amended 12-21-2004 by Ord. No. 822-04]**

Upon written request from the owner, the **Land Use Planning and Zoning Department** may issue a certificate of compliance at a fee as provided in Article **XII**, Fee Schedule, for any building or premises existing at the time of the adoption of this chapter, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this chapter.

§ 350-67 **Review of proposed conditional uses or amendments by towns.**

- A. Town boards, or town zoning/planning committees as established by town boards, shall be notified in writing at least 10 days prior to a public hearing on a conditional use or zoning amendment change in that town by the **Land Use Planning and Zoning Department** or Land Use Planning and Zoning Committee.
- B. Town boards or a designated committee as in Subsection A may reply to the County Land Use Planning and Zoning Committee prior to the hearing either approving, approving with conditions, or rejecting the proposed conditional use or zoning amendment change for that town.
- C. Information provided to the County Land Use Planning and Zoning Committee by the town boards may be used as documentation in the Committee's decision.
- D. If no reply is received by the County Land Use Planning and Zoning Committee prior to the public hearing, the conditional use or rezoning change shall be deemed as approved by said town board.
- E. A copy of the conditional use permit or rezoning change, if approved by the County Land Use Planning and Zoning Committee, shall be forwarded by the **Land Use Planning and Zoning Department** to the board chairman of the affected town.

Article X  
**Enforcement**

**[Amended 4-15-2008 by Ord. No. 924-08]**

§ 350-68 **Investigation of alleged violations.**

Any violation of the provisions of this chapter shall be deemed unlawful. When necessary, to determine compliance with this chapter, the Land Use Planning and Zoning Department shall investigate alleged violations. After confirmation that a violation exists, the Land Use Planning and Zoning Department shall pursue compliance of the violation.

§ 350-69 **Violations, penalties and citations.**

- A. Any violation of the provisions of this chapter by or under the direction of the landowner shall be brought into compliance upon notification by the Land Use Planning and Zoning Department or the Land Use Planning and Zoning Committee or the County Corporation Counsel.
- B. The County Corporation Counsel shall have the authority to use all legal remedies necessary to pursue compliance with the provisions of this chapter. After consultation with the Land Use Planning and Zoning Department and/or the Land Use Planning and Zoning Committee, the Corporation Counsel shall determine which legal remedy or legal remedies are in order to pursue compliance with the provisions of this chapter.
- C. Any landowner who violates or refuses to comply with any of the provisions of this chapter shall be subject to a forfeiture of not less than \$10 nor more than \$5,000 per offense, together with the taxable costs of action. Each day that the violation exists shall constitute a separate offense.

- D. In addition to the Corporation Counsel having the authority to pursue compliance per Subsection **B** above, the designated staff of the Land Use Planning and Zoning Department shall have the authority to and may prepare, sign and issue citations in order to commence action to achieve compliance with the provisions of this chapter.

**§ 350-70 Stop-work orders.**

- A. No land use permit obtained. When the Land Use Planning and Zoning Department is notified or becomes aware of any activity in violation of the provisions of this chapter by or under the direction of the landowner that requires issuance of a land use permit pursuant to this chapter, and such a permit has not been obtained, the Land Use Planning and Zoning Department may issue a stop-work order requiring any such activity to be immediately stopped and enjoined.
- B. Land use permit obtained. When the Land Use Planning and Zoning Department is notified or becomes aware of any activity in violation of the provisions of this chapter by or under the direction of the landowner for which a land use permit was issued and the actual activity deviates from that land use permit, the Land Use Planning and Zoning Department may issue a stop-work order requiring the activity to be immediately stopped and enjoined.
- C. The stop-work order shall be mailed to the subject landowner's property tax bill mailing address or the mailing address as stated on the land use permit application and/or to any person signing the land use permit application.
- D. The stop-work order card issued and posted by the Land Use Planning and Zoning Department shall be posted at the subject site in plain view from a nontrespass location off the subject property. A stop-work order card shall remain posted until compliance of the violation occurs.
- E. An action filed pursuant to § **350-63** of this chapter to the County Board of Adjustment or to any court shall stop work during and until the final outcome of the action has been reached or until so ordered by a Court of appropriate jurisdiction.

**§ 350-71 Injunctions.**

Every violation of this chapter is a public nuisance, and the creation thereof may be enjoined and the maintenance thereof abated pursuant to § 59.69(11), Wis. Stats.

## Article XI Amendments

**§ 350-72 Authority.**

This chapter may be amended by the County Board in accordance with the procedure provided in § 59.69(5), Wis. Stats. An amendment shall be granted or denied by the County Board only after a public hearing before the County Land Use Planning and Zoning Committee and a report of its findings and recommendations has been submitted to the County Board.

**§ 350-73 Initiation of amendment.**

Amendments may be proposed by the County Board, a town board, the County Land Use Planning and Zoning Committee or by a resident or owner of property in Green Lake County.

**§ 350-74 Fee.**

A fee shall be paid by the person filing the amendment to the **Land Use Planning and Zoning Department** to defray the cost of administration, investigation, advertising and processing of the amendment application. Refer to Article **XII**, Fee Schedule.

**§ 350-75 Notice to town board.**

The County Land Use Planning and Zoning Committee shall send or deliver written notice to the town

board not less than 10 days prior to the date of any public hearing of any proposed zoning change within its town.

## Article XII Fee Schedule

§ 350-76 Fees.

**[Amended 12-21-2004 by Ord. No. 822-04; 5-16-2006 by Ord. No. 861-06]**

The following fees shall be paid to the Green Lake County Land Use Planning and Zoning Department at the time of application for each service requested as listed below to defray the cost of administration, investigation, advertising and processing:

A. Unless otherwise provided in this ordinance, the land use permit fee shall be based on cost of construction (labor included):

(1) Fee.

<b>Value of Project</b>	<b>Fee</b>
\$0 to \$999	\$50
\$1,000 to \$99,999	\$150
\$100,000 to \$199,999	\$300
\$200,000 to \$299,999	\$400
\$300,000 to \$399,999	\$500
\$400,000 to \$499,999	\$600
\$500,000 to \$599,999	\$700
\$600,000 to \$699,999	\$800
\$700,000 to \$799,999	\$900
\$800,000 to \$899,999	\$1,000
\$900,000 or more	\$1,250

(2) Permit renewals are the same as the original fee.

(3) After-the-fact permit is double the above stated fee.

B. All public hearing items such as variance, rezone, appeal, conditional use permit, ordinance amendment or special exception permit: \$375. **[Amended 12-15-2009 by Ord. No. 972-2009; 9-20-2011 by Ord. No. 998-2011]**

C. All public hearing items listed above, postponed at the request of the applicant prior to public

hearing: \$250.

D. Certificate of compliance: \$20.

## Article XIII Word Usage and Definitions

**[Added 12-19-2006 by Ord. No. 884-06]**

### § 350-77 **Word usage and definitions.**

Unless specifically defined below, words and phrases used in this chapter shall have the same meaning as they have in common law to give this chapter its most reasonable application. This section is intended to clarify word usage and not to establish standards for this chapter. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive, and the word "shall" is mandatory and not discretionary. For terms not found in this section, other sources may be utilized to establish an applicable definition. Certain words and phrases have different meaning when used in different ordinances. Refer to specific ordinances for word usage and definition.

### **ACCESS AREA, LOT**

The access area that is part of a contiguous land area, generally being a narrow strip of land that does not meet the minimum land area width requirements, that provides access for a permitted activity.

### **ACCESS AREA, PUBLIC**

A land area that provides public boat access or carry-in access.

### **ACCESSORY STRUCTURE**

A subordinate structure the use of which is incidental to, and customarily found in connection with, the principal structure or use of the property.

### **ACCESSORY USE**

A subordinate use, which is incidental to and customarily in connection with the principal structure or use, and which is located on the same property with such principal structure or use.

### **ACCESS SITE/LOT**

A parcel of land that is contiguous to a body of water (lake, river or stream) that provides a means of waterfront access for backlot development.

### **ADDITION**

An expansion horizontally and/or vertically.

### **ADULT BATHHOUSE**

An establishment or business that provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in specified sexual activities, as defined herein.

### **ADULT BODY PAINTING STUDIO**

An establishment or business wherein patrons are afforded an opportunity to paint images on a body

that is wholly or partially nude. For purposes of this chapter, "adult body painting studio" shall not be deemed to include a tattoo parlor.

### **ADULT BOOKSTORE**

Means, but shall not be limited to, an establishment having as a substantial or significant portion of its stock and trade in books, magazines, and other periodicals that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities. "Adult bookstore" shall also include, but not be limited to, establishments that have a facility or facilities, including but not limited to booths, cubicles, rooms or stalls, for the presentation of adult entertainment as defined herein, including adult-oriented films, movies or live performances for observation by patrons therein, or which, as part of their regular and substantial course of conduct, offer for sale, rent, trade, lease, inspection or viewing books, films, videocassettes, magazines or other periodicals that are distinguished or characterized by their emphasis on matters depicting, describing or relating to adult entertainment as defined herein.

### **ADULT CABARET**

A cabaret that features male or female impersonators or similar entertainers.

### **ADULT ENTERTAINMENT**

Any exhibition of any motion picture, live performance, display or dance of any type that has a significant or substantial portion of such performance based on or that is distinguished or characterized by an emphasis on sex and/or sexual gratification, or any actual or simulated performance of specified sexual activities, or exhibition and viewing of specified anatomical areas, as defined herein, appearing unclothed, or the removal of articles of clothing to reveal specified anatomical areas.

### **ADULT MINI-MOTION-PICTURE THEATER**

An enclosed building with a capacity of 50 or fewer persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined herein, for observation by patrons therein.

### **ADULT MODELING STUDIO**

An establishment or business that provides the services of modeling for the purpose of reproducing the human body wholly or partially nude by means of photography, painting, sketching, drawing or otherwise.

### **ADULT MOTEL**

A hotel, motel or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, as defined herein; and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions;
- B. Offers a sleeping room for rent for a period of time that is less than 10 hours; or
- C. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

**ADULT MOTION-PICTURE THEATER**

An enclosed building with a capacity of more than 50 persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined herein, for observation by patrons therein.

**ADULT MOTION-PICTURE THEATER (OUTDOOR)**

A parcel of land from which individuals may view a motion picture presented out-of-doors that presents material distinguishably characterized by an emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined herein.

**ADULT NOVELTY SHOP**

An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items that are distinguished or characterized by their emphasis on specified anatomical areas or designated for specified sexual activities, as defined herein.

**ADULT-ORIENTED ESTABLISHMENT**

Shall include but not be limited to adult bookstores, adult motion-picture theaters (indoor or outdoor), adult mini motion-picture theaters, adult motels, adult novelty shops, adult cabarets, adult bathhouses, adult modeling studios, and adult body painting studios and further means any premises to which public patrons or members are regularly invited, admitted and/or allowed to view adult entertainment, whether or not such entertainment is held, conducted, operated or maintained for profit, direct or indirect. "Adult-oriented establishment" further includes, without being limited to, any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

**AGRICULTURAL PRACTICE OR USE**

As provided in § 281.16(1)(b), Wis. Stats., means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grains, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payment in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; and vegetable raising.

**AGRICULTURE**

The production, storage, keeping, harvesting, grading, packing, processing, boarding or maintenance, for sale, lease or personal use, of plants and/or animals useful to humans.

**AIRPORT**

Any land or structure that is used or intended for use for the landing and takeoff of aircraft.

**ANIMAL HUSBANDRY OPERATION**

A feed lot or any kind of facility, other than a pasture, where animals have been, are, or will be fed, confined, maintained or stabled. Two or more husbandry operations under common ownership are deemed to be a single animal husbandry operation if they are adjacent to each other or if they utilize a common area or system for disposal of waste.

**ANIMAL UNIT**

A unit of measure used to determine the total number of single animal types or combination of

animal types, which are fed, confined, maintained or stabled in an animal feeding operation.

### **ANIMAL UNITS COMBINED**

Any combination of animal types calculated by adding the number of single animal types as multiplied by the equivalency factors of this chapter.

### **AUTOMOBILE BODY SHOP**

A premises used for repair, replacement or reconditioning of automobile parts that does not require the removal of the engine head or pan, engine transmission, or differential involving body and fender work, painting and upholstering service.

### **AUTOMOBILE CAR WASH**

A structure, or portion thereof, containing facilities for washing automobiles.

### **AUTOMOBILE REPAIR/SERVICE FACILITY**

A premises used for the retail dispensing or sales of vehicular fuels, that provides service and repairs to automobiles (excluding body shop activities), as well as other automobile service uses, including a car wash (as part of the principal structure), installation of lubricants, tires, batteries, and similar vehicle accessories.

### **AUTOMOBILE WRECKING**

The dismantling or wrecking of used motor vehicles or trailers or the storage, sale or dumping of dismantled, partially dismantled, or wrecked vehicles or their parts. (See also "junkyard.")

### **BACK LOT DEVELOPMENT**

Also known as "lot pyramiding," "keyhole development" or "development funneling," is the practice whereby an land area is used for waterfront access by a number of land areas located away from or not contiguous to the water body.

### **BASEMENT**

A space, the perimeter of which has more than 1/2 of its floor-to-ceiling height below the adjoining ground and with a floor-to-ceiling height of not less than 6 1/2 feet.

### **BED-AND-BREAKFAST**

An establishment used for dwelling purposes in which rooms, with or without meals, are offered to transient guests for compensation.

### **BOOTH, ROOM or CUBICLE**

Such enclosures as are specifically offered to the public or members of an adult-oriented establishment for hire or for a fee as part of a business operated on the premises that offers as part of its business the entertainment to be viewed within the enclosure, which shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, "booth," "room" or "cubicle" does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the task of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee for the purpose of viewing entertainment for a fee and are not open to any persons other than employees, nor shall this definition apply to hotels, motels or other similar establishments licensed by the State of Wisconsin.



**BROADCASTING ANTENNA**

Commercial, public or private broadcasting towers.

**BUFFER**

The use of land, topography, difference in elevation, space, fences, or landscape planting to screen or partially screen a use or property from another use or property and thus reduce undesirable influences, such as site glare, noise, dust, and other external effects.

**BUILDABLE AREA**

The portion of a land area remaining after required yards and open space requirements have been provided.

**BUILDING**

A structure having a roof supported by columns or walls used or intended to be used for shelter or enclosure of persons, animals, equipment, machinery or materials.

**CABIN CAMP**

A land area on which one or more camp cabins are located.

**CAMPGROUND**

An area of land that is used for the purpose of providing sites for nonpermanent overnight use by camping units and that has a valid campground permit issued under § 254.47, Wis. Stats., and Chapter HFS 178.

**CAMPING UNIT**

A portable device or enclosure, no more than 400 square feet in area, including a tent, camping trailer, motor home, bus, van, pick-up truck or other mobile recreational vehicle used as a temporary shelter for human habitation.

**CANOPY**

A structure attached and extending from the face of a structure constructed as a permanent fixture, which may be supported from the ground.

**CARPORT**

A roofed structure providing space for parking of motor vehicles attached to the principal structure extending over a driveway, open on all sides except for the wall(s) of the principal structure, and shall be construed to be part of the principal structure.

**CEMETERY**

A place set apart, either by municipal authority or private enterprise, for the interment of the dead. The term includes not only lots for burying the bodies of the dead but also avenues, walks and grounds for shrubbery and ornamental purposes.

**CERTIFICATE OF COMPLIANCE**

An official certification that a premises or a completed development on a premises conforms to the provisions of the applicable ordinance.

**CHURCH**

A structure, together with its necessary structures and uses, where persons regularly assemble for religious worship and which, together with its accessory structures and uses, is maintained and controlled by a regularly organized religious body organized to sustain public worship and which is exempt from federal income tax as regulated by the Internal Revenue Service Code.

**CLINIC, MEDICAL OR DENTAL**

A group of medical or dental offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices, but not including bed-patient care.

**CLUB**

Structures and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose but not primarily for profit and not primarily to render a service that is customarily carried on as a business.

**COMMITTEE**

The Land Use Planning and Zoning Committee.

**CONDITIONAL USE OR SPECIAL EXCEPTION**

A use that is specifically listed in an ordinance that may only be permitted if the Board of Adjustment, Land Use Planning and Zoning Committee or County Board, as authorized by County ordinance, determines that the conditions specified in the ordinance for that use are satisfied.

**CONDOMINIUM**

As provided in § 703.02(4), Wis. Stats., means property being subject to a condominium declaration established under Chapter 703, Wis. Stats.

**DAYS**

Shall refer to full calendar days.

**DEPARTMENT, THE**

The Land Use, Planning, and Zoning Department of Green Lake County

**DENSITY**

The relationship of an area of land (generally stated in square feet) to a dwelling unit.

**DEVELOPMENT**

Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures 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.

**DRIVE-THROUGH**

Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the vehicle or where fast service to the vehicle occupants is a service offered regardless of whether the service is provided within the structure.

**DRIVEWAY**

A private way providing ingress and egress to a public or private right-of way.

**DWELLING**

A structure or portion thereof designed or used exclusively for human habitation, but not including mobile recreational vehicles, hotels, motels, boarding- and lodging houses.

**DWELLING, MULTIPLE-FAMILY**

A structure on a single land area, containing three or more dwelling units, or a structure designed for occupancy by three or more families.

**DWELLING, SINGLE-FAMILY**

A structure on a single land area containing one dwelling unit.

**DWELLING, TWO-FAMILY**

A structure on a single land area containing two dwelling units.

**DWELLING UNIT**

As provided in § 106.50(1m)(i), Wis. Stats., means a structure or part of a structure that is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons, who are maintaining a common household, to the exclusion of all others.

**EASEMENT**

A grant by a property owner for use of a strip of land by the public or any person for any specific purpose, or purposes of constructing and maintaining utilities, including but not exclusive of the following: sanitary sewers, water mains, electric lines, telephone lines, other transmission lines, storm sewer, storm drainageways, gas lines, other service utilities, driveways, etc.

**EMPLOYEE**

Any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.

**ENTERTAINER**

Any person who provides entertainment within an adult-oriented establishment, as defined herein, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or independent contractor.

**ESSENTIAL SERVICES**

Services and utilities needed for the health, safety and general welfare of the community, such as surface, overhead or underground electrical, gas, telephone, steam, sewerage, water and other utilities and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the area in which they are located.

**EXPANSION**

An addition to an existing structure that is horizontal, vertical or both.

**EXTRACTION**

Any nonagricultural, artificial excavation of earth for commercial or industrial uses, excavated or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone or other natural matter, or made by turning, breaking or undermining the surface of the earth.

**EXTRATERRITORIAL ZONING AREA (referred to as "ETZA")**

Consists of that area of a town that has been included in a city's extraterritorial zoning area pursuant to the adoption of ordinances and resolutions under Wisconsin Statutes.

**FAMILY**

Those persons related by blood, marriage, adoption, or foster care or a group of persons living together in a single dwelling unit.

**FARM**

An area of land used for agricultural practice or use.

**FARM FAMILY BUSINESS**

Any lawful activity, except a farm operation, conducted primarily for any of the following:

- A. The purchase, sale, lease or rental of personal or real property.
- B. The manufacture, processing or marketing of products, commodities or any other personal property.
- C. The sale of services.

**FARM OPERATION**

An owner or occupant engaged in one or more farming activities, with gross sales from such activities as set forth in § 91.01(1), Wis. Stats.

**FEED LOT**

A land area for fattening animals or holding animals temporarily for shipment.

**FENCE**

Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land. Additionally:

- A. **FENCE, OPEN**A fence constructed in a manner that provides 50% or more open space.

**FLEA MARKET**

An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

**FLOOR PLAN**

A graphic representation of the anticipated utilization of the floor area within a structure.

**FOOTPRINT**

The land area covered by a structure at ground level, measured on a horizontal plane.

**GARAGE**

A structure or part thereof, used or intended to be used for parking and storage of vehicles and/or other personal property.

- A. **ATTACHED:** A garage sharing a common wall with the principal structure.
- B. **DETACHED:** A garage separate from the principal structure, being an accessory structure.

**GARAGE, PUBLIC**

A structure or portion thereof, other than a private customer and employee garage or private residential garage, used for parking and storage of vehicles and available to the public.

**GARAGE SALE**

See "rummage sale."

**GASOLINE SERVICE STATION**

See "automobile repair/service facility."

**GENERAL DEVELOPMENT PLAN**

A report in text and in map form, with the map drawn to scale, depicting the general location and relationship of structures, streets, driveways, recreation areas, parking areas, utilities, etc., as related to a proposed development.

**GOVERNMENTAL STRUCTURE**

State, County, federal, city, village or town structures utilized to provide a service that a specific governmental entity may provide.

**GRADE, FINISHED**

The final elevation of the ground surface after development.

**GRADE, NATURAL**

The elevation of the ground surface in its natural state, before man-made alterations.

**HOME OCCUPATION**

Any occupation or profession carried out for gain within a dwelling unit by a member of the family residing on the premises and where there is no emission of odor, gas, smoke, dust or noise that will be detrimental to the character of the neighborhood.

**HORTICULTURE**

Horticultural uses and structures designed for the storage of products and machinery pertaining and necessary thereto.

**HOSPITAL**

Any structure, institution or place for the diagnosis, treatment and medical, mental, or surgical care of individuals that makes available clinical laboratory service, diagnostic x-ray and treatment facilities for surgery, or obstetrical or psychiatric care and which is accredited as a hospital by the Joint Commission on the Accreditation of Hospitals.

**HOTEL**

A structure in which lodging, or boarding and lodging, is provided and offered to the public for compensation, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all times.

**INSTITUTION**

A nonprofit, religious, or public use, such as a church, public or private school, or hospital establishment for public use.

**JUNK**

Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes, but is not limited to, unregistered or inoperable vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

**JUNKYARD**

Any land area, building or structure or part thereof used for the storage, collecting, processing, purchase, sale or abandonment of junk.

**KENNEL**

An establishment in which domestic animals are housed, boarded, groomed, sheltered, protected, bred, trained or sold for a fee or compensation.

**LANDFILL**

A system of trash, waste, refuse, debris, salvaged material or garbage disposal in which the waste is buried between layers of soil.

**LOADING AREA**

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

**LOT**

An area of land that is part of a subdivision plat, certified survey map or other document using the platting process duly recorded in the Register of Deeds office that is identified by an assigned number or letter.

**[Added 8-19-2014 by Ord. No. 1092-2014]**

**LOT DEPTH**

The mean distance between the front and rear lot lines.

**LOT LINE**

The same as boundary line; the peripheral boundary of a lot, parcel tract or any other land area that divides one recorded land area from another.

- A. **LOT LINE, FRONT:** That boundary separating a land area from an existing or dedicated public street, private street or other means of access.

- B. **LOT LINE, REAR:** That boundary of a land area that is opposite the front lot line. In the case of corner lots the rear lot line shall be opposite the shorter of the two frontages.
- C. **LOT LINE, SIDE:** That boundary of a land area that is not a front, shore or a rear lot line.
- D. **LOT LINE, SHORE:** That boundary of a land area that abuts a navigable waterway at the ordinary high water mark.

**LOT OR PARCEL, RIPARIAN**

An area of contiguous land that is adjacent to perennial navigable waters, having a boundary description duly recorded in the Register of Deeds office that identifies the boundaries of that area of land.

[Added 8-19-2014 by Ord. No. 1092-2014]

**LOT, SUBSTANDARD**

An area of land, with or without structures having frontage on a public street, or other approved means of access, and having insufficient size to meet the lot width, lot area, yard, off-street parking areas or other open space provisions of a district wherein located.

**LOT WIDTH, AVERAGE**

The average of the shortest horizontal distances between the side lot lines at the front lot line, rear lot line or ordinary high water mark and at any angle point in the side lot lines.

**MANUFACTURED HOME**

A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities and constructed on or after June 15, 1976, in accordance with U.S. Housing and Urban Development standards and identified with a HUD seal of approval; HUD certified and labeled under the National Mobile Home Construction and Safety Standards Act of 1974. The term "manufactured home" includes a mobile home but does not include a mobile recreational vehicle.

**MARINA**

A facility for the storing, servicing, fueling, berthing, and securing of boats and that may include eating, sleeping, and retail facilities for owners, crews and guests.

**MINING**

See "extraction or nonmetallic mining."

**MOBILE HOME**

See "manufactured home."

**MOBILE HOME PARK**

An area of land that is occupied by three or more mobile homes, manufactured homes or park model homes that is advertised or represented as a mobile home park. Mobile home parks shall include any structure, vehicle or enclosure intended for use as part of the equipment of such mobile home park.

**MODULAR HOME**

See "manufactured home."

**MOTEL (MOTOR COURT, MOTOR HOTEL, MOTOR LODGE)**

A structure in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress for all rooms is made from the exterior of the structure(s).

**NONCONFORMING LOT OR PARCEL**

A lot or parcel, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of an ordinance but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the ordinance.

**NONCONFORMING STRUCTURE**

An existing, usable structure or portions thereof whose location, dimensions or other physical characteristics do not conform to current ordinance standards, but was legally constructed or placed in its current location prior to the adoption of the ordinance or ordinance amendment that made it nonconforming.

**NONCONFORMING USE**

The lawful use of land, structure or a portion thereof that does not conform to the current land use restrictions, but which was legally established prior to the adoption of the ordinance or ordinance amendment that made it nonconforming.

**NURSERY SCHOOL**

A private establishment enrolling nine or more children between two and five years of age and where tuition, fees, or other forms of compensation for the care of the children are charged and which is licensed or approved by state and local authorities to operate as a nursery school.

**OCCUPANCY**

The residing of an individual or individuals in a dwelling unit, or the installation, storage or use of equipment, merchandise or machinery in any public, commercial or industrial structure.

**OFFICIAL MAP**

The map adopted pursuant to Wisconsin Statutes that shows existing and proposed streets, highways, parkways, parks, playgrounds and school sites.

**OPEN SPACE**

An unoccupied space open to the sky on the same lot as the principal structure or development, which is in addition to other required yard areas and which is not used for parking or driveway purposes.

**OPEN STORAGE**

Storage of any material outside of a structure.

**PARCEL**

An area of unplatted contiguous land having a boundary description duly recorded in the Register of Deeds office that identifies the boundaries of that area of land.

[Amended 8-19-2014 by Ord. No. 1092-2014]



**PARKING LOT**

An off-street area for the temporary storage of motor vehicles consisting of access drives/driveways, aisleways and parking spaces.

- A. **ACCESS DRIVES:** That portion of a parking lot that provides a way of approach to provide physical ingress and egress to a property.
- B. **AISLEWAYS:** That portion of a parking lot/facility that is a traveled way by which vehicles enter and depart parking spaces.
- C. **PARKING SPACES:** That portion of a parking lot/facility that provides for the temporary parking of motor vehicles within a public or private parking lot.

**PARTIES IN INTEREST**

Includes all abutting property owners, all property owners of opposite frontages and all property owners within 300 feet.

**PERMIT**

An official finding that a proposed development and use of a property, as indicated by an application, complies with the requirements of applicable ordinances or meets special conditions of a variance or conditional use permit. The applicable ordinance will specify the development activities that need to have such a permit.

**PERMITTED USE**

Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**PREFABRICATED HOME**

A nonmobile housing unit, the walls, floors and ceilings of which are constructed at a central factory and transported to a building site where final construction assembly is completed, permanently affixing the unit to the site.

**PREMISES**

A lot together with all structures thereon.

**PRINCIPAL STRUCTURE**

The main or primary structure on a land area that is utilized for the property's principal use, including structures attached or structures constructed in a manner that are utilized as if they were attached.

**PRINCIPAL USE**

The main or primary use of a land area as distinguished from an accessory use.

**PROFESSIONAL HOME OFFICES**

The office of a practitioner of a recognized profession that is located in the practitioner's place of permanent residency.

**PROPERTY**

A land area together with all structures thereon.

**PROPERTY LINE**

See "lot line."

**PUBLIC LAND**

Land owned or operated by a municipality, school district, county, state, or other governmental unit.

**RAILROAD YARD**

An open area for the storage and repair of railroad cars and engines, excluding those areas utilized for the sole purpose of movement and/or transportation of said railroad cars and engines.

**RECREATIONAL VEHICLE**

See "camping unit."

**ROAD**

See "street."

**ROADSIDE FARM STAND**

A structure used solely for the sale of farm products produced on the premises.

**RUMMAGE SALE**

Any display of used goods, on a property customarily used as a residence, that does not exceed four days in duration and occurs no more than once every four months.

**RUNOFF**

The rainfall, snowmelt or irrigation water flowing over the ground surface.

**RUNWAY**

A level portion of an airport having a surface specially developed and maintained for the landing and taking off of aircraft.

**SATELLITE TELEVISION RECEIVING DISH**

A device for the purpose of capturing television signals transmitted via satellite communications facilities and serving the same or similar function as the common television antenna.

**SCHOOL**

Has the same meaning as in Wisconsin Statutes; and includes public, private, vocational and technical.

**SETBACK**

The horizontal distance between the structure and an established lot line.

**SHOPPING CENTER**

A group of commercial establishments planned, constructed and managed as a total entity, with parking provided on-site, provisions for goods delivery separated from the customer access, being developed in accordance with an approved plan.

## **SIGN**

Any object, device, display, or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

- A. **ENHANCEMENT FEATURES:** Any portion of a sign structure intended to improve the physical appearance of a sign, such as but not limited to roofs, moldings, lattice or other decorative features.
- B. **FREESTANDING SIGN:** Any sign that is not attached to a building.
- C. **OFF-PREMISES SIGN:** A sign that directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where the sign is displayed.
- D. **SIGN STRUCTURE:** The supports, uprights, braces or framework of a sign.

## **SITE-BUILT HOME**

A permanent structure substantially constructed on the property and built on a permanent foundation with connections to utilities.

## **SITE PLAN**

A map or graphics prepared to scale depicting the development of a land area, including, but not limited to, the location and relationship of the structures, streets, driveways, recreation areas, parking areas, utilities, landscaping, existing and proposed grading, walkways, and other site development information as related to a proposed development.

## **SPECIFIED ANATOMICAL AREAS**

- A. Less than completely and opaquely covered:
  - (1) Human genitals, pubic region.
  - (2) Buttocks.
  - (3) Female breasts below a point immediately above the top of the areola.
- B. Human male genitals in discernible turgid state, even if completely and opaquely covered.

## **SPECIFIED SEXUAL ACTIVITIES**

- A. Showing of human genitals in a state of sexual stimulation or arousal.
- B. Acts of human masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus.
- C. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

## **SPLIT-ZONED LOT or PARCEL**

A lot or parcel whereby the lot or parcel consists of more than one zoning district.

## **STABLE**

A structure in which domestic animals are sheltered and fed.

## **START OF CONSTRUCTION**

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the "actual start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

## **STORY**

That portion of a structure included between the surface of any floor and the surface of any floor above it or, if there is no floor above it, then the space between the floor and the ceiling next above it. A basement level having more than 1/2 of its wall surface area height above grade shall be deemed a story for purposes of height regulation.

## **STORY, HALF**

That portion of a structure under a roof line that intersects the wall plates not more than 4 1/2 feet above the floor level of such story.

## **STRUCTURAL ALTERATION**

Any work on the existing structure or parts thereof beyond ordinary maintenance and repair such as but not limited to sheathing, studs, plates stringers, rafters, joists, subfloor, foundation and any others similar to this, but does not include any expansion or replacement of the structure.

## **STRUCTURE**

A combination of materials that form a structure, permanently or temporarily placed, for use, occupancy or ornamentation whether installed on, above or below the surface of land or water.

## **STRUCTURE HEIGHT**

The vertical distance of a structure measured from the average elevation of the finished grade contiguous to the structure to the highest point of the roof or significant appurtenances.

## **STRUCTURE OR USE, TEMPORARY**

A structure or use on a property that requires a land use permit and meets all of the following:

### **[Added 10-15-2013 by Ord. No. 1070-2013]**

- A. That is present for not more than 90 days from the date of issuance of the land use permit.
- B. That complies with applicable dimensional and use standards.
- C. That there is no remaining evidence at the termination of the temporary structure or use.

## **TRACT**

A contiguous area of land within a parcel, the owner of the tract being the same owner as the parcel.

The tract(s) within the parcel is created by a street, highway, railroad, waterway or other physical feature that causes the acreage of the parcel to be physically separated.

### **UNNECESSARY HARDSHIP**

A criteria reviewed during a variance proceeding. Unnecessary hardship is defined differently for the following types of variances:

- A. Use variance, requires that the test of "no reasonable use in the absence of a variance" be applied to determine if there is an unnecessary hardship.
- B. Area variance, requires that the test of "whether 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" be applied to determine if there is an unnecessary hardship.

### **USE**

The purpose or activity for which the land or structure thereon is occupied, utilized or maintained.

### **UTILITIES**

Any agency that, under public franchise or ownership, or under certificate of convenience and necessity, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewerage collection, or other similar service.

### **VARIANCE**

An authorization by the body of jurisdiction to deviate from the strict interpretation of the standards of an ordinance, when criteria are met to allow such deviation from such standards.

### **VISION CLEARANCE TRIANGLE**

A supplemental setback at the intersection of two or more roads for the purpose of preserving a clear line of sight across the sectors of such intersection(s).

### **WAREHOUSE**

A structure used primarily for storage of goods and materials.

### **WIRELESS COMMUNICATIONS FACILITIES**

(1) A land area containing a tower, sending and receiving antennas attached to the tower, and a prefabricated or modular structure or cabinets containing electronic equipment; (2) a Federal Communications Commission (FCC) licensed facility, designed and used for the purpose of transmitting, receiving and relaying voice and data signals from various wireless communication devices and equipment.

- A. **ALTERNATIVE TOWER STRUCTURE:** Man-made structures such as, but not limited to, clock towers, bell steeples, light poles, silos and similar mounting structures.
- B. **ANTENNA:** A device used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based structures.
- C. **COLLOCATION:** The provision of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or alternative tower

structure.

- D. **FAA:** Federal Aviation Administration.
- E. **FCC:** Federal Communications Commission.
- F. **HEIGHT:** When referring to a tower or other alternative tower structure, the distance measured from the grade to the highest point on the tower or other structure, including the base pad.
- G. **PERSONAL WIRELESS FACILITIES:** Transmitters, antenna structures and other types of installations used to provide personal wireless services.
- H. **PREEXISTING WIRELESS COMMUNICATION FACILITY:** Any wireless communication facility for which a land use permit or conditional use permit has been properly issued prior to the effective date of ordinance standards.
- I. **TOWER:** Any structure that is designed and constructed for the purpose of supporting one or more antennas and related equipment used to transmit and/or receive signals. The term includes the structure and any support thereto.

### **YARD**

The open land area lying between the structure and the lot line of the property.

- A. **YARD, FRONT:** The open land area across the full width of the property between the front lot line and the nearest point of the structure.
- B. **YARD, REAR:** The open land area across the full width of the property between the rear lot line and the nearest point of the structure.
- C. **YARD, SIDE:** The open land area between the adjacent side lot line and the nearest point of the structure and extending from the front yard to the rear yard.

### **ZERO LOT LINE**

The instance where a structure is allowed to be constructed over a lot line of two adjoining land areas.

### **ZONING AMENDMENT**

A change of the zoning map or zoning text authorized by the County, either in the allowed use within a district or in the boundaries of a district.

### **ZONING DISTRICT**

An area within the limits of the County for which the regulations and requirements governing use are uniform.

### **ZONING DISTRICT, OVERLAY**

A zoning district that encompasses one or more underlying zoning districts and that imposes additional regulations and requirements beyond those of the underlying zoning district.

### **ZONING MAP**

The map or maps incorporated into the applicable ordinance as a part thereof designating the

boundaries of the zoning districts.