

Proposed Zoning Ordinance Amendments by Article: Zoning Ordinance remains the same unless specified below: Changes are highlighted yellow, new language is underlined.

Article III. General Provisions

Section 350-14.B.(5) Per Chapter 59.69(10e)(a) and (b) Wis. Stats., a nonconforming dwelling or nonconforming building, or part thereof shall be permitted to be rebuilt so long as the three-dimensional building envelope is not increased.

Section 350-17.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.~~

Section 350-19.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 frontstreet, 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.

Section 350-20 ~~Front, Sside~~ and rear yard regulations.

Section 350-22.A. Substandard lots: served by a public sanitary sewer.

Section 350-22.A.(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.~~

Section 350-22.A(43) All dimensional requirements of this chapter are complied with insofar as practical.

Section 350-22.B. ~~Substandard lots not served by a public sewer. The provisions of Subsection A and Ch. SPS 383, Wis. Adm. Code, 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. [Amended 11-14-2017 by Ord. No. 22-2017]~~ 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.

Article IV. Zoning District

Section 350-33.B.(16) Contractor's shop (inside material storage only)

Section 350-34.B.(27) Contractor's yard (outside material storage)

Section 350-39.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 **and manufactured** homes occupied by a single family shall be permitted.

Section 350-39.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 **and manufactured** 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.

Section 350-39.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. [Amended 11-14-2017 by Ord. No. 22-2017]~~
- ~~(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)." [Amended 11-14-2017 by Ord. No. 22-2017]

- (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.

Section 350-40.A.(15) A mobile or manufactured home shall be allowed as a temporary structure for the shelter of persons and property as a result of disaster-related damages. The mobile or manufactured 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.

Section 350-40.E 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 detached accessory building structure shall satisfy all of the following standards:

Section 350-40.E.(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(s). Ground floor sidewalls shall not exceed 15 feet in height.

Section 350-41.A.(23) A mobile or manufactured home shall be allowed as a temporary structure for the shelter of persons and property as a result of disaster-related damages. The mobile or manufactured 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.

Section 350-41.B.(7) Event Barn (ONLY as an accessory use to the residential use, existing buildings only.)

Section 350-41.B.(8) Kennel (ONLY as an accessory use to the residential use.)

Section 350-41.B.(9) RV and Boat Storage for Rent (ONLY as an accessory use to the residential use, existing buildings only)

Article V. Nonbuilding Structures

Section 350-43.1 (Reserved) Fences shall comply with the following:

- (1) All fences, no greater than eight feet in height, may be allowed along any lot line excluding the street right-of-way line and the side lot lines within the street-yard setback.
- (2) Open style fences (greater than 50% open space), no greater than four feet in height, may be allowed along the street right-of-way line and alongside lot lines within the street-yard setback.

Article VI. Highway Setback Lines

Section 350-50.A.Setback from FrontStreet Lot Line

Section 350-51 No new building, new sign, new privacy fence 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.

Article VII. Conditional Use Permits

Section 350-54 Conditional uses .

~~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.~~

Section 350-55 Application for permit.

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

Section 350-55.D. Any additional information, as required by the County Zoning Office Land Use Planning and Zoning Department, which may be pertinent to the proposed conditional use.

Section 350-56.B.(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 substantial evidence that such standards are being satisfied.

- (a) If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this ordinance or those imposed by the Land Use Planning and Zoning Committee, the Land Use Planning and Zoning Committee shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.
- (b) The requirements and conditions described under §350-56.B(1)(a) above must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal.
- (c) The applicant must demonstrate that the application and all requirements and conditions established by the Land Use Planning and Zoning Committee, relating to the conditional use, are or shall be satisfied, both of which must be supported by substantial evidence. The Land Use Planning and Zoning Committee's decision to approved or deny the conditional use permit must be supported by substantial evidence.

Section 350-56.G. In the event that the Land Use Planning and Zoning Committee chooses to deny a person's conditional use permit application, the person may appeal the decision to the Board of Adjustment or to circuit court under the procedures contained in §59.694(10) Wis. Stats.

Article VIII. Board of Adjustment

Section 350-61.A. The Board shall meet at the call of the ChairmanChairperson , or at such other times as the Board may determine, at a fixed time and place.

Section 350-63.B.(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.~~ To authorize, upon appeal in specific cases, area variances where the property owner can prove "unnecessary hardship" by demonstrating that strict compliance with the zoning ordinance would unreasonably prevent the property owner from using their property for a permitted purpose (unnecessarily burdensome) or, for a use variance, by demonstrating that strict compliance with the zoning ordinance would leave the property owner with no reasonable use of their property in the absence of a use variance. In both circumstances, the property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, that the unnecessary hardship is not solely economic, and that the unnecessary hardship was not self-created by the property owner.

Section 350-63.B.(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.

Article IX. Administration and Enforcement

Section 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 Land Use Planning and Zoning Department to the board chairman, clerk, or both of the affected town. [Amended 11-14-2017 by Ord. No. 22-2017]

Article X. Enforcement

Section 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. The Land Use Planning & Zoning Department shall have the primary responsibility for enforcing all provisions of this chapter. The Land Use Planning & Zoning Department is hereby empowered to cause any building, other structure, lot or parcel of land to be inspected and examined for suspected or potential violations of this Chapter after proper notification. If permission to enter the property is withheld, the Land Use Planning & Zoning Department may seek a court order to require inspection of the property.

Section 350-69.B. The County Corporation Counsel shall have the authority to use all legal remedies necessary to pursue compliance with enforce 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 enforce the provisions of this chapter.

Section 350-69.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 \$1050 nor more than \$5,000-00 per offense, together with the taxable costs of action. Each day that the violation exists, after receiving notice of the violation from the Land Use Planning & Zoning Department by certified or registered mail, or personal service per Ch. 801.11 Wis.Stats, shall constitute a separate offense.

Section 350-69.D. In addition to the Corporation Counsel having the authority to pursue compliance enforce the provisions of this chapter 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 enforce compliance with the provisions of this chapter.

Section 350-70.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. In the event that a stop-work order has been removed from its posted location by persons other than Department staff, the property owner(s) and/or other agents, upon conviction, shall be subject to a \$300 fine plus court costs. The fine shall increase by \$300 after each offense and be cumulative. For example: \$300 first offense, \$600 for second offense, \$900 for third offense, and so on. If a property owner removes a stop work order sign three times they shall be subject to \$1800 (\$300 + \$600 + \$900) in fines plus court costs.

Article XI. Amendments.

Section 350-75 ~~Notice to town board~~. Rezoning amendment standards

A. Rezoning lands out of the A-1, Farmland Preservation Zoning District shall be done in accordance with Section 350-27.B(1-5) of this Chapter. For all other rezones, the Land Use Planning and Zoning Committee and County Board shall utilize the following as criteria to guide their decisions about rezones:

1. The amendment is consistent with community land use plan (comprehensive plan).
2. The amendment will not be detrimental to property in the immediate vicinity or to the community as a whole.
3. The amendment will not have a significant adverse impact on the natural environment (i.e. air, water, noise, stormwater management, soils, wildlife, vegetation, etc.), or the impact could be mitigated by management practices on the site or in the immediate vicinity.
4. The amendment will not have a significant adverse impact on the ability to provide adequate public facilities or services (i.e. highways, streets, water, sewage, drainage, schools, emergency services, etc.)
5. The amendment allows a more viable transition to planned land uses on adjacent properties than the current zoning designation.
6. The amendment will not result in inappropriate spot-zoning (i.e. use is inconsistent with surrounding properties and serves only a private, rather than public interests).

B. All rezone amendments that result in the creation of a new parcel or parcels shall be done by certified survey map in accordance with Section 315-38 of the Land Division and Subdivision Ordinance. The rezone amendment shall not take effect until the certified survey map creating the rezoned parcel(s) is recorded in the Green Lake County Register of Deeds office.

AC. 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

Section 350-76.B. All public hearing items such as variance, rezone, appeal, conditional use permit, ordinance amendment or ~~special exception permit~~ plan amendment : \$375. [Amended 12-15-2009 by Ord. No. 972-2009; 9-20-2011 by Ord. No. 998-2011]

Article XIII. Word Usage and Definitions

Section 350-77

CONDITIONAL USE ~~OR SPECIAL EXCEPTION~~ PERMIT

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. may be considered in a particular zoning district if it is adaptable to the limitations of a particular site or made to be complimentary to adjacent land uses. The Land Use Planning and Zoning Committee, as authorized by County ordinance, shall only grant a conditional use permit if the use is consistent with the purpose and intent of this ordinance, and may impose conditions that are related to the requested use and reasonable to ensure compliance with this Ordinance. The applicant must provide substantial evidence the conditions are or will be satisfied.

EVENT BARN

A structure, that had previously been used for agricultural uses associated with a farm, that has been renovated and upgraded to local and state building codes and re-purposed as a facility for hire to host social or business gatherings including, but not limited to, meetings, parties, seminars, weddings, receptions, family reunions, anniversaries, and barn dances. Event barns must promote the retention of the rural nature of the parcel and community in which it is located and may only be allowed by conditional use permit.

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.

B. FENCE, PRIVACY A fence constructed in a manner that provides less than 50% open space.

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, FRONTSTREET 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 street~~ 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 ~~frontstreet~~, 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 WIDTH, AVERAGE

The average of the shortest horizontal distances between the side lot lines at the ~~front street~~ 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,~~ that is designed to be used as a dwelling, ~~which is built on a permanent chassis and is designed to be used~~ with or without a permanent foundation and that is certified by the ~~when connected to required utilities and constructed on or after June 15, 1976, in accordance with~~ federal department of ~~U.S. Housing and Urban Development~~ as complying with the standards established under 42USC 5401 to 5425. ~~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.

MOBILE HOME

A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty. See "manufactured home."

MODULAR HOME

See "manufactured home."

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.

SITE BUILT HOME

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

SUBSTANTIAL EVIDENCE

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

YARD

The open land area lying between the structure and the lot line of the property.

- A. YARD, FRONTSTREET The open land area across the full width of the property between the front street 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 frontstreet yard to the rear yard.