

BARRON COUNTY ORDINANCES

Governing Land Use and Development

A portion of a code of ordinances of Barron County, Wisconsin

Agencies and Offices Involved in Administration of These Ordinances

For information on permits, inspections, ordinance interpretation, scheduling and outcome of hearings and applications:

The Barron County Zoning
Barron County Government Center
330 E. LaSalle Avenue - Rm. 2104
Barron, Wisconsin 54812
Telephone: (715) 537-6375
Fax Number: (715) 537-6847

Barron County Web Site:
(www.co.barron.wi.us)

Zoning Office Staff: David A. Gifford, Zoning Administrator
Pat Sirovatka, Administrative Secretary
Sharon Prince, Secretary
Jeremy Musil, Zoning Technician
Zoning Technician

Proposed amendments, certain appeals, policy matters, review of land subdivisions and supervision of the planning and zoning programs are the responsibilities of the Conservation, Planning and Zoning Committee:

Zoning Committee Members: Keith Hardie
Ronald Novotny
Carol Moen
George Strom
Edward J. Zych

Variances, special exceptions and certain appeals are the responsibilities of the Barron County Zoning Board of Adjustment:

Board of Adjustment Members: Jon Sleik, Chairman
Terry Henck, Secretary
Chris Carlson
Walt Organ
Kenneth Peterson

CHAPTER 17
ZONING, LAND DIVISIONS, SANITATION

INTRODUCTION.....	6
17.01 AUTHORITY	6
17.02 PURPOSE	6
17.03 INTENT	6
17.04 ABROGATION AND GREATER RESTRICTIONS CONFLICTING ORDINANCES	6
17.05 INTERPRETATION AND SEVERABILITY	7
17.06 TITLE	7
17.07 EFFECTIVE DATE.....	7
17.08 DEFINITIONS.....	8
GENERAL PROVISIONS	16
17.10 JURISDICTION	16
17.11 COMPLIANCE.....	17
17.12 USE RESTRICTIONS.....	17
17.13 SETBACK AREAS; HIGHWAY SETBACKS	17
17.14 HEIGHT REGULATIONS.....	20
17.15 LOT REQUIRED FOR EACH USE; STREET ACCESS	21
17.16 PARKING.....	21
17.17 PREEXISTING CONDITIONS; NONCONFORMING USES.....	22
17.18 TEMPORARY USES	24
17.19 SIGN REGULATIONS	24
17.20 CONDOMINIUMS	26
ZONING DISTRICTS.....	33
17.25 ESTABLISHED.....	33
17.26 ZONING MAPS	33
17.27 BOUNDARIES.....	33
17.28 A-1 EXCLUSIVE AGRICULTURAL DISTRICT	34
17.29 C-1 WETLAND CONSERVANCY DISTRICT.....	39
17.30 C-2 UPLAND CONSERVANCY DISTRICT	41
17.31 MR-MINERAL RESERVATION DISTRICT	42
17.32 R-1 RESIDENTIAL LOW DENSITY DISTRICT.....	45
17.33 R-2 RESIDENTIAL HIGH DENSITY DISTRICT	49
17.34 R-3 MOBILE HOME PARK AND SUBDIVISION DISTRICT	55
17.35 UV UNINCORPORATED VILLAGE DISTRICT.....	55
17.36 RR RECREATIONAL-RESIDENTIAL DISTRICT	56
17.37 A-2 AGRICULTURAL DISTRICT	60
17.38 B BUSINESS DISTRICT	62
17.39 I. INDUSTRIAL DISTRICT	64
17.40 HIO HIGHWAY INTERCHANGE OVERLAY DISTRICT	66
17.41 SO SHORELAND OVERLAY DISTRICT	67
17.42 FO FLOODPLAIN OVERLAY DISTRICT	81
17.43 SHORELAND-WETLAND OVERLAY DISTRICT	106
17.49 TELECOMMUNICATION TOWERS, ANTENNAS, AND RELATED FACILITIES ORDINANCE	108
LAND DIVISIONS	120
17.50 APPLICABILITY	120
17.51 SURVEY AND PLAT REQUIRED; STANDARDS.....	121
17.52 APPLICATION FOR COUNTY APPROVAL	121

17.53	PROCEDURE FOR COUNTY REVIEW.....	122
17.54	COUNTY STANDARDS.....	123
17.55	MISCELLANEOUS PROVISIONS.....	125
SANITARY AND PRIVATE SEWAGE SYSTEM		126
17.60	INTRODUCTION AND GENERAL PROVISIONS	126
17.61	MATTERS COVERED BY THIS SUBCHAPTER	126
17.62	GEOGRAPHIC AREA COVERED BY THIS SUBCHAPTER	126
17.63	WATER SUPPLY	126
17.64	PRIVATE SEWAGE SYSTEMS	127
17.65	ANIMAL WASTE.....	132
ADMINISTRATION AND ENFORCEMENT		133
17.70	GENERAL PROVISIONS	133
17.71	BOARD OF SUPERVISORS.....	133
17.72	ZONING COMMITTEE	133
17.73	ZONING ADJUSTMENT BOARD	134
17.74	ZONING ADMINISTRATOR	138
17.75	IMPACT STUDIES AND REPORTS.....	142
17.76	LIMITATIONS ON COUNTY LIABILITY.....	143
17.81	REZONINGS AND ORDINANCE AMENDMENTS	144
17.90	ENFORCEMENT AND PENALTIES	151
ZONING CODE INDEX.....		154

AMENDMENT CHANGES MADE TO THE BARRON COUNTY LAND USE ORDINANCE

DATES ADOPTED BY COUNTY BOARD:

January 20, 1986	Technical & Editorial changes made to the Barron County Land Use Ordinance
June 19, 1989	Revised Ordinance Amendments
September 25, 1989	Floodplain Ordinance Adopted
September 24, 1990	Amended the Animal Waste Storage Facility Ordinance (8/90)
April 16, 1991	Repeal & Recreation of the Floodplain Ordinance
April 16, 1991	Revised Ordinance Amendments
April 23, 1992	Revised Ordinance Amendments
April 20, 1993	Revised Ordinance Amendments
April 18, 1995	Revised Ordinance Amendments
April 16, 1996	Revised Ordinance Amendments
April 15, 1997	Revised Ordinance Amendments
April 23, 1998	Revised Ordinance Amendments
June 15, 1998	Revised Ordinance Amendments
April 20, 1999	Revised Ordinance Amendments
June 21, 1999	Revised Ordinance Amendments
April 18, 2000	Revised Ordinance Amendments
November 14, 2000	Revised Shoreland Overlay District/Amendments - Sec. 17.41
March 19, 2001	Revised Ordinance Amendments/Private Sewage Systems – Sec. 17.64
May 21, 2001	Adoption of the Barron County Land Use Plan
November 13, 2001	Revised Ordinance Amendments/Condominiums – Sec. 17.20
November 13, 2001	Adoption of the Telecommunication Towers, Antennas, and Related Facilities Ordinance – Sec. 17.49
March 18, 2002	Revised Ordinance Amendments
August 19, 2002	Revised Ordinance Amendments
March 24, 2003	Revised Ordinance Amendments
November 12, 2003	Revised Ordinance Amendments
February 23, 2004	Revised Ordinance Amendments
May 17, 2004	Revised Ordinance Amendments
January 17, 2005	Revised Ordinance Amendments
April 19, 2006	Revised Ordinance Amendments
October 16, 2006	Revised Ordinance Amendments (Livestock Siting Rule ATCP 51)
May 21, 2007	Revised Ordinance Amendments
May 18, 2009	Revised Ordinance Amendments

INTRODUCTION

17.01 AUTHORITY

This chapter is adopted under the authority granted to the Board of Supervisors by §§ 59.70(5), 59.70(6), 59.07, 59.69, 59.692, 59.694, 87.30, 236.45 and Chs. 281, 285, and 145 Wis. Stats. Included herein are the following: general zoning, shoreland zoning, subdivision and sanitary codes.

17.02 PURPOSE

This chapter is declared to be for the purpose of promoting the public health, safety and general welfare.

17.03 INTENT

It is the general intent of this chapter to regulate and restrict the use of structures, lands, shoreland and waters; regulate and restrict lot coverage, population distribution and density and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; prevent and control water pollution; protect spawning grounds, fish and aquatic life; preserve shoreland cover; and implement the county's general plan or county plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

17.04 ABROGATION AND GREATER RESTRICTIONS CONFLICTING ORDINANCES

(1.) IN GENERAL. It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, 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. Furthermore, all other County ordinances or parts thereof in conflict or inconsistent with the provisions of this chapter or amendment hereafter adopted are hereby repealed to the extent of such conflict if the conflicting provision is less restrictive than provided by this chapter.

(2.) SHORELAND REGULATIONS. It is intended that the shoreland regulations of this chapter shall supersede all provisions of any zoning ordinance which relates to shorelands, except that where another ordinance or provision of this chapter is more restrictive than the shoreland regulations of this chapter, that regulation shall continue in full force and effect to the extent of the greater restrictions but not otherwise.

(3.) FLOODPLAIN REGULATIONS. It is intended that the floodplain regulations of this chapter shall supersede all provisions of any ordinance which relates to floodplains, except that where another ordinance or provision of this chapter is more restrictive than the floodplain regulations of this chapter, that regulation shall continue in full force and effect to the extent of the greater restrictions but not otherwise.

(4.) LAND DIVISION REGULATIONS. It is intended that the land division provisions of this chapter shall supercede all provisions of any ordinance which relates to land division, except that where another ordinance, including a legally adopted town ordinance related to the same subject matter, or provision of this chapter is more restrictive than the land division regulations of this chapter, that regulation shall continue in full force and effect to the extent of the greater restrictions but not otherwise.

(5.) PRIVATE SEWAGE SYSTEM AND WELL REGULATIONS. It is intended that the private sewage and well provisions of this chapter shall supersede all provisions of any ordinance which relates to private sewage systems or wells, except that where another ordinance is more restrictive than the

private sewage system and well regulations of this chapter, that regulation shall continue in full force and effect to the extent of the greater restrictions but not otherwise.

17.05 INTERPRETATION AND SEVERABILITY

(1.) INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes.

(2.) SEVERABILITY. The several sections, subsections paragraphs of this ordinance are hereby declared to be severable. If any section, clause, provision or portion of this chapter shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of this ordinance, or of the section of which the invalid portion or paragraph may be a part. Furthermore, if any application of any section, clause, provision or portion of this chapter to a particular structure, land or water shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not be applicable to any other structure, land or water not specifically included in the decision.

17.06 TITLE

This chapter shall be known, referred to or cited as the "Land Use Ordinance of Barron County, Wisconsin."

17.07 EFFECTIVE DATE

(1.) IN GENERAL.

(a) Shoreland Jurisdiction Areas. Unless otherwise expressly stated, the effective date of this chapter as adopted on April 20, 1976, in all areas of the county within county shoreland zoning jurisdiction shall be July 4, 1976.

(b) Non-Shoreland Jurisdiction Areas. Unless otherwise expressly stated, the effective date of this chapter in the unincorporated areas of the county not subject to county shoreland zoning jurisdiction shall be the date on which the Town Board approves this chapter.

(2.) LAND DIVISION AND PRIVATE SEWAGE SYSTEM PROVISIONS. The effective date of the land division and private sewage system provisions of this chapter as adopted on April 20, 1976, sections 17.50 through 17.55 and 17.60 through 17.65 respectively, in all unincorporated areas of the county is July 4, 1976.

(3.) NONCONFORMING USES, STRUCTURES AND LOTS. A land use, structure or lot or parcel lawfully undertaken, constructed or created prior to the effective date of the regulation which establishes the use, structure or lot as nonconforming shall be deemed a lawful preexisting nonconforming use, structure or lot or parcel respectively under this chapter and the date of nonconformance shall be the effective date of the regulation which establishes the use, structure or lot or parcel as nonconforming.

(4.) AMENDMENTS. The effective date of an amendment to any provision of this chapter shall be as provided in sec. 17.81.

17.08 DEFINITIONS

For the purpose of this chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number. The word "shall" is mandatory and not directory.

ACCESSORY STRUCTURE. A structure or building located on the same lot as and subordinate in scale and use to the principal building and used for an authorized accessory use.

ACCESSORY USE. A use located on the same lot as, and subordinate to, and customarily incidental to an authorized principal use of the property or principal buildings.

ADDENDUM. Means a condominium instrument that modifies a recorded condominium plat.

AIRPORT. An area of land devoted or intended to be devoted to landing or takeoff of aircraft, whether or not fixed wing.

ANIMAL UNIT. Means of unit of measure used to determine the total number of single animal types or combination of animal types, as specified in Chapter NR 243 of the Wisconsin Administrative Code, which deals with Animal Waste Management, animal types and equivalency factors.

APPEAL. A challenge to an interpretative or other administrative decision of the Zoning Administrator brought under sec. 17.73(5) of this chapter.

ASSOCIATION. Means all of a condominium's unit owners acting as a group, either through a non-stock, nonprofit corporation, or an unincorporated association, in accordance with its bylaws and declaration.

ATTACHED GARAGE. A garage connected to a dwelling by means of a common bearing wall, a common doorway, or a breezeway.

BATHROOM. An area within a structure containing any of the following: washbasin, toilet, bathtub, or shower.

BEARING WALL. Any wall that supports a load in addition to its own weight.

BOUNDARY. A perimeter delineated by any method, including (without limitation because of enumeration):

1. metes and bounds,
 2. vectors, or
 3. monuments,
- or by any combination of methods.

BREEZEWAY. An above-grade structure providing an enclosed route to travel between two separated buildings. The structure must have enclosed side-walls and a continuous roofline connecting the buildings. The structure may have one or more doorways and may have one or more windows.

BUILDING. A structure having a roof supported by posts, columns, walls, or the natural terrain, and used or intended to be used to shelter or enclose persons, animals, equipment, machinery or materials.

CAMPING UNIT TRANSFER CONTAINER. A type of stationary holding tank used to collect and hold wastewater discharges generated by an individual camping trailer or recreational vehicle.

COMMON ELEMENTS. mean all of a condominium except its units.

COMMUNITY LIVING ARRANGEMENT. As defined under sections 48.02(7), 48.60, and 50.01(1). "Community living arrangement" means any of the following facilities licensed or operated, or permitted under the authority of the department: child welfare agencies under sec. 48.60, group homes for children

under sec. 48.02(7) and community-based residential facilities under sec. 50.01; but does not include daycare centers, nursing homes, general hospitals, special hospitals, prisons and jails.

CONDOMINIUM. Means a property subject to a condominium declaration established under this chapter.

CONDOMINIUM INSTRUMENTS. Mean the declaration, plats and plans of a condominium, together with any attached exhibits or schedules.

CONVENTIONAL PRIVATE SEWAGE SYSTEM. A private sewage system consisting of a septic tank and an in-ground soil absorption component with gravity distribution of effluent.

CONVENTIONAL MOUND SYSTEM. A POWTS which uses a minimum of 24" of existing natural soil for the installation of a mound system.

CONVERSION CONDOMINIUM. Means a structure, which before the recording of a condominium declaration, was wholly or partially occupied by persons other than those who have contracted for the purchase of condominium units and those who occupy with the consent of the purchasers.

COUNTY. The County Authority; the Barron County Zoning Department.

COUNTY SANITARY PERMIT. A permit issued by the County for the reconnection of a private sewage system or for the installation of a non-plumbing sanitation system, pursuant to §§ 59.70 and 145.04, Wisconsin Statutes.

DECK. An accessory structure characterized by a flat open horizontal surface or platform suspended above the grade of the land it covers and which is supported by posts, beams, cantilever and/or other similar methods.

DECLARATION. Means the instrument by which a property becomes subject to this chapter, and that declaration as amended from time to time.

DWELLING. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

DWELLING, MULTIPLE FAMILY. A building designed for and occupied by 3 or more families living independently of each other.

DWELLING, SINGLE FAMILY. A structure which is meant to house a single family, and which is a minimum of 20 feet in width. This definition includes manufactured homes, but excludes mobile homes and recreational vehicles.

DWELLING, TWO FAMILY. A building (duplex) designed for, and occupied by 2 families living independently of each other.

DWELLING UNIT. A part of a 2 family or a multiple family dwelling which serves as the living quarters for one family.

EFFECTIVE DATE. See section 17.07 of this chapter.

EXPANDABLE CONDOMINIUM. Means a condominium to which additional property or units or both, may be added in accordance with the provisions of a declaration and this chapter.

EXPLORATION. The onsite geologic examination of conditions on the surface of the site by drilling or excavating for purposes of searching for or defining the extent and nature of deposits of metallic or nonmetallic minerals and includes such associated activities as clearing and preparing sites or constructing roads.

FAILING PRIVATE SEWAGE SYSTEM. “Failing private sewage system” has the meaning specified under § 145.245(4), Wisconsin Statutes.

FAMILY. Any number of individuals related by blood, adoption, marriage, or not to exceed 5 persons not so related, living together on the premises as a single housekeeping unit, including any domestic servants.

FARM. An area which is at least 40 acres or a quarter-quarter section in size, and is used for the production of crops or food products for sale or consumption primarily off the premises. Other lands which do not comply with this definition, but which would commonly be understood to be a farm, may be declared a farm for purposes of this chapter by the Board of Adjustment through the special exception procedures of this chapter.

FARM ANIMALS. Cattle, hogs, sheep, goats, poultry, horses, ponies and mules.

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

- 1.) The purchase, sale, lease or rental of personal or real property.
- 2.) The manufacture, processing or marketing of products, commodities or any other personal property.
- 3.) The sale of services.

FARM OPERATION, PERSONS CONNECTED WITH. Persons who earn a substantial part of their livelihood from the farm operation and/or who contribute work which is substantially necessary to farm operations.

FARM OPERATOR, PARENTS OF. Includes parents, parents-in-law and step-parents of such operators.

FEEDLOT. A place for confined feeding or holding of stock in outdoor enclosures or other areas not normally used for pasture or crops in which animal wastes may accumulate.

FLOOD FRINGE. That portion of the floodplain outside of the floodway.

FLOOD, REGIONAL. A floodway which is reasonably characteristic of large flood, that can be expected to occur in a particular stream. The regional flood generally has an average frequency in the order of the 100 year recurrence interval flood, determined from an analysis of floods on a particular stream in the same general region.

FLOODPLAIN. The land adjacent to a body of water, which has been or may be hereafter covered by flood water associated with the regional flood.

GARAGE, ATTACHED. See attached garage.

HIGH-WATER MARK, NORMAL. The point of the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

HIGH-WATER MARK, ORDINARY. A synonym for normal high-water mark.

HOME OCCUPATION. An occupation which is conducted entirely within the primary residential building of a lot or parcel for financial gain or support.

HOUSEHOLD PETS. Animals commonly found in residences as pets, such as dogs, cats, songbirds and other small animals, provided that they are not raised or reared for commercial resale. Household pets do not include farm animals.

HUMAN HABITATION. The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.

JUNKYARD. An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, disassembled or handled for commercial or noncommercial purposes, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard includes an automobile wrecking or dismantling yard or an area where more than 2 unlicensed or inoperable motor vehicles are kept on a regular basis.

KENNEL. The use of land, with related buildings or structures, for the commercial breeding, rearing or boarding of dogs.

LAND DIVISION. The separation of a single lot or parcel into two or more lots or parcels where at least one of the lots or parcels being created is 19 acres or smaller in area. Unless exempted under sec. 17.50 of this chapter, a land division occurs whenever such lots or parcels are created by means of deed, land contract, plat, certified survey map, or similar instrument where the purpose of the division is to facilitate transfer of ownership or to facilitate building development within the new lot or parcel boundaries. A land division is also created by a written offer to purchase or a written offer to sell that contemplates or, if accepted, would necessitate the separation of a single lot or parcel into two or more lots or parcels, where at least one of the lots or parcels being created is 19 acres or smaller in area, and where the purpose of the division is to facilitate transfer of ownership or to facilitate building development within the new lot or parcel boundaries; except that an offer does not create a land division if the offer states on its face, that it is contingent upon approval of a final plat or certified survey map, and that the offer will be void if such plat or map is not approved.

LAND-ONLY CONDOMINIUM. A condominium established according to Ch. 703, Wisconsin Statutes, in which land is allocated into building sites where the individual portions of land are defined as "units".

LIMITED COMMON ELEMENTS. Mean those common elements identified in a declaration or on a condominium plat as reserved for the exclusive use of one or more but less than all of the unit owners.

LIQUID MANURE FACILITIES. Pits, tanks, silos and similar facilities, whether above or below ground, whether open or enclosed in design, and used for storage of manure and related materials in a liquid or semi-liquid form and expansions of such facilities.

LIVESTOCK. Domestic animals traditionally used in this state in the production of food, fiber or other animal products. "Livestock" includes cattle, swine, poultry, sheep and goats. "Livestock" does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.

LIVESTOCK FACILITY. A feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A "livestock facility" includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single "livestock facility" for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate "livestock facility."

LIVESTOCK STRUCTURE. A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. "Livestock Structure" includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. "Livestock Structure" does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.

LOAD-BEARING WALL. See Bearing Wall.

LOT. A parcel of land occupied, or intended to be occupied, by a building and its accessory buildings, or by group dwellings and their accessory buildings, together with such open spaces as are required, having at least the minimum area required for a lot in the zone in which such lot is located. Any lot which met the minimum dimensions and approvals for lots in the district in which it was located at the time of recording,

or was recorded prior to the effective date of zoning in the area where the lot is located, continues to be a valid lot of record. Any unit of contiguous land, having a described boundary abutting or having access via an approved easement to a public street, or other approved way. A lot does not include any land lying in:

- 1.) a public right-of-way;
- 2.) a mil-tax road; or
- 3.) a public stream or other public water body.

LOT AREA. The parcel of land occupied or intended to be occupied by buildings and accessory uses. No land included in a road or street, highway or railroad right-of-way may be included when computing lot area.

LOT OF RECORD. A lot, whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat. A lot that is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds, or any parcel of land, whether or not part of a subdivision, that has been officially recorded by a deed in the office of the Register of Deeds, provided such lot was of a size that met the minimum dimensions and approvals for lots in the district in which it was located at the time of recording or was recorded prior to the effective date of zoning in the area where the lot is located.

LOT WIDTH. The lot width is the horizontal distance between the side lot lines and shall be measured beginning at the front setback line of the building and by the overall width of the lot. In the case of shoreline property, the lot width shall in addition, be measured by the building shoreline setback line and at the water's edge.

MANUFACTURED HOME: "Manufactured Home" means a structure, built after June 15, 1976, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities.

MINERAL. The term mineral includes the materials described in the definition of mineral extraction.

MINERAL EXTRACTION. The term mineral extraction shall include the excavation, mining or removal of metallic minerals, clay, ceramic or refractor minerals, quarrying of sand, gravel, crushed or broken stone, including the extraction and removal of top soil, but not including sod farming, undertaken or proposed to be undertaken as a distinct land use. The term shall also include such mineral processing operations as aggregate or ready mix plants, mixing of asphalt, mining services, processing of top soil, washing, refining or processing of metallic or nonmetallic mineral materials. The term shall also include exploration and prospecting as defined herein.

MOBILE HOME. A modular unit built **before June 15, 1976**, on a chassis, with a body width exceeding 8' or a body length exceeding 40', measured from hitch pin or ball to the furthest most part of the unit, designed to be used alone as a permanent or temporary dwelling, with or without a permanent foundation, when connected to required utilities. A mobile home does not include a manufactured building.

MODIFICATION IN WASTEWATER FLOW OR CONTAMINANT LOAD. A modification in wastewater flow or contaminant load shall be considered to occur: In public buildings, facilities or places of employment, when there is a proposed change in occupancy of the structure; or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices discharging to the system; and in dwellings, when there is an increase or decrease in the number of bedrooms or occupancy.

MODULAR UNITS. A pre-fabricated detached single or two family dwelling unit designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; which is or was designed to be transported and mounted on a permanent foundation.

NAVIGABLE LAKES. Identified in Surface Water Resources of Barron County, published in 1964.

NAVIGABLE RIVERS. Identified on the zoning map on the basis of their ability to float a shallow recreational boat at least part of the year.

NON-PLUMBING SANITATION SYSTEM. Sanitation systems and devices within the scope of Comm. 91, Wisconsin Administrative Code, which are alternatives to water carried waste plumbing fixtures and drain systems; including incineration toilets, composting toilets, privies, and camping unit transfer containers.

NOT TILLABLE. Lands which have not been actively cultivated in 2 of the preceding 5 years; are of unfavorable topography and which are of low productivity indicated by soil studies, except for lands taken out of production as part of a government program.

OCCUPANCY. Pertains to, and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

OPEN SPACE. An unoccupied space open to the sky on the same lot with the building.

PARCEL. A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

PERSON. Means an individual, corporation, partnership, association, trustee or other legal entity.

PLACE OF PUBLIC ACCOMMODATION. A structure or other facility, that qualifies as a “public place of accommodation or amusement” under Wis. Stats. §106.04 or as a “public accommodation” under 42 U.S.C. §12181(7).

PLANNED RESIDENTIAL DEVELOPMENT (PRD). A lot or parcel containing two (2) or more principle residential buildings or primary residential uses and developed as a unit for permitted residential purposes where such buildings or uses may be located in relation to each other rather than to a lot line or zoning district boundaries.

PLAT. A map of land division.

PLAT, PRELIMINARY. A map showing the salient features of a proposed land division and supplying information adequate to allow preliminary consideration.

PLUMBER. A person licensed by the State as a Master Plumber or Master Plumber-Restricted Services.

PORTABLE RESTROOM. A self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to contain human excrement.

POWTS. See Private Sewage System.

PRINCIPAL STRUCTURE. A building other than an accessory structure. A primary structure on a lot in which the principal use of the lot on which it is located, is conducted.

PRIVATE SEWAGE SYSTEM. Also referred to as a “Private On-Site Wastewater Treatment System” OR “POWTS”, has the meaning given under §145.01(12), Wisconsin Statutes.

PRIVY. An enclosed nonportable toilet into which nonwater-carried human wastes are deposited.

PRIVY, PIT. A privy with a subsurface storage chamber which is not watertight.

PRIVY, VAULT. A privy with a subsurface storage chamber that is watertight.

PROFESSIONAL OFFICE. The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, insurance business, real estate broker or agent, or other recognized professions.

PROPERTY. Means unimproved land, land together with improvements on it, or improvements without the underlying land. Property may consist of noncontiguous parcels or improvements.

PROSPECTING. Engaging in the examination of an area for the purpose of determining the quality and quantity of minerals, other than for exploration, but including the obtaining of an ore sample, by such physical means as excavating, trenching, construction of shafts, ramps, tunnels and other means, other than for exploration, and the production of prospecting refuse and other associated activities.

REBUILT. The construction which takes place after a structure is demolished or damaged to the extent of 50 percent (50%) of its current equalized assessed value.

RECREATIONAL CAMP. An area used occasionally or periodically by members of associations or groups for recreational purposes.

RECREATIONAL VEHICLE. A vehicular portable structure built on a chassis, with or without complete kitchen and toilet facilities, and designed to be used as a temporary dwelling for travel, recreation, or vacation use, having a maximum area of 400 sq. feet. Examples include: van campers, tent camping trailers, self-contained, self-propelled truck chassis mounted vehicles providing living accommodations.

SANITARY PERMIT. The term "sanitary permit", as used in this ordinance shall mean a County Sanitary Permit, a State Sanitary Permit or both.

SEPTIC TANK. An anaerobic treatment tank.

SHORELAND SETBACK AREA. An area in the shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of buildings or structures has been limited or prohibited.

SIGN. Any structure, device, or display used to exhibit or otherwise present lettering, pictures, symbols, or other media.

SIGN PERMANENT. A sign that is located, placed, or attached in a manner such that relocation, replacement, or removal cannot be accomplished readily.

SILVICULTURE. The act of producing and tending a forest and forest trees.

SMALL RESIDENTIAL CONDOMINIUM. Means a condominium with no more than 4 units, all of which are restricted to residential uses.

SPECIAL CONDITIONS. The unique physical characteristics of a lot or parcel which limit the use of the lot or parcel and cause or create an unnecessary hardship.

STATE. The Wisconsin Department of Commerce.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground, including but not limited to, buildings, mobile homes, recreational vehicles, walls, fences, signs, and electronic towers and antennas, but not including utility lines and their normal accessory equipment.

SUBDIVIDER. The owner of lands which are involved in a land division.

SUBDIVISION. See LAND DIVISION. Subdivisions that meet the definition of § 236.02(8), Wis. Stats. are governed by the applicable provisions of Ch. 236, Wis. Stats.

SURVEY MAP, CERTIFIED. A map of a land division involving not more than 4 lots or parcels and complying with § 236.34, Wis. Stats.

SURVEY MAP, PRELIMINARY. See PLAT, PRELIMINARY.

TOURIST ROOMING HOUSE. The use of a single or two family dwelling for the purpose of providing or furnishing overnight lodging accommodations to the public for a period of less than one month to any person(s) who occupies the property on a rental basis.

TRAVEL TRAILER. See Recreational Vehicle.

UNIT. Means a part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space, or one or more rooms or enclosed spaces located on one or more floors, or parts thereof in a building. A unit may include 2 or more noncontiguous areas.

UNIT NUMBER. Means the number identifying a unit in a declaration.

UNNECESSARY HARDSHIP. A circumstance, which was not created by the current owner, a prior owner, or agent thereof, where compliance with the ordinance provisions governing lot area, setbacks, frontage, height or density will prevent the owner from using the lot or parcel for any permitted purpose.

VEGETATIVE BUFFER ZONE. An area of undisturbed or restored native vegetation that provides natural shoreline features and functions for fish and wildlife habitat, water quality protection, and natural scenic beauty, that includes the area 35 feet inland from the ordinary high-water mark.

WALL, BEARING. See Bearing Wall.

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

ZONING ADMINISTRATOR. Includes the Assistant Zoning Administrator and/or such other subordinate staff as may be delegated the authority to act on behalf of the Administrator.

GENERAL PROVISIONS

17.10 JURISDICTION

(1) COMPREHENSIVE LAND USE REGULATION.

(a) APPROVED TOWNS. The towns listed below, have approved application of general County Zoning to the lands within their jurisdiction, and are therefore subject to all sections of this chapter.

TOWN	ORIGINAL APPROVED	REVISION APPROVED	TOWN RESOLUTION SEC. 59.69(5)(e)3 Date Cert. Copy Filed
Almena	09/06/73	10/02/76	
Arland			
Barron	04/08/71	10/04/76	
Bear Lake			
Cedar Lake	04/30/02		
Chetek			
Clinton	10/10/2000		
Crystal Lake	02/08/71	01/11/77	
Cumberland	12/21/72	07/15/76	
Dallas	08/26/85		
Dovre	08/05/74		
Doyle	01/11/94		
Lakeland			
Maple Grove	06/16/86		
Maple Plain	11/07/84		
Oak Grove		02/01/77	
Prairie Farm			
Prairie Lake	06/07/71	05/18/77	11/20/03
Rice Lake		05/09/77	5/17/07
Sioux Creek			
Stanfold	05/01/71	07/15/76	
Stanley	07/26/71	11/08/76	
Sumner	07/07/71	02/07/77	
Turtle Lake	04/17/90		
Vance Creek			

(b) UNINCORPORATED SHORELAND AREAS. All unincorporated shoreland areas as defined herein of the County, are subject to the general zoning authority of the county pursuant to § 59.971, Stats., and are therefore subject to all sections of this chapter.

(2) LAND DIVISION REGULATIONS. Sections 17.50 through 17.55 on subdivisions applies to all unincorporated areas of the County and is not subject to town approval.

(3) SANITARY AND PRIVATE SEWAGE SYSTEM REGULATIONS. Sections 17.60 through 17.65 on sanitation applies Countywide, and is not subject to town approval.

(4) EXTRATERRITORIAL ZONES. The County shall continue to enforce its ordinances in town areas that are subject to municipal extraterritorial land use regulations to the extent that County regulations are more restrictive than municipal extraterritorial regulations as enforced.

17.11 COMPLIANCE

The use of any land or water, the size, shape and placement of lots, the use, size and locations of structures, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any land, the cutting of shoreland vegetation, the subdivision of lots and all other matter dealt within this chapter shall be in full compliance with the terms of the chapter and other applicable regulations. The terms of this chapter apply in full to all uses and activities specified herein, regardless of whether the use or activity also requires a permit. All of the requirements of this chapter, including the land division provisions in sections 17.50 through 17.55, shall apply to all condominium land use activities.

17.12 USE RESTRICTIONS

(1) PERMITTED USES. Permitted uses for each district may be undertaken in that district upon issuance of a zoning permit, for those permitted uses which require a permit as shown in sec. 17.74(5) and upon compliance of the use with other applicable laws and ordinances.

(2) SPECIAL EXCEPTION USES. Uses listed in each zoning district as special exception uses may be undertaken in that district only upon approval of a special exception application by the County Board of Adjustment under procedures specified in sec. 17.73(6) and upon compliance of the use with other applicable laws and ordinances.

(3) USES NOT LISTED. Uses not listed as either permitted uses or special exceptions in a zoning district may not be undertaken in the district, unless allowed under sec. 17.73(6)(c)1.

17.13 SETBACK AREAS; HIGHWAY SETBACKS

(1) SETBACK AREAS. Every lot or parcel shall contain setback areas as provided in this section and by the zoning district regulations for the district in which the lot or parcel is located.

(a) No part of a setback area provided for the purpose of complying with this chapter shall be included as part of the setback area required for another building.

(b) No lot area shall be so reduced that the setback areas shall be smaller than that required by this chapter.

(c) Every part of a required side or rear yard setback area or highway setback area shall be open and unoccupied from the ground upward, except that:

1. Public utility service lines and mechanical appurtenances thereto, where permitted in the zoning district, may be established and maintained within required yard spaces.

2. Platforms, terraces, walks, driveways and parking areas extending not more than 12" above the average ground level at their margins, may be located in any required yard. Such facilities may not include coverings within required yard areas. No parking space shall be established or used within a vision clearance triangle.

3. Fences and walls may be located in any required yard area, provided that they do not exceed 4 ½ feet in height when located along a lot line that does not abut a road or street, or 3 ½ feet when located along a lot line that does abut a road or street, or 2 ½ feet when located within a vision clearance triangle. Chain link fences, up to six (6) feet in height, that can be seen through may be located in all of the locations described above, except there shall not be fences or walls in shoreland setback areas.

4. Retaining walls which support ground at or below its natural level, and which extend no more than 12" above the ground level on any one side, may be located in any required yard space.

5. Hedges within required setback spaces shall comply with the standard established for fences and walls; provided however, that windbreaks on operating farms are exempted from the height limitations unless located within 50' of the boundary of an adjoining residential lot.

6. Within highway setback lines, only the following objects may be established in addition to those specified above for side or rear yard setback areas, and then only if allowed in the zoning district:

- a. Telephone and power transmission and distribution towers, poles and lines, transformers, substations, repeater stations and similar necessary mechanical appurtenances, and portable equipment housing that are readily removable in their entirety, microwave radio relay towers and appurtenances, underground utility lines and other underground structures not capable of being used as foundations for prohibited over-ground structures. Additions to and replacements of all such structures which existed before the effective date of this chapter may be made, provided the owner files with the County Clerk, 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.
- b. Access or service highways constructed according to plans approved by the County Highway Committee.
- c. Septic tanks and other private means of waste disposal, if allowed by the Sanitary Code.
- d. The planting and harvesting of field crops, shrubbery or trees, except as these may be restricted within a vision clearance triangle.
- e. Within a vision clearance triangle, no structure or object of natural growth shall be so constructed, maintained or permitted to grow as to obstruct the view between a height of 2 ½' and 10' above the elevation of the street or highway. This regulation shall not apply to the trunks of trees, posts not over 6" square or in diameter, retaining walls used to support ground at or below its natural level, or wire fences so designed and constructed as not to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance opening from one highway or street to another.

(2) HIGHWAY SETBACKS.

(a) Established. Highway setback lines are established as provided hereunder for all lands along public and private roads. Within the areas defined by the setback lines, the use restrictions set forth in this section shall apply.

(b) Classes Enumerated. For the purpose of determining setback lines, the streets and highways of the county are divided into the following classes and the setback lines for each class are as follows:

1. Class A Highways. All arterial highways classified as freeways or expressways are hereby designated as Class A Highways.

a. The setback from expressways shall be 190 feet from the centerline of a two-lane facility, 190 feet from the center of the median of a divided facility or 50 feet from the right-of-way line. These setbacks are also applicable to all officially mapped or highway locations or where right-of-way has been purchased for future highway locations.

2. Class B Highways. All federal or state highways not designated as Class A Highways are designated as Class B Highways.

a. The setback from Class B Highways shall be 75 feet from the right-of-way or 108 feet from the centerline of such highway, whichever is greater.

3. Class C Highways: All county trunk highways not designated as a Class B Highway, are hereby designated as Class C Highways.

a. The setback from Class C Highways except County Trunk Highway "SS" (the corporate limits of the Village of Cameron to the City limits of Rice Lake) shall be 50 feet from the right-of-way or 83 feet from the centerline of such highway whichever is greater. The setback requirement for County Trunk Highway "SS"; (the corporate limits of the Village of Cameron to the City limits of Rice Lake) shall be 150 feet from the centerline of the closest double lane of traffic.

b. Prior to issuance of a permit for or construction of any structure in a zoned township on property adjoining right-of-way Class C Highways, the County Highway Department must give approval as provided in Section 1.05 to assure compliance with this ordinance.

c. PREEXISTING STRUCTURES; SETBACK NON-CONFORMANCE: Buildings which are constructed prior to the effective date of this Chapter, on lands abutting Highway SS from the corporate limits of Cameron to the City limits of Rice Lake, which do not conform to the setback dimensional rules shall continue to exist.

i. ALTERATIONS, ADDITIONS, AND EXPANSIONS OF PREEXISTING STRUCTURES: Alterations, additions, and expansions which change the exterior dimensions of the structure or building shall be allowed if such alteration, addition or expansion does not increase the encroachment to the roadway, and otherwise conform to use and dimensional requirements of the Barron County Land Use Ordinance. Requests for alteration, addition or expansion which would increase the encroachment to the roadway must obtain a variance as provided in sec. 17.73(7)(b) of the Barron County Land Use Ordinance.

ii. DESTRUCTION OF PREEXISTING STRUCTURE: When a structure which is nonconforming as to the setback dimensional rule, is damaged, or destroyed by fire, explosion, act of God or public enemy, it shall be allowed to be rebuilt on the existing site or increase in size so long as there is no increase in encroachment to the roadway. An expansion which would increase the encroachment to the roadway must obtain a variance as provided under sec. 17.73(7)(b) of the Barron County Land Use Ordinance.

iii. INTERPRETATION. The provisions of this subchapter relate only to property along Highway SS from the corporate limits of Cameron to the City limits of Rice Lake which property contained a structure in existence prior to the effective date of this Chapter; and to the extent this subchapter is in conflict with the Barron County Land Use Ordinance. This subchapter shall supercede the requirements of sec. 17.17 of the Barron County Land Use Ordinance relating to preexisting structures which fail to meet the setback dimensional rules on lands abutting a Class B Highway.

4. Class D Highways. All highways not included in the above classifications are hereby designated as Class D Highways.

a. The setback from Class D Highways shall be 63 feet from the centerline of such highways or 30 feet from the right-of-way line whichever is greater.

5. EASEMENT SETBACK: Setbacks from roadway easements shall be the same as for Class D road right-of-way.

(c) Vision Clearance Triangles at Intersections. In addition to the setback lines established under this subsection which parallel the road, setback lines shall be established hereunder to create vision clearance triangles at intersections. There shall be a vision clearance triangle setback line in each quadrant of all intersections of roads or streets, with other roads or streets, and of roads or streets with railroads. The vision clearance triangle shall be bounded by the road or railroad right-of-way lines, and a vision clearance setback line connecting points on each right-of-way

which are located a distance back from the intersection of the right-of-way lines equal to twice the setback required on the intersecting road or street. In the case of railroads, the setback, for the purposes of this paragraph, shall be considered to be 100' from the centerline of the right-of-way. In addition, the following special rules shall apply:

1. At intersections with transitional widening, such transitional widening shall be considered as additional width, and the setback line on the side of the road which is widened shall be increased by an amount equal to the width of such transitional widening.
2. At intersections with curve connections, the road shall be classified as provided above and the setback along the curve determined accordingly. The vision clearance triangle shall be computed as if the roads intersected without the curve connection, and whichever line provides the greater vision clearance opening shall prevail.

(d) Effect of Widening on Setback Lines.

1. A taking or purchase of land for road purposes along any road which changes the right-of-way or centerline shall not render nonconforming as to setback property abutting such road which was improved prior to such taking or purchase. This regulation shall apply to the principal building of such property and to any accessory buildings having a permanent foundation, and a ground floor area of 600 sq. ft. or more; provided, that no addition to any such building shall extend closer to such road than the building of which it is part.
2. The setback lines along intersecting roads shall not be changed because of the acquisition of land at such intersection, by any governmental agency, when such land shall have been acquired for vision clearance purposes only.

(e) Reduced Setbacks.

1. Reduced setbacks as provided below shall be set by the Zoning Administrator, based upon consultation with the Highway Commissioner or other highway officials and the administration's determination shall be appealable to the Zoning Committee.
2. Reduced setbacks may be established where there is at least one main building on either side of the applicant's proposed building site within 200 ft. of the proposed site. The reduced setback shall not be less than the average of the setbacks of the existing main buildings on each side of the proposed site. Where there is only one existing main building, the setback shall not be less than the average of the setback of existing building and the required setback.
3. Reduced setbacks may be established where right-of-way lines are markedly irregular along a stretch of road.
4. Setbacks may be reduced to allow placement of garages in accessible locations on steeply sloped lots, provided, however, that no garage may be located less than one car length distant from the right-of-way line.

(f) SETBACKS WHERE THE ROAD DOES NOT EXTEND ACROSS THE ENTIRE FRONTAGE. In situations where the road serving a property terminates in a location contiguous to the property, the setback shall be measured from the road and from a computed extension of the road, unless the Zoning Administrator determines after diligent inquiry that there is no possibility that the road will ever be so extended.

17.14 HEIGHT REGULATIONS

- (1) CONFORMANCE. Except as provided below, all buildings and structures shall conform to the height regulations for the zoning district in which they are located.
- (2) METHODS OF DETERMINING PERMISSIBLE HEIGHTS. Building heights shall be determined by measuring vertical distance above ground level at the surface which has maximum exposure

above the ground to the highest point of the structure, excluding architectural projections such as chimneys, flues and cupolas.

(3) ALLOWABLE INCREASE IN HEIGHT.

(a) Residences may be increased in height beyond the limits specified for the zoning district by not more than 10', when all yards and other required open spaces are increased by 1' for each foot by which such buildings exceed the height limit of the district in which it is located.

(b) Churches, schools, hospitals and other similar buildings may be erected to a height not exceeding 60' provided the front, side and rear yards required in the district in which such building is to be located are at least 1' wider for each foot of additional building height above the height limit otherwise established for the district in which such buildings are to be located.

(c) Farm buildings and structures not for human habitation, ornamental structures, radio and television broadcasting and receiving towers, telephone and power transmission poles, towers and lines, microwave radio relay structures and necessary mechanical appurtenances, and accessory structures essential to the use or protection of a building or to a manufacturing process carried out therein, are exempted from the height regulations of this chapter and may be erected in accordance with other regulations or ordinances of the county; provided that any such structure which is accessory to a building in a residential district, or which adjoins a residential lot and is not separated therefrom by a street, shall be located not less than 25' from the lot line.

(4) ZONING PERMIT REQUIRED.

(a) When facilities subject to sub. (3) require a zoning permit to be issued by the Zoning Administrator, the Zoning Administrator shall, before issuing the permit, investigate and determine whether any such facility which is to exceed 35' in height above ground level will create or may create fire protection problems.

(b) Upon a determination that such problems may result, the request for a permit shall be referred by the Administrator to the Zoning Committee which shall invite appropriate officials of fire or other public safety agencies to appear and offer recommendations. The Committee may attach such conditions as it deems reasonable and necessary, based upon advice of fire and public safety officials, to the granting of the permit.

17.15 LOT REQUIRED FOR EACH USE; STREET ACCESS

(1) Every building shall be located on a lot and, except for nonresidential agricultural structures, farm related dwelling units, and planned residential developments, only one principal structure shall be located, erected or moved onto a lot.

(2) All lots shall abut a public street or approved private road or other way which is constructed to applicable standards.

(a) All lots not abutting a public road or street shall be provided a 66 ft. access easement for road right-of-way purposes. The establishment of **three (3)** or more lots shall require that all lots abut a road constructed to township road design standards, which shall be located within the 66 ft. access easement, as a minimum.

(3) No permit shall be issued for construction on lots which do not meet these requirements.

17.16 PARKING

(1) PARKING SPACES REQUIRED.

(a) Multiple family dwelling structures shall provide 1.5 off-street parking spaces for each dwelling unit, plus one.

(b) Mobile home parks shall provide off street parking spaces as provided in sec. 17.33(3)(c).

(c) The Board of Adjustment may determine a minimum number of off street parking spaces for any use for which it approves a special exception permit.

(2) DESIGN AND DEVELOPMENT OF REQUIRED PARKING SPACES.

(a) No parking space required under this chapter shall be used for any other purpose.

(b) All parking spaces shall be graded and drained so as to prevent the accumulation of surface waters.

(c) Parking lots containing 10 or more parking spaces which are located in a residential district or adjoin residential lots shall be screened along the side or sides of such lots which abut the lot lines of residential lots by a solid wall, solid fence, evergreen planting of equivalent opacity or other equally effective means, built or maintained at a minimum of 4' in height. If parking lots so located are lighted, the light shall be so shielded as to prevent undesirable glare or illumination of adjoining residential property.

(d) All off street parking areas of more than 10,000 sq. ft. shall provide and maintain canopy type shade trees along with other forms of vegetation hardy to the region in tree islands and/or planting buffer strips totaling not less than 3% percent of the surfaced parking area.

(e) One off street parking space shall be 12' wide and 288 sq. ft. in area, exclusive of adequate ingress and egress driveways to connect with a public thoroughfare. A single stall garage, or one stall in a multiple stall garage, may replace any single required parking space.

17.17 PREEXISTING CONDITIONS; NONCONFORMING USES

(1) BUILDINGS UNDER CONSTRUCTION. Buildings or structures on which construction was started or for which a construction contract was entered into before the effective date of this chapter may be constructed notwithstanding this chapter, provided that the construction was legal and had received any necessary permits under any ordinances in effect on the date the construction project commenced.

(2) PREEXISTING STRUCTURES; DIMENSIONAL NONCONFORMANCE. Buildings which were constructed prior to the effective date of this chapter, which are conforming to the chapter as to use, but do not conform as to dimensional rules (setbacks, height, yard spaces, separations, etc.) and which are proposed to be altered are subject to the following requirements.

(a) Repairs and improvements of a maintenance nature are allowed.

(b) Alterations, additions and expansions which change the exterior dimensions of the structure or building, and which conform to the dimensional rules of this chapter are allowed.

(c) Alterations, additions and expansions which change the exterior dimensions of the structure or building, and which do not conform to this chapter, but which do not increase the dimensional nonconformity beyond that which existed before the work commenced are allowed, provided that they do not exceed 50% of full market value of the structure or building. This section does not apply to structures located within the required setback from the normal highwater mark as applied under Section 17.41(11)(a).

(d) No alterations, additions or expansions may occur which will increase the dimensional nonconformity.

(e) If the county zoning administrator determines that any portion of a building addition, or any portion of a remodeling or reconstruction project, is required to be allowed under the Federal Fair Housing Act, the Wisconsin Open Housing Law or the Americans with Disabilities Act, the portion of the project costs necessary to provide equal housing opportunity for handicapped or disabled persons will not count in determining whether the 50% limit would be exceeded.

(3) **PREEXISTING USES AND STRUCTURES; USE NONCONFORMANCE.** Land uses or uses of structures which were established prior to the effective date of this chapter which are nonconforming as to use may be continued, provided that:

(a) If a nonconforming use is discontinued or terminated for a period of 12 months, any future use of the property shall be in conformity with this chapter.

(b) A nonconforming use may be changed to another nonconforming use only as a special exception. A nonconforming use which is changed to a conforming use shall not revert back to a nonconforming use.

(c) The construction or establishment of a new structure to accommodate a nonconforming use shall occur only as a special exception, except for the replacement of a single family dwelling.

(d) Nonconforming uses shall also be governed by sub. (2) as to any dimensional nonconformity and by sub. (5).

(4) **PREEXISTING MOBILE HOMES.** Mobiles homes which were lawfully placed and occupied prior to the effective date of this chapter may be removed and replaced with other mobile homes, provided however, that replacements at sites within the shoreland jurisdiction or in other areas zoned R-1 or R-2 may not be of larger dimension than the unit which was on the site when the site became zoned.

(5) **PREEXISTING STRUCTURES AND OTHER USES; OTHER STANDARDS AND REQUIREMENTS.**

(a) When a structure which is nonconforming as to dimensional standards or a structure containing a nonconforming use or a preexisting mobile home is damaged by fire, explosion, act of God or public enemy to the extent of more than 50% of its current full market value, it shall not be restored except as a special exception. However, dwellings including mobile homes that are nonconforming as to district, but are not nonconforming as to dimensional standards which are destroyed by fire, explosion, act of God or public enemy, may be replaced without a special exception. Except if a landowner can establish that a nonconforming structure has been destroyed or damaged after October 14, 1997, by violent wind, fire, flood or vandalism, the structure may be reconstructed or repaired to the size, location and use it had immediately before the damage occurred, subject to the following conditions:

1. A structure that is destroyed or damaged due to a deliberate act by the landowner or by his or her agent, or due to general deterioration or dilapidated condition, may not be reconstructed or repaired, except in conformance with the standards of this ordinance.

2. Except as provided in § 87.30(1d) , Wis. Stats., nonconforming buildings that are subject to regulation under a floodplain zoning ordinance may not be reconstructed or repaired except in compliance with the Floodplain Zoning Ordinance.

3. Application to replace a preexisting nonconforming use may be made by the owner of the property or others along with the owner.

(b) Classification of a use of building as preexisting or nonconforming under this section does not eliminate the necessity for issuance of a zoning permit or other permits as required in sec. 17.74 for activities specified in that section as requiring permits.

(6) **VACANT LOTS OR PARCELS.** Any vacant lot or parcel shown on a recorded subdivision plat or assessor's plat, or a conveyance, and recorded in the office of the Register of Deeds for the County prior to the effective date of this chapter may be used for any purpose permitted by this chapter, except that:

(a) Any lot so used shall satisfy all requirements of the Sanitary Code.

- (b) A substandard lot may not be used as provided in this section if there are abutting lands in the same ownership which could be combined with the substandard lot to result in conformity with the dimensional rules of this chapter.
- (c) Use of a lot which is smaller than 10,000 sq. ft. in area and 65' in width for single family, 2 family or multiple family residential purposes or for a residential unit in combination with some other use shall require special exception approval. The use of such lot shall be consistent with the use in the district in which it is located.

17.18 TEMPORARY USES

(1) The following temporary uses may be established in any district from which they are otherwise excluded by the regulations of this chapter, under the conditions hereinafter specified:

- (a) Real estate offices.
- (b) Temporary buildings and the temporary storage of materials and equipment incidental to the construction of buildings on the premises.
- (c) A house trailer or mobile home to be occupied by an owner or builder, while residential construction is in progress.

(2) Permits for such uses shall be required. The permit shall allow the temporary use for a period not to exceed one year. Extensions of the use beyond one year shall require a special exception permit.

17.19 SIGN REGULATIONS

The sign regulations of this chapter are enacted to protect the public interest by controlling signs that may cause problems of public safety or unreasonably diminish the natural beauty of the county.

(1) RULE APPLICABLE TO ALL SIGNS.

- (a) No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered, except in conformity with the provisions of this section, § 84.30, Wisconsin Stats., and the Wisconsin Administrative Code. Signs shall also meet all structural requirements of local and State Building Codes
- (b) No permanent sign shall be located closer than 75' from the normal high-water elevation of any navigable water body.
- (c) No sign shall resemble, imitate or approximate the shape, size, form or color of traffic or railroad signs, signals or devices, nor shall any sign obstruct or interfere with the effectiveness of such signs, signals, or devices.
- (d) No sign shall be erected, relocated, or maintained, so as to interfere with traffic visibility or with free ingress or egress from any door, window, or fire escape.
- (e) No sign shall be lighted in such a way as to cause glare, or impair driver visibility upon public ways, or as to cause the lights to be directed toward residential land uses or navigable water bodies.

(2) **SIGNS PERMITTED WITHOUT PERMITS.** The following signs are permitted without a permit, subject to the following requirements.

OFF PREMISE	MAXIMUM DISPLAY AREA	MIN. SEPARATION FROM RIGHT-OF-WAY LINE	MAXIMUM FREQUENCY	MIN. DISTANCE BETWEEN LIKE SIGNS	DISTRICTS NOT PERMITTED
TYPE OF SIGN					
City or Village Directory Sign	8 sq. ft.				
Off Premises Directory signs for, areas, homes or localities.	12 sq. ft. (4 sq. ft. for Cottage Directory	5 feet	2 signs along each direction of road		
Signs advertising sale of Agricul- tural products at farms	8 sq. ft.	5 feet	1 off premises sign per mile on each side of road		
Bus. Directory Signs off premises; 50 sq. ft. free-standing or attached to buildings		5 feet		1,000 feet	Residential and Conservancy
Signs advertising a resort or recre- ational activity or product available	5 feet 20 sq. ft		1 sign for each Hwy. upon which the property faces		
ON PREMISE					
On Premises Advertising or Directory Signs					
Farm Name	5 sq. ft.	5 feet			
Business	50 sq. ft.	5 feet			Residential and Conservancy
Home Occupation or Professional Office	6 sq. ft.	50 feet			
Tablet of Inscrip- tion identifying present or future School, Church, or other Public or Semi-public Facility	5 sq. ft.	50 feet			
Temporary or Real Estate Signs	8 sq. ft.	5 feet			
Signs or Bulletin Boards for public Charitable or Religious Institutions	12 sq. ft.	5 feet			
Temporary new development signs, promoting a new subdivision on the develop- ment site.	32 sq. ft.		1 per sub- division site		

(3.) **SIGNS REQUIRING PERMITS.** Billboards on premises, or off premises signs, which exceed 50 sq. ft. in total display area, shall be located no closer than 5 ft. from the right-of-way line, and shall be separated from each other by a minimum distance of 1,000 ft. They shall be permitted only in the Exclusive Agricultural, Agricultural, Mineral Reservation, Business and Industrial Districts, and only with a permit. Except, on State or Federal highways, they are allowed only in the Business or Industrial districts.

17.20 CONDOMINIUMS

(1) Introduction, General and Special Requirements.

(a) Intent. Condominiums are regulated in Barron County to:

1. Protect residents and non-residents and their use, values and enjoyment of property;
2. Protect public health, safety, comfort and general welfare;
3. Minimize traffic congestion through proper ingress and egress; and,
4. Ensure conformance with applicable uses within the zoning districts in which a condominium is located.

(b) Condominium Creation. A condominium may be created within Barron County pursuant to the procedures set forth in Chapter 703 of the Wisconsin Statutes and provided that the condominium is approved by the Barron County Zoning Committee.

(c) Condominium Approval. Preliminary Condominium Plats, Final Condominium Plats and Condominium Plat Amendments shall be submitted and approved by the Barron County Zoning Committee prior to recording condominium instruments and plats with the Barron County Registrar of Deeds.

(d) Consecutively Numbered Units. All units shall be consecutively numbered on the plat.

(e) Statutory Requirements. The final condominium plat shall be drafted in compliance with the requirements of Chapter 703, Wisconsin Statutes.

(f) Unit Compliance with Zoning Regulations. Each individual unit when constructed, expanded or altered, of all new, conversion and expandable condominiums shall conform to the current Barron County Zoning Ordinances at the time that a Land Use Permit is issued for the construction, alteration, or addition of the structure.

(g) Expansion Areas. All condominium plats submitted to the Barron County Zoning Committee must indicate whether or not it will be an expandable condominium.

(2) Standards for New Construction.

(a) Introduction. Construction of new units on property to be part of a new condominium shall conform to the Barron County Zoning, Sanitary, and Subdivision Ordinances.

(b) Alternative Suitability Requirement.

1. Proof of the availability of primary and alternate system areas for privately owned wastewater treatment systems (POWTS) complying with the requirements of the Barron County Sanitary Ordinance and Wisconsin Administrative Code Chapter COMM 83 shall be provided and shown on the plat.
2. Soils information including profile descriptions and suitable POWTS areas shall be provided on standard forms. All non-conventional POWTS areas shall be pre-planned.

(c) Height Limitation. All proposed buildings shall meet the requirements of the Barron County Zoning Ordinance.

(d) Minimum Parcel Size.

1. Lake Lots. All new condominium parcels shall meet the minimum lot area requirements as described in the Barron County Shoreland Overlay District, Section 17.41.
2. Non Lake Lots. All new condominium parcels shall meet the minimum lot area requirements as described in the Barron County Zoning Ordinance, Chapter 17.

(e) Frontage and/or Width Requirements.

1. Lake Lots. All new condominium parcels shall meet the minimum frontage width and minimum lot width requirements as described in the Barron County Shoreland Overlay District, Section 17.41.
2. Non Lake Lots. All new condominium parcels shall meet the minimum lot width requirements as described in the Barron County Zoning Ordinance, Chapter 17.

(3) Standards for Condominium Expansion.

(a) Introduction. Expansion condominium allows additional unit(s), additional property or both to be added to a condominium, provided the additions are in accordance with the declaration, the Barron County Zoning and Subdivision Ordinances, and Wisconsin Statutes.

(b) Alternative Suitability Requirement.

1. Proof of the availability of primary and alternate system areas for privately owned wastewater treatment systems (POWTS), complying with the requirements of the Barron County Sanitary Ordinance and Wisconsin Administrative Code Chapter COMM 83, shall be provided and shown on the plat.
2. Soils information including profile descriptions and suitable POWTS areas, shall be provided on standard forms. All non-conventional POWTS area shall be pre-planned.
3. All existing structures shall have their POWTS checked for compliance with the three foot vertical separation requirement, as well as determining that the system is functioning properly. All existing systems that do not meet this requirement shall be replaced within one year of the preliminary approval.

(c) Height Limitation.

1. All newly constructed buildings shall meet the requirements of the Barron County Zoning Ordinance.
2. All previously constructed buildings shall meet the minimum requirements of the Barron County Zoning Ordinance at the time each building was constructed.

(d) Minimum Parcel Size.

1. Lake Lots. All expandable condominium parcels shall meet the minimum lot area requirements as described in the Barron County Shoreland Zoning Ordinance, Section 17.41.
2. Non Lake Lots. All new condominium parcels shall meet the minimum lot area requirements as described in the Barron County Zoning Ordinance, Chapter 17.

(e) Frontage and/or Width Requirements.

1. Lake Lots. All new condominium parcels shall meet the minimum frontage width and minimum lot width requirements as described in the Barron County Shoreland Overlay district, Section 17.41.
2. Non Lake Lots. All new condominium parcels shall meet the minimum lot width requirements as described in the Barron County Zoning Ordinance, Chapter 17.

(f) Expansion Requirements.

1. All expandable condominiums must indicate the final total number and the approximate placement of the condominium units anticipated for the parcel.
2. Expandable condominiums cannot be added to conversion condominiums unless the combined conversion and expandable condominium complies with the minimum requirements for area, frontage width and lot width requirements for the total number of units proposed.
3. Each expandable phase must receive both preliminary and final plat approval by the Zoning Committee to ensure that the expansion complies with the current ordinance in effect at the time of expansion.
4. If the final condominium plat for the expansion area substantially conforms to the layout shown and approved on the preliminary expansion approval, it shall be entitled to approval with respect to such layout.

(4) Standards for Conversion Condominium(s).

(a) Introduction.

1. Conversion condominiums allow for a parcel of land with one or more existing structures to be converted to a condominium form of ownership.
2. Resorts are allowed to maintain the dwelling unit density that may exist on a resort property.

(b) Alternative Suitability Requirement.

1. Proof of the availability of primary and alternate system areas for privately owned wastewater treatment systems (POWTS) complying with the requirements of the Barron County Sanitary Ordinance and Wisconsin Administrative Code Chapter COMM 83 shall be provided and shown on the plat.
2. Soils information including profile descriptions and suitable POWTS areas shall be provided on standard forms. All non-conventional POWTS area shall be pre-planned.
3. All existing structures shall have their POWTS checked for compliance with the three foot vertical separation requirement, as well as determining that the system is functioning properly. All existing systems that do not meet this requirement shall be replaced within one year of the preliminary approval.

(c) Height Limitation.

1. All newly constructed buildings shall meet the requirements of the Barron County Zoning Ordinance.
2. All previously constructed buildings shall meet the minimum requirements of the Barron County Zoning Ordinance at the time each building was constructed.

(d) Parcel Size and Frontage Requirements.

1. Where existing single dwelling unit structure(s), and/or existing multiple-family dwelling unit structure(s), rental or non-rental, not part of a resort, are to be part of a condominium declaration, such property shall not be converted until a final condominium plat is approved by the Barron County Zoning Committee.
 - a. Lake Lots. All conversion condominium parcels shall meet the minimum lot area, minimum frontage width and minimum lot width requirements as described in the Barron County Shoreland Overlay District, Section 17.41.

b. Non-Lake Lots. All conversion condominium parcels shall meet the minimum lot area and minimum lot width requirements as described in the Barron County Zoning Ordinance, Chapter 17.

2. Zoning Compliance. A condominium plat shall not be approved for a resort which was not constructed in compliance with the Barron County Zoning Ordinances applicable at the time such resort 1) was constructed, 2) made such alterations, or 3) made such additions, UNLESS corrections are made to comply with the applicable zoning regulation. Resorts shall not be converted until a final condominium plat is approved by the Barron County Zoning Committee.

(5) Commercial (Non-Residential) Condominiums.

(a) Commercial condominiums shall not be subject to the dwelling requirements of the ordinance.

(b) Lot areas and widths, building sizes, setbacks, impervious areas, mitigation requirements, land disturbance areas, privately owned wastewater treatment system requirements, parking requirements, and any other construction or improvement shall conform to the requirements of any and all other applicable Barron County Ordinances.

(6) Land-Only Unit(s) (Building Pad Condominium).

(a) Land-only units of property to be part of a condominium, shall conform to the Barron County Zoning, Sanitary, and Subdivision Ordinances.

(b) Land-only condominium regulations apply only where no structures have been constructed prior to recording the condominium declaration and plat.

(c) Land-only condominium does not apply where any unit is located above or below any other unit.

(d) POWTS Requirement.

1. Proof of the availability of primary and alternate system areas for privately owned wastewater treatment systems (POWTS), complying with the requirements of the Barron County Sanitary Ordinance, and Wisconsin Administrative Code, Chapter Comm 83, shall be provided and shown on the plat.

2. Soils information including profile descriptions and suitable POWTS areas, shall be provided on standard forms. All non-conventional POWTS areas shall be pre-planned.

(e) Minimum Parcel Size.

1. Lake Lots. All new condominium parcels shall meet the minimum lot area requirements as described in the Barron County Shoreland Zoning Ordinance.

2. Non-Lake Lots. All new condominium parcels shall meet the minimum lot area requirements as described in the Barron County Zoning Ordinance.

(f) Frontage and/or Width Requirements.

1. Lake Lots. All new condominium parcels shall meet the minimum frontage width and minimum lot width requirements as described in the Barron County Zoning Ordinance.

2. Non-Lake Lots. All new condominium parcels shall meet the minimum lot width requirements as described in the Barron County Zoning Ordinance.

(7) Condominium Approval (Platting) Requirements.

(a) Preliminary Approval Platting Requirements.

1. Name of Condominium.

2. County in which condominium is located shall be provided on each sheet of the plat. Each sheet shall be consecutively numbered and show the relation of that sheet number to the total number of pages.
3. Name and address of property owner(s).
4. Site vicinity drawing showing adjacent water bodies, section corners, and roads, both public and private.
5. Boundary of the parcel to be dedicated as common areas for the condominium complex. Include any expansion areas for expandable condominiums.
6. The location of all existing buildings on the property. (Include the general location of any proposed buildings to be constructed on the property.)
7. Area of the total parcel (square feet). (Include individual areas of each expansion area as well as the total.)
8. Area of all wetlands on the parcel. (Include individual wetland areas for each expansion area as well as the total.)
9. The linear footage (water frontage width) of lake, pond, stream or watercourse frontage. (Include individual measurements for each expansion area as well as the total.)
10. Required minimum area.
11. Computations shall be shown on the plat which verify compliance with the parcel size required by this ordinance.
12. Diagrammatic floor plans of each building located or to be located on the property which show the approximate dimensions, floor area and location of each unit in it.
13. Conversion condominium requirements.
 - a. First floor square footage.
 - b. Photocopy of resort license or proof of existing resort.
14. Soils and Septic Information.
 - a. Soil and site evaluation reports shall accompany the preliminary plat for committee review.
 - b. Location and proof of soil suitability for all existing and replacement septic systems shall accompany the preliminary plat for committee review.
15. Roads which provide access to the condominium shall be shown.
16. Existing easements which affect the condominium property.
17. A minimum of two (2) off-street parking spaces per unit.
18. First floor area (square footage) of each existing structure.
19. The number of bedroom units per dwelling unit.
20. The size and location of any limited common elements.

21. Existing structure expansion area showing dimensions.
22. Whether the condominium is an expandable condominium. If the condominium is an expandable condominium, then, the plat shall indicate:
 - a. Final total number of units;
 - b. Subsequent total number of units, if phased; and
 - c. Approximate placement of the condominium units in each of the phases.
23. Existing and proposed water supply systems.
24. Areas of slopes greater than 20%.

(b) Final Platting Requirements.

1. Time Period for Submitting Final Condominium Plat. Upon approval of the preliminary condominium plat by the Barron County Zoning Committee, the applicant shall submit a final condominium plat within one (1) year unless written request of an extension is acted upon favorably by the Committee. The extension shall not be for more than 180 days.
2. The final plat shall include:
 - a. The name of the condominium.
 - b. The legal description of the property.
 - c. A boundary survey of the condominiums.
 - d. The location of all structures.
 - e. The size and location of any limited common elements.
 - f. The area available in square feet.
 - g. The water frontage width.
 - h. The size and location of the alternate POWTS area(s).
 - i. All units shall be consecutively numbered on the plan.
 - j. Roads which provide access to the condominium.
 - k. Existing easements.
 - l. Two off-street parking spaces per dwelling unit.
 - m. The number of bedroom units per dwelling.
 - n. Wetland Boundary and areas.
 - o. Existing POWTS and Water Supply systems.
 - p. Certificate by owner and Registered Land Surveyor.
 - q. Diagrammatic floor plans of each building located or to be located on the property which show the approximate dimensions, floor area and location of each unit in it.

(c) Condominium Plat Amendments.

1. A condominium plat amendment may be made to any recorded condominium plat pursuant to the procedures set forth in Chapter 703 of the Wisconsin Statutes provided that the amendment is approved by the Barron County Zoning Committee and that the amendment does not create any additional non-conformity with the current Barron County Zoning Ordinance.
2. If the condominium plat amendment amends a final condominium plat without providing substantial changes, the amended plat shall be submitted as a final plat.
3. If the condominium plat amendment amends a preliminary condominium plat without providing substantial changes, the amended plat shall be submitted as a final plat.
4. If the condominium plat amendment amends a preliminary or final condominium plat while providing substantial changes to the preliminary plat, the amended plat shall be submitted as a preliminary plat.

(d) Committee Requirements.

1. The Barron County Zoning Committee shall act upon the plat within ninety (90) days of receiving the plat by registered mail, certified mail, or receipted delivery to the Zoning Office.
2. The Barron County Zoning Committee may extend the review period upon written notice to the owner of the property and his agent, for a period of ninety (90) days.
3. Failure of the Committee to act upon the plat within ninety (90) days, or extension thereof, shall constitute an approval of the condominium plat submittal.
4. The Barron County Zoning Committee shall act to approve, approve conditionally, or reject the submitted plat. The Committee shall state in writing any conditions for approval or reasons for rejection unless the review period is extended.
5. The Committee may give final approval only to that portion of an expandable condominium which is to be recorded initially and may give tentative approval to the expansion portion of the condominium.

(8) Upon Final Condominium Approval. The following shall be provided prior to recording condominium instruments or plats with the Registrar of Deeds.

(a) Owner's and Surveyor's Certificate. The plat shall show an Owner's and a Surveyor's Certificate which indicates:

1. The plat is a correct representation of the condominium.
2. The identification and location of each structure, area and common area are correctly shown on the plat.
3. The plat shall contain the surveyor's original signature and seal.
4. The plat shall provide a place for the approval of the appropriate Town Board Chairman and Clerk signatures (if approval is necessary by the Town).

(b) The plat shall provide a place for the approval of the Barron County Zoning Administrator after approval by the Committee.

(c) The plat shall be:

1. Submitted for filing per Wisconsin Statute 703.11.
2. On a legible scale of not more than 200 feet to an inch. The scale used shall be indicated on the plat graphically.

(9) Town Ordinance Regulating Condominiums.

Nothing contained herein shall be construed to prohibit any town from enacting any Ordinance that would be more restrictive than the provisions contained herein provided the town Ordinance is not in conflict with any provisions hereof or any provisions in Chapter 703 of the Wisconsin Statutes.

ZONING DISTRICTS

17.25 ESTABLISHED

For the purpose of this chapter, the County, outside the incorporated villages and cities, is hereby divided into the zoning districts identified and described in this subchapter.

17.26 ZONING MAPS

The boundaries of these districts are established as shown upon the maps designated as the "Zoning Map of Barron County, Wisconsin," and the "Wisconsin Wetland Inventory" maps dated June 1, 1983, which are on display in the office of the Zoning Administrator and are made a part of this chapter by reference. All notations, references and other information shown upon these maps shall be as much a part of this chapter as if the matter and things set forth were fully described herein.

17.27 BOUNDARIES

In subdividing property, unless otherwise indicated on the zoning or wetlands maps, the district boundary lines are the centerlines of streets, highways, railroads, section lines or quarter-section lines or such lines extended. Whenever a zoning district is indicated on the zoning map as a strip paralleling the highway, the depth of such strip, unless otherwise indicated, shall be 300' measured at right angles to the right-of-way line of the street or highway to which it is adjacent, unless a different depth is shown on the map. The length of each strip shall be as shown on the map. When a district is located at the intersection of streets or highways, the length shall be measured from the intersection of each street highway right-of-way line included in such district. Where land has been subdivided and district boundary lines are indicated as adjacent and parallel or approximately parallel to street lines, such district boundary lines shall be assumed to be the rear lines of the lots abutting such streets. Where uncertainty exists with respect to the boundaries of the various districts shown on the maps which have been adopted and made a part of this chapter, such boundaries shall be determined by use of the scale contained on such map. Boundary determinations shall be made by the Zoning Administrator, subject to appeal to the Board of Adjustment. When an apparent discrepancy exists between the Shoreland-Wetland Overlay District boundaries shown on the wetlands maps and actual field conditions, the Zoning Administrator shall contact the appropriate field office of the department. If the Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a land use permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors, the Zoning Administrator shall notify the Zoning Committee of the need to initiate a shoreland-wetland amendment within a reasonable period of time.

17.28 A-1 EXCLUSIVE AGRICULTURAL DISTRICT

The Exclusive Agricultural District is created to protect areas where agricultural production is the dominant land use and where a continuation of such use is in the interest of the farm operators and beneficial to the interests of the general public in terms of production of food and fiber and environmental quality. Except for continuation of preexisting uses, this district will allow very few nonagricultural uses or development. This policy is intended to avoid conflicts which occur when farm and non-farm uses are mixed, and to reduce the adverse pressures upon farming caused by speculative land values and consequent increases in property taxes on farmlands. A limited number of agricultural or agriculturally related uses are treated as special exceptions in this district, because of potential problems of pollution or land use conflicts.

(1) PERMITTED USES.**(a) Farming.**

1. Dairying.
2. Beekeeping.
3. Floriculture.
4. Forest management.
5. Game management.
6. Grazing.
7. Greenhouse, nurseries.
8. Livestock raising and feedlots, except those feedlots listed as special exceptions in sub.(2.)
9. Orchards.
10. Poultry raising, when the operation involves 10,000 or fewer birds.
11. Raising of grain, grass, mint or seed crops.
12. Raising of tree fruits, nuts and berries.
13. Roadside stands, selling only produce from the parcel and operated by the family.
14. Sawmills, temporary and short-term.
15. Sod farming.
16. Vegetable raising.

(b) Housing.

1. Single family dwellings, which may be less than 20 feet in width, including mobile homes which are accessory to an agricultural operation, and which are occupied by persons or families connected with the farm operation, subject to the provisions of sub. (2)(b)2. Only one such dwelling is allowed under this section as a permitted use for each farm operation.
2. Garages and other similar structures, or uses accessory to the housing uses permitted above, or to other housing uses permitted by special exception. Connection to a POWTS shall be in accordance with Section 17.74(5)(c)1c. The detached accessory buildings

permitted under this section, shall not be designed or used in part or whole for human habitation, or any unauthorized accessory use.

(c) Other.

1. Telephone poles and lines.
2. Local service power transmission lines and poles.

(2) SPECIAL EXCEPTION USES OR ACTIVITIES.

(a) Agriculturally Related.

1. Establishment or expansion of animal waste storage facilities when located within 500' of the residence of someone other than the owner of the system. In the case of pits, the 500' separation measurement, shall begin at the edge of the liquid at the maximum capacity of the pit. Such systems, shall in all instances, be constructed according to technical standards of the county Soil and Water Conservation District.

2. Commercial egg production and commercial processing of poultry products.

3. Feedlots, when 100 or more animals are involved, and the feedlot is within 500' of and drains toward a navigable water body, or within 500' of the residence of someone other than the feedlot owner.

4. Fur farms.

5. Livestock sale barns.

6. Poultry raising when the operation involves in excess of 10,000 birds.

7. Veterinary services and animal hospitals.

8. Agricultural related supply, warehousing, marketing uses and manufacturing.

9. Stables.

10. Mineral extraction's: Type I, governmental only.

11. Slaughterhouses.

12. Farm Family Business.

13. Livestock Facilities. The establishment of a livestock facility of 500 or more animal units, or the expansion of an existing livestock facility that results in an increase of animal units by 20%, shall be considered a special exception, and shall require the submittal of the ATCP Livestock Siting Application as per Wis. Adm. Code, ATCP 51.

(b) Farm Related Housing.

1. Dwelling units, which may be less than 20ft. in width, including mobile homes, exceeding one per farm operation, which are necessary to a farm operation and are occupied by persons connected with the farm operation or by parents or children of the farm operator.

2. Notwithstanding any other provision, any new dwelling unit proposed to be located within 500' of an existing liquid manure storage facility, shall require special exception approval.

(c) Other.

1. Governmental and Institutional uses.
2. Churches and other religious uses and facilities.

3. Cellular phone towers, electrical facilities, electrical and natural gas distribution facilities of a non-local service nature, facilities for storage and/or conversion of petroleum fuel and similar utility uses of a non-local service nature.

4. Agricultural related uses similar to those listed in par. (a).

(d) Standards.

1. In deciding applications for this subsection, the Board of Adjustment shall consider the effect which the proposed use would have upon agricultural operations in the vicinity of the proposed use. Impacts which would be harmful to agriculture in the area may be the basis for rejection of the proposed special exception use or may be the basis for conditions attached to approval which are designed to reduce such adverse impacts. Impacts which are compatible with agriculture in the area may be the basis for approval. The Board of Adjustment shall also consider whether other locations, less threatening to continued farming of good agricultural lands, might be available for the proposed use and strength of the reasons offered by the applicant in support of the site in question.

2. In deciding applications for special exceptions under sub. (2)(b)1., the Board of Adjustment shall determine that the proposed additional dwelling unit is necessary to accommodate persons connected with the farm operations as defined in sec.17.08. When there is doubt as to whether the need for the additional dwelling will be of a long-term nature, the Board shall encourage and may require use of a mobile home or other temporary structure and may require removal of such unit when there is no longer a need for it to be occupied by persons connected with the farm operation. If a permanent dwelling is approved under sub. (2)(b)1., the Board shall require that a covenant be created and recorded under which a legal survey description is required to be created and recorded for the parcel on the purpose of clarifying land title and tax descriptions, when the occupancy of the dwelling unit changes, such that the unit is no longer occupied by persons connected with the farm operation. Provided, however, that if the applicant request permission to establish a mobile home, the special exception review shall be conducted and decided by the Zoning Administrator on behalf of the Board of Adjustment. The decision of the Zoning Administrator may be appealed to the Board of Adjustment. The special exception fee and hearing shall be waived unless such an appeal is taken.

3. Cross-referenced standards for other special exception uses: mineral extraction's. See sec. 17.31(3).

4. In deciding applications for special exceptions under sub. (2)(a)12, the Board of Adjustment shall consider that, a farm family business may be permitted as a special exception if limited to existing farm residences, or structures, or portions thereof the existing farmstead that are not dedicated to the agricultural uses. No more than 2 persons who are not members of the resident farm family may be employed in the farm family business.

5. In deciding applications for Special Exceptions under Section 17.28(2)(a)13, Board of Adjustment shall consider:

(a) General Setbacks.

1. Property lines. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line, if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the property line.

2. Public Road Right-of-Way. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way, if the livestock facility will have 1,000 or more animal units.

The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except, that a structure may not be expanded closer to the public road right-of-way.

3. Waste Storage Structure. A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way. A single new waste storage structure may be constructed closer to the property line or public road, if a new structure is:

- Located on the same tax parcel as a waste storage structure in existence before May 1, 2006.
- No larger than the existing structure.
- No further than 50 feet from the existing structure.
- No closer to the road or property line than the existing structure.

This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet [not to exceed 350] of a property line or road may not expand toward that property line or road.

(b) Water Quality and Related Setbacks.

1. Navigable Waters and Wetlands. A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under Sections 59.692, 61.351 or 62.231, Wisconsin State Statutes.

2. Floodplain. A livestock facility shall comply with setback and related requirements in any applicable floodplain zoning ordinance that is enacted within the scope of statutory authority under Section 87.30, Wisconsin State Statutes.

3. Wells. All wells located within a livestock facility shall comply with Chapters NR 811 and 812. New or substantially altered livestock structures shall be separated from existing wells by the distances required in Chapters NR 811 and 812, regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

6. Application Requirements.

(a) In order to secure information upon which to base its determination, the applicant shall furnish, in addition to the customary information required for a zoning permit, the following information. Failure on the part of the applicant to do so may result in denial of the permit.

1. Number and type of livestock to be managed at the feedlot.
2. A site plan of the area, showing contours, soil types, high water mark, groundwater and bedrock elevations, slope and vegetative cover.
3. Site development plans, showing the location of buildings, manure storage facilities, water supply and sewage disposal systems, driveway access to public roads, facility screening, and landscaping.

4. Facility runoff management plans showing practices to control non-point source discharge and estimated rates of pollution discharge.
5. Manure facility design and nutrient management plans.
6. Other pertinent information necessary to determine if the proposed use meets the requirements of this Ordinance.

(3) DIMENSIONAL RULES AND OTHER STANDARDS.

(a) Residential Lot and Yard Sizes.

1. Where a dwelling is to be established under sub. (2)(b), on a parcel which is separate from that of the farm tract or of the parcel on which another dwelling unit exists, the parcel shall comply with the minimum lot size, width and yard size standards of sec. 17.32(3).
2. Where such a dwelling is to be established without creation of a separate parcel, such unit shall be located no closer than 25' from any other dwelling.

(b) Farm Parcel Size. The minimum parcel size to establish a farm operation or a residence, except as provided in para. (a), shall be 40 acres or quarter-quarter section, but in no case less than 35 acres.

(c) Height Limits. Building or parts of buildings used for human habitation shall comply with the height requirements of sec. 17.32(3).

(d) Sewage Systems and Water Supply. Each residential unit shall have its own sanitary waste disposal system meeting the standards of the State Plumbing Code and the County Sanitary Code; provided however, that sharing of these facilities by 2 or more dwellings on a single farm may be allowed on a temporary basis with approval of the State.

17.29 C-1 WETLAND CONSERVANCY DISTRICT

The Wetland Conservancy District is created to protect wetlands. Wetlands are seldom suitable for building for the following reasons: septic tank systems will not function because of high groundwater; water supplies can be polluted by wastes that have not been adequately absorbed by the soil; foundations and roads often crack due to poor support and frost action; flooding is common. Filling rarely solves all these problems. In their natural state, wetlands control and store floodwaters, thus minimizing flood risks; they trap sediments from upland runoff thus preventing surface water siltation; they hold and oxidize organic and biological wastes thus reducing the biological oxygen demand placed upon surface waters; they intercept nutrients thus stabilizing the fertilization of surface waters; they provide habitat and breeding space for a variety of aquatic and terrestrial animals, thus providing opportunities for hunting, fishing, trapping and other recreational pursuits; they provide opportunities for scientific research and understanding of biological communities; they are a reservoir of life that may be needed in the future for production of food, pharmaceuticals and other essentials of life; and they provide open space of unique texture and diversity. For these reasons, building development and other alterations which would affect the natural functions of wetlands are limited to this district. This district will apply to: all lands designated as swamps and marshes on the United States Geological survey quadrangle maps for the county within the shoreland jurisdictions as defined in sec. 17.41(2); and all lands held by the State for wildlife, waterfowl, fish and aquatic life habitat purposes which are swamps or marshes; and all lands designated as "peat and muck" on the County detailed soils survey maps and within the shoreland jurisdiction; and other lands designated as such on the county zoning map because they are swamps or marshes or are immediately adjacent to such swamps or marshes.

(1) PERMITTED USES.

- (a) Farming, not including erection of buildings or structures or the conduct of activities prescribes under sub. (2)(d).
- (b) The harvesting of wild crops, such as marsh hay, ferns, moss, berries and tree fruits and seeds.
- (c) Hunting, trapping, fishing, swimming and boating, provided that no camping or overnight occupancy of buildings, vehicles or boats may occur.
- (d) The practice of wildlife, fish and forest management.
- (e) Preservation of scenic, historic and scientific areas.
- (f) Hiking trails and bridle paths.
- (g) Nonstructural uses accessory to any of the above permitted uses.
- (h) Activities listed under sub. (2)(d) if they involve less than 500 sq. ft. in area.

(2) SPECIAL EXCEPTION USES OR ACTIVITIES.

- (a) Public and private parks, picnic areas, and similar uses.
- (b) Nonresidential structures or buildings not specifically listed under sub. (1) and which are necessary to a permitted use.
- (c) Piers and docks.

(d) A County grading permit shall be required to be issued pursuant to the procedures and standards of sections 17.41(8) through (10) before undertaking any of the following wetland disturbing activities which will affect an area within the district having an area of 500 sq. ft. or greater:

1. Draining.
2. Dredging.
3. Driving piles other than fence posts.
4. Dumping, filling or depositing of any soil, muck, sand, gravel, aggregate, stones, rubbish or other similar substance.
5. Laying drainage fields.
6. Flooding by means of man-made structures or excavations.
7. Removal of top soil or peat.
8. Relocation of any watercourse, stream bank improvements.

(e) An application for any special exception use or activity shall be approved only upon a finding that the proposed activity will not result in significant impairment of the natural functions performed by the wetland.

(3) DIMENSIONAL RULES AND OTHER STANDARDS.

- (a) Conditions. See sec. 17.73(6)(d).
- (b) Issuance of Grading Permits. See sec. 17.41(8).

17.30 C-2 UPLAND CONSERVANCY DISTRICT

The Upland Conservancy District is created to preserve, protect and enhance significant woodlands and related scenic and habitat areas. Regulation of these areas will protect the natural beauty and environmental quality of the county and help to preserve areas of significant topography, natural watersheds, potential recreation sites and wildlife habitat. Their preservation will also enhance the tourism and recreation industry potential of the county. It is intended that this district will apply primarily to lands which are desired by their owners to remain undeveloped, or which are unsuitable for development because of severe site limitations.

(1) PERMITTED USES.

- (a) Farming.
- (b) Forest or woodlot preservation or management
- (c) Game preservation or management.
- (d) Hunting and fishing.
- (e) Parks, recreation areas, wildlife preserves.
- (f) Stables.

(2) SPECIAL EXCEPTION USES OR ACTIVITIES.

- (a) Nonresident buildings or structures necessary to a permitted or approved special exception use.
- (b) Recreational camps and campgrounds.

(3) DIMENSIONAL RULES AND OTHER STANDARDS. Decisions on proposed mineral extractions shall be governed by sec. 17.31(3).

17.31 MR-MINERAL RESERVATION DISTRICT

The Mineral Reservation District is created to protect mineral extraction operations against problems caused by intrusion of incompatible land uses, and to allow for protection of deposits of minerals. The district regulations also control, by cross-references, mineral extraction operations which occur in other zoning districts.

(1) PERMITTED USES.

(a) Those agricultural uses allowed under sec. 17.28(1).

(b) Those conservancy uses allowed under sections 17.29(1) and 17.30(1).

(c) Type I mineral extractions, which shall include:

1. Pre-existing Mineral Extractions. Preexisting mineral extractions are those operations involving the excavation, removal and/or processing of minerals which operations were in active use during any part of a 5 year period prior to the effective date of this chapter.

2. Limited, Short-term Mineral Extractions. Limited short-term mineral extractions are those operations which:

a. Do not satisfy the definitions and standards for preexisting extractions.

b. Will be commenced and completed within a one year period from the date of the permit.

c. Will be limited to not more than one acre in area.

(2) SPECIAL EXCEPTION USES OR ACTIVITIES.

(a) Those uses listed as special exceptions under sections 17.28(2), 17.29(2), and 17.30(2).

(b) Type II mineral extractions, which shall include those operations involving excavation, removal and/or processing of minerals which do not satisfy the definitions of a Type I mineral extractions.

(c) Applications for special exception permits to conduct mineral extraction or processing activities shall be accompanied by the following information:

1. Ownership and Management Data. Information on location of the proposed site of the operations, ownership of the land, leasehold, license and other property interests and accurate information on the identity of all individuals, partnerships, associations or corporations which will be involved in control of the proposed operation. The purpose of this requirement is to allow the Board to determine accountability for all conditions that it decides to impose upon the activity and the information shall be sufficiently detailed and complete to accomplish this purpose.

2. Operations Plan Data. Full and complete information on the precise nature of mineral extraction or processing activity that is proposed to be undertaken. Such data shall specifically respond to the factors and standards listed in par. (d).

3. Reclamation Plan Data. Full and complete information on the nature of reclamation which the applicant proposes to undertake to satisfy the factors and standards of par. (d).

(d) In order to grant a special exception permit for mineral extraction or processing activities, the Board shall find:

1. That mineral extraction and/or processing is an allowable special exception use in the zoning district, and an appropriate land use at the site in question, based upon consideration on such factors as:

a. Existence of mineral deposits.

b. Proximity of the site to transportation facilities and to market areas.

c. Ability of the operation, as described in the proposed operations plan, to avoid harm to the public health, safety and welfare and to the legitimate interests of nearby properties.

2. That an operations plan, which the Board shall direct, be imposed as a condition of approving the special exception permit, will protect affected public and private rights against undue interference.

3. That a reclamation plan, which shall similarly be imposed as a condition of approval, will be enforceable and, as enforced, will result in a condition which is reasonably safe, attractive, and if possible, conducive to productive new uses for the site.

4. The Board shall attach such conditions to each approved application as are necessary to assure that the operation will satisfy the standards set forth above.

5. The special exception permit shall remain in effect provided annual reviews by the Zoning Administrator disclose the conditions attached to the Decision of the Board of Adjustment are adhered to and remain the same. In addition, all permitted operations and reclamation shall comply with the requirements of sub (2)(c). Reapplication to the Board of Adjustment for renewal shall be required with a change in ownership, alterations to operational plans, or noncompliance with the standards of Chapter 18, of the Barron County Non-Metallic Mining Reclamation Ordinance.

6. A termination of mining activities on a site which is the subject of an approved special exception permit for a period of one year or more, shall disentitle the permit holder to a right of renewal at the end of the permit period, despite compliance of former operations with all conditions of the original permit, unless:

a. Such a discontinuance was specified as part of the original operations plan; or

b. The operator has submitted and had Board approval of an amendment to the original permit, placing the operation on inactive status with accompanying conditions as to interim or partial reclamation.

7. The Board shall require reasonable assurance that the conditions it imposes will be satisfied. Such assurance shall be achieved through some combination of:

a. Performance bonds or substitute guarantees in the form of pledged collateral.

b. Establishment of escrow accounts into which deposits shall be made to assure financial resources for investments in reclamation work.

c. Clear identification of the relationships between landowners, lessees, licensees and operators, and the signing of written pledges by those persons who assume responsibility for various elements of the condition imposed.

(3) DIMENSIONAL RULES AND OTHER STANDARDS.

(a) Agricultural and Conservancy Uses.

1. Those uses allowed in the district by virtue of their allowance under sections 17.28 (1), 17.29(1), or 17.30(1) shall conform to the dimensional rules set forth in the cross-referenced sections.

2. Dimensional rules for all other uses allowed in this district under sections 17.28(2), 17.29(2), or 17.30(2) shall be set in the course of special exception review by the Board of Adjustment.

(b) Mineral Uses.

1. A land use permit shall be required to be obtained by any person wishing to continue or establish legal operation of a Type I mineral extraction. Land Use Permits shall be issued if the application shows that the existing proposed operation satisfies the definitions of a Type I mineral extraction, and if a Type I mineral extraction is a permitted use in the zoning district where the site is located.

2. Type I mineral extractions for which land use permits are issued shall be subject to these additional standards and conditions:

(a) Asphalt mixing plants shall be located not less than 1,000 ft. from any residence other than that of a permit holder. Hot mix plants shall conform to state, federal or local pollution standards.

(b) The operation shall be conducted so as to minimize, insofar as practicable, the production of noise, vibration, or dust, which is hazardous or substantially annoying to persons located off the premises.

(c) All parts of a mineral extraction operation at which there is an excavation of 10 ft. or more in depth, shall have a perimeter slope which is no steeper than 2 ft. horizontal to 1 ft. vertical.

(d) When extractions are discontinued, all machinery and equipment which exists incidental to the operation shall be removed. The excavation shall be drained if necessary, and if it is possible to do so by removing obstructions to natural drainage so that water will not collect therein; all banks or cuts not in rock shall be sloped at an angle no steeper than 2 ft. horizontal to 1 ft. vertical, except that banks or cuts located within 200 ft. of a road right-of-way shall be sloped no steeper than 3:1; pit or quarry bottoms shall be left in a generally level condition, excess boulders, rocks, stones or other unusable material shall be buried; scrap machinery and similar debris shall be removed. Excavated (exhausted) areas to be revamped in accord with this section by the owner or contractor within 12 months of last removal of materials. Any new owner(s) of property shall assume the responsibilities of the regulations of this section.

(e) In the case of preexisting extractions, an approved permit shall allow extractions to continue to the extent achievable under the ownership, or control rights of the applicant within the bounds of the deposit being extracted and all processing activities regularly associated with such extractions. In the case of limited, short-term extractions, an approved permit shall allow extractions up to one year in duration and one acre in area.

17.32 R-1 RESIDENTIAL LOW DENSITY DISTRICT

The Residential Low Density district is created to establish and protect the essential characteristics of areas within which low density residential use should occur, along with certain community and recreational uses to serve the residents of the district.

(1) PERMITTED USES.**(a) Residential.**

1. Single family dwellings, including manufactured homes but not mobile homes.
2. Two family dwellings, not including mobile homes.
3. All manufactured homes shall be located on a permanent foundation.

(b) Other Supporting Uses.

1. Detached Accessory Buildings. Detached accessory buildings are allowed in the R-1, R-2, R-3, and RR residential districts subject to the following standards:

- a. One (1) detached accessory building, which exceeds twelve (12) feet in height or 144 square feet in floor area or both, may be located or constructed on each parcel or lot which complies with the applicable lot size and lot width requirements of this chapter, subject to the following limitations:

- i. The detached accessory building shall not exceed twenty (20) feet in height and eaves exceeding four (4) feet shall be calculated as part of the allowable total square footage of the structure.

- ii. If the parcel or lot has area equal to or less than 15,000 square feet, then the detached accessory building shall not exceed 880 square feet in floor area.

- iii. If the parcel or lot has a lot area greater than 15,000 square feet, but less than 30,000 square feet, then the detached accessory building shall not exceed 1096 square feet in floor area.

- iv. If the parcel or lot has a lot area greater than 30,000 square feet, then the detached accessory building shall not exceed 1,280 square feet in floor area.

- v. Parcels having 43,560 sq. ft. or more, a detached accessory building shall not exceed 1,512 square feet in floor area.

- vi. The detached accessory buildings permitted under this section, shall not be designed or used in part or whole for human habitation, or any unauthorized accessory use. Connection to a POWTS shall not occur until a principal structure is established on the property.

- vii. A detached accessory building which exceeds twelve (12) feet in height, or 144 square feet in floor area or both, shall comply with the building setback standards for principle buildings.

- b. One (1) detached accessory building which may also be a gazebo or screened sitting area, which is equal to or less than 12 ft. in height, or equal to or less than 144 sq. ft. in floor area, or 12 ft. in diameter, may be located or constructed on each lot or parcel which fully complies with the applicable lot size and lot width requirements of this chapter, in addition to the detached accessory building permitted under paragraph a. subject to the following limitation:

i. A detached accessory building which is less than twelve (12) feet in height and less than 144 square feet in area, or 144 sq. ft. in diameter, shall be setback at least ten (10) feet from lot line.

2. Churches, public and parochial, elementary and secondary schools.

3. Municipal buildings, not including sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.

4. Parks, playgrounds, tennis courts, bathing beaches and golf courses.

5. Swimming pools.

6. Farm animals, except hogs, for family food production only, and not more than 2 saddle horses plus the offspring of such horses up to 10 months of age. See sub. (3)(c).

7. Gardening and farming, including nurseries and greenhouses for the propagation of plants only, not including farms operated for the disposal of sewage, rubbish or offal, fur, stock and poultry farms.

8. Telephone, and power distribution poles, lines and necessary appurtenant equipment and structures, such as transformers, unit substations and equipment housing; telephone exchanges, provided there be no service or storage yard, and provided that local distribution facilities shall be underground.

9. Home occupations, when such occupations are incidental to the residential use of premises, and comply with sec. 17.32(3)(g).

10. Professional offices, when such offices are conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of premises, and comply with sec. 17.32(3)(h).

11. Piers, docks and boathouses.

(2) SPECIAL EXCEPTION USES.

(a) Planned Residential Developments.

(b) Rest homes, nursing homes, homes for the aged, clinics, children's nurseries, day-care centers.

(c) Microwave radio relay structures.

(d) Any addition to, or expansion of, an existing special exception use (as listed in this section) that was lawfully established in this district.

(e) Recreational Vehicles as per Section 17.36(3)(c)3a.2.

(3) DIMENSIONAL RULES AND OTHER STANDARDS.

(a) Lot dimensions.

MINIMUM LOT STANDARDS

	<u>Area</u>	<u>Width</u>	<u>Side Yard</u>	<u>Aggregate Side Yard</u>	<u>Rear Yard</u>
Residential Lot Sewered					
(Public Sewer)					
Single Family	20,000 sq. ft.	100'	10'	25'	25'
Two Family	1 acre	150'	10'	25'	25'
Residential Lot Unsewered					
(Private Sewer)					
Single Family	1 acre	150'	10'	25'	25'
Two Family	1 acre	150'	10'	25'	25'
Lots for other uses:					
Children's Nurseries					
Churches					
Clinics					
Day Care Centers					
Homes for the Aged					
Municipal Bldg.					
	1 acre	150'	35'	15'	50'

(b) Building Heights. No building shall exceed 35' in height.

(c) Farm Animals. Farm animals are subject to these limitations in addition to those stated in sub. (1)(b)6. The parcel on which such animals or fowl are maintained shall contain 5 acres or more; on a parcel which is between 5 and 10 acres in size, no more than 2 such animals may be kept; additional animals may be kept on parcels of 10 acres or more in size, subject to the remaining provisions of this section; buildings in which any such animals or fowl are kept, shall be distant no less than 100 ft. from the nearest lot line of an adjoining residential lot; no killing or dressing of such animals or fowl shall take place on the premises; and there shall be a plan submitted to and approved by the Zoning Administrator for satisfactory disposal of wastes generated by such animals or fowl.

(d) Swimming Pools. Swimming pools shall be enclosed with fencing no less than 4 ft. in height, constructed of materials which will be durable and difficult to climb; provided further, that all accesses to the pool area shall be only keyed locks or through an enclosed building.

(e) Planned Residential Developments. Planned residential developments shall be governed by sec. 17.33(3)(d).

(f) Boathouses. Boathouses shall be governed by sec. 17.41(10)(a)4a.

(g) Home Occupations. Any occupation for gain or support, when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building; provided that no person other than a member of the resident family is employed on the premises, and that no more than 25% of the floor area of any floor of the residence or accessory building is used for the home occupation. A Land Use Permit is required prior to the operation of a home occupation.

(h) Home Professional Business. Any professional occupation for gain or support when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building; provided further that such business is conducted solely by a member or members of the resident family entirely within the residence, that not more than 50% of only one floor of the dwelling shall be devoted to such business and that no more than two persons not members of the resident family are employed in nonprofessional capacities in any such office. A home professional business includes uses such as attorneys, doctors and dentistry offices, real estate brokerages, photographic studios and service oriented shops such as beauty and barber shops, office for tax preparation and licensed children's day care for no more than twelve (12) children. Before any home professional business may be opened, a complete septic system evaluation shall be conducted and any improvement to or replacement of the system must be completed before the business may commence. A Land Use Permit is required prior to the operation of a home professional business.

(i) Farming. Farming as a permitted use in this district, shall not include construction of new barns or structures for the housing of farm animals or fowl, unless such barn or structure replaces a comparable structure which has been destroyed or otherwise eliminated from the site.

17.33 R-2 RESIDENTIAL HIGH DENSITY DISTRICT

The Residential High Density District is created to establish and protect the essential characteristics of areas within, which mixtures of housing densities should occur along with certain supporting community and recreational uses to serve residents of the district.

(1) PERMITTED USES.

(a) Residential. Those residential uses allowed as permitted in the R-1 district.

(b) Other Supporting Uses. Those other supporting uses allowed as permitted uses in the R-1 district.

(2) SPECIAL EXCEPTION USES.

(a) Those special exception uses listed for the R-1 district.

(b) Multiple family dwellings.

(c) Mobile home parks.

(d) Applications for a special exception permit to allow multiple family dwellings or a mobile home park in this district shall be approved only upon a determination that the proposed use will be compatible with other residential uses in the district, that property values will be maintained, and that the projected population densities will not unreasonably overburden the land or required public services.

(3) DIMENSIONAL RULES AND OTHER STANDARDS.

(a) Rules Adopted by Cross-reference. Rules and standards for uses allowed in this district by virtue of their being allowed in the Residential Low Density District shall be as set in sec. 17.32(3).

(b) Minimum Lot Area; Multiple Family Dwelling.

1.

NUMBER OF DWELLINGS

3-8

8+

MINIMUM LOT AREA

1 ACRE

Requires 1 ACRE plus an additional 4,000 sq. ft. for each unit in excess of 8.

EXAMPLE:

A multiple family dwelling having 9 units, requires (1) acre plus 4,000 sq. ft. or 47,560 sq. ft. in lot area.

2. Minimum side yards, 25'.

(c) Mobile Home Parks.

1. Location. No park shall be located in hazardous fire area or in a site which is unsuitable because of physical limitation by reason of flooding, inadequate drainage, soil and rock formation with severe limitations for development, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of the residents of the park or adjoining property.

2. Minimum Park Size. 10 acres.

3. Density. The maximum allowable density in a mobile home park development shall be 8 units or lots per gross acre.

4. Minimum Lot Size. Individual lots within the mobile home park shall contain an area of not less than 5,000 sq. ft. and shall have a minimum width, at the narrowest point, of 50 ft.

5. Mobile Home Stand. A mobile home stand 17 ft. by 70 ft. intended for the actual placement of the mobile home shall be provided on the lot. The stand shall provide adequate support and drainage for the placement of the mobile home. The mobile home stand shall be provided with anchors and tie downs as required by State law. The site of each stand shall not be exposed to objectionable smoke, noise, odors, flooding, erosion or other adverse influence.

6. Required Separation Between Mobile Homes. Mobile homes shall be separated from each other and from other buildings and structures by at least 20 ft. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak or porch attached to the mobile home, shall for purposes of separation requirements, be considered a part of the mobile home. The basic unit shall not occupy in excess of $\frac{1}{4}$ of the area of the lot, and the complete unit including all accessory structures shall not occupy more than $\frac{1}{2}$ of the area of the lot.

7. Setback and Buffer Strips. Each mobile home shall be located at least 10 ft. from any mobile home lot line. There shall be a minimum setback of the mobile home of 25 ft. from the front or main street side of the lot and of at least 10 ft. from the rear of the lot. All mobile homes shall be located at least 25 ft. from any park property boundary line.

8. Screening. Unless adequately screened by existing vegetative cover, the park shall be screened by a temporary planting of fast growing material capable of reaching a height of 15' or more; the individual trees to be such a number and so arranged that within 10 years they will have formed a screen equivalent in opacity to a solid fence. Such permanent planting shall be maintained to a height of not less than 15'.

9. Drainage and Landscaping. The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner away from the mobile home stand; all mobile home sites shall be sodded or seeded, and the park shall be attractively landscaped in accordance with a plan submitted at the time of initial permit application.

10. Recreation Areas. In all mobile home parks, there shall be one or more recreation areas of a minimum of $\frac{1}{2}$ acre in size which shall be easily accessible to all park residents.

11. Allowable Uses. Accessory structures approved by the park operator shall be allowable uses, provided they meet the minimum setback requirements prescribed for the basic mobile home. Service buildings such as park offices, laundromats, convenience stores, community halls for social use of park residents and picnic shelters, shall be allowable uses. All such structures shall adhere to locally applicable Building and Sanitary Codes and shall require zoning permits independent of the park construction permit. Signs used for identifying the park, either on or off the property, shall adhere to applicable zoning provisions. Convenience establishments of a commercial nature are allowable uses in mobile home parks, providing that such establishments shall not occupy more than 10 % of the park area, shall be subordinate to the residential character of the park, shall be located, designed, and intended only to serve the specific needs of the park residents, and shall present no visual evidence of commercial character from any portion of any residential district outside the park.

12. Prohibited Uses. Commercial sales or service of mobile homes shall not be permitted. This does not exclude routine maintenance of mobile homes already on sites within the park, nor the private sales of individual homes by the owners of onsite homes. Dependent mobile homes or camping trailers shall specifically be prohibited from placement or occupancy within mobile home parks.

13. Sewerage Requirements. Public sewerage service for mobile home parks is preferred and shall be established wherever practicable; private sewerage is permitted, as an alternative, provided that all treatment disposal occurs on the park premises and provided that the system and facilities are designed, constructed and operated in accord with COMM 83, Wis. Adm. Code, and with any additional requirements imposed by the Board of Adjustment. Plans and installation details involving design, construction, alterations or extension of private sewerage systems, shall be approved by the State Division of Health and the Board of Adjustment prior to construction.
14. Plumbing Requirements. All plumbing within the park and mobile homes therein, shall meet all applicable standards of the Wisconsin Administrative Code and any additional requirements of the Board of Adjustment.
15. Solid Wastes. All solid wastes shall be stored, collected and disposed in compliance with Ch. HSS 177, Wis. Adm. Code.
16. General Requirements for Access, Street and Parking. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways or other means.
17. Park Entrance. Entrances to mobile home parks shall be designed to minimize congestion and hazards, and allow free movement of traffic on adjacent streets.
18. Internal Streets. Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case, shall meet the following minimum requirements:
 - a. Right-of-way width shall be at least 66', unless the Town Board has specifically approved a lesser width, but shall in no case, be less than 50'.
 - b. Pavement width shall be a minimum of 20'; and 4' shoulder shall be provided on each side.
19. Pavements. All streets shall be provided with a smooth hard surface which shall be durable and well drained under normal use and weather conditions. If a gravel surface is permitted, it shall be kept dust-proofed in a satisfactory manner.
20. Grades. Grades of all streets shall be sufficient to insure adequate surface drainage, but shall not be more than 8%. Drainage shall be away from mobile home stands.
21. Intersections. Within 100' of an intersection, streets shall be at approximately right angles. A distance of at least 150' shall be maintained between centerlines of off set intersecting streets. Intersections of more than 2 streets at one point shall be avoided.
22. Parking Locations. A minimum of 2 ¼ parking spaces shall be provided for each mobile home lot. One of these spaces shall be located within 50' of the mobile home it services.
23. Surfacing Requirements. The surface of the parking spaces shall meet the same minimum requirements as for streets.
24. Size. A parking space shall be 12' wide and 288 sq. ft. in area.
25. Open Storage Area. Parking of boats, trailers and out size vehicles shall be restricted to a storage area. The operator shall provide a well drained, dust free storage area for the use of the mobile home occupants. It shall be fenced to prevent direct access from outside the park. The minimum size shall be 10,000 sq. ft. for each 50 or less mobile homes.

26. Walkways. Pedestrian walkways shall be provided by the park management in the area of the service buildings and other locations of heavy foot traffic. The walkways shall be of a dust free, well drained material and kept free of snow and ice during the winter season. In addition, each mobile home stand shall be provided with a dust free, well drained walkway from the stand to a surfaced parking space or roadway.

27. Responsibility of the Park Management.

a. The person whom a permit for a park is issued, shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

b. The park management shall notify park occupants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter. The appropriate provisions of this section and park rules adopted by the management shall be posted in an appropriate place within the premises.

c. The park management shall supervise the placement of each mobile home on its mobile home stand, or trailer on its site, which includes securing its stability and installing all utilities.

28. Responsibilities of the Park Occupants.

a. The park occupant shall comply with all applicable requirements of this chapter and shall maintain his mobile home-trailer lot, its facilities and equipment in good repair and in a clean and sanitary condition.

b. The park occupant shall be responsible for proper placement of his mobile home-trailer on its mobile home or trailer site and proper installation of all utility connections in accordance with the instructions of the park management.

c. Pets, if permitted in the park, shall be prevented from running at large or committing any nuisance within the limits of the park.

d. All mobile homes shall be skirted from the mobile home to the ground with the same material as, or equivalent to, that from which the mobile home is made and such skirting shall be maintained.

e. Porches, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be used for storage only if permitted by the park management. If such storage is permitted, the following conditions shall be satisfied: the storage area shall be provided with a base of impervious material; stored items shall be located as not to interfere with the underneath inspection of the mobile home; the storage area shall be enclosed by skirting.

f. The park occupant shall store and dispose of rubbish and garbage in a clean, sanitary and safe manner.

29. Applications for Special Exception permits for Mobile Home Parks shall contain the following information as applicable:

a. Name and address of the applicant. If the owner of the land is other than the applicant, a duly verified statement by the owner that the applicant is authorized by him to construct the proposed park and make the application.

b. Location and legal description of the proposed mobile home park.

c. Complete preliminary engineering specifications and plans of the proposed park showing, but not limited to, the following: the area and dimensions of the tract of land; the

number, location and size of all mobile home lots and the location of common areas; the location and width of roadways and walkways; the location of the mobile home stands within the mobile home lot, including a detailed sketch of at least one typical mobile home space and stand therein; plans and specifications of all utilities including sewage collection and disposal, storm water drainage, water distribution and supply, solid waste storage and collection, lighting, electrical, telephone and TV antenna systems; landscaping plans for the entire park, including a planting plan for the buffer strip; plans and specifications of all buildings to be located within the park; written statements describing proposed park operations, management and maintenance, including proposed fees and charges and rules to be established by the operator for conduct of persons within the park; such other plans and specifications and information as may reasonably be required by the Board of Adjustment.

d. Final plans and specifications complying with the provisions of this chapter and reflection any modifications approved or conditions imposed by the Board shall be submitted to the Zoning Administrator who shall check for compliance.

(d) Planned Residential Developments.

1. Purpose. The purpose of this chapter is to provide a procedure for the allowance of planned residential developments (PRD) wherein more than one structure or use on a single lot and integrated development of more than one lot as a single tract shall be allowed. Planned residential developments may be approved upon application and compliance with the standards set forth below, if the Board of Adjustment determines that the proposed development will be compatible with present and projected land uses in the vicinity of the site.

2. Application. An application for a PRD shall be filed in accord with sec. 17.73(6).

3. General regulations.

a. Planned residential developments shall meet the requirements of sec. 17.73 (6) Special Exception uses in the following districts: R-1, R-2, R-3 and RR.

b. Minimum size of development shall be five (5) acres.

c. Structures and uses in a PRD shall conform with the requirements of the zoning district in which it is located, subject to the exception that up to five percent of the floor area of a residential PRD may be used for commercial or service uses for the express purpose of servicing the residents of the PRD.

4. The number of principal structures which may be constructed within a PRD shall be determined by dividing the net acreage of the PRD tract by the required lot area per structure required within the zoning district in which the PRD is located.

5. The PRD shall be of such size, composition, and arrangement that in construction, marketing and operation is feasible as a complete unit. All elements of the PRD shall be so arranged that they will achieve a unified scheme of distribution of structures, uses and open spaces.

6. Land to be set aside as open space or common area shall be clearly indicated on the plan. Provisions for the continued maintenance of common open space, recreational facilities, parking facilities, private roads or other common property, shall be guaranteed by property owners association articles of incorporation, protective covenants, and/or deed restrictions in a form acceptable to the County Corporation Counsel. Such guaranteeing instruments shall be recorded with the plat.

7. Private streets and accessways shall be developed to a standard equal to that required for public use by the Subdivision Code. Such private roads and accessways shall be protected by deed restrictions and covenants assuring their availability to all residents of the PRD.
8. The Board of Adjustment may modify the requirements for density, off-street parking and loading, access and signs.
9. Standards for common open space.
 - a. The uses authorized for the open space must be appropriate to the scale and character of the PRD, considering its density, expected population, topography, and number and type of structures.
 - b. Open area must be improved for its intended use, unless it contains natural features worthy of preservation, in which case, it may be left in an unimproved state.
 - c. The construction and provisions of open spaces and recreational facilities must proceed at the same rate as the construction of principle structures.
10. Required covenants, easements, and provisions.
 - a. The development plan shall contain such covenants, easements, and other provisions relating to the bulk, location and density of permitted structures, accessory uses thereto, and public facilities, as may be necessary for the PRD and surrounding land uses.
 - b. The developer may be required to dedicate land for public streets, roads, driveways, or other public purposes, as may be necessary for the welfare of the PRD and surrounding land.
11. Control of planned unit development following acceptance. All changes in use or rearrangements of lots, blocks, and building sites, and any changes in the approved plans, must be made by the Board of Adjustment under the Special Exception use permit process.
12. Failure to begin planned residential development. If no construction has begun within one year from the final approval, the development plan shall lapse and be of no further effect, provided that its discretion and for good cause, the Board of Adjustment may extend for one additional year the period for beginning of construction.
13. Size of individual lots. Each individual lot shall be of adequate size to provide a location for on-site waste disposal system satisfying the standards of the Sanitary Code and COMM 83, Wisconsin Administrative Code.
14. Yards. Side yard shall be minimum of 20 ft. from the exterior property lines of the development and other buildings. Rear yards shall be a minimum of 25 ft.
15. Building Height. 35 ft. maximum.

17.34 R-3 MOBILE HOME PARK AND SUBDIVISION DISTRICT

The Mobile Home Park and Subdivision District is created to establish and protect areas wherein low density housing, involving a mixture of mobile homes and traditional dwelling units, may be established for the purpose of expanding housing opportunities in the County.

(1) PERMITTED USES.

(a) All uses listed as permitted uses in the R-1 District.

(b) Mobile homes.

(2) SPECIAL EXCEPTION USES.

(a) All uses listed as special exceptions in the R-1 District.

(b) Mobile Home Parks.

(3) DIMENSIONAL RULES AND OTHER STANDARDS.

(a) All dimensional rules and standards of the R-1 District are adopted by reference for all lots and structures except mobile home parks in the R-3 District.

(b) Mobile home parks shall be governed by the standards of sec. 17.33(3)(c).

(c) Issuance of a permit for placement of a mobile home on a site other than within a mobile home park in the R-3 District, shall require submittal and approval by the Zoning Administrator of a written plan, detailing how the home will be secured against wind, damage, or other hazards unique to mobile homes and how the home will be skirted to present an attractive appearance prior to issuance of a permit.

17.35 UV UNINCORPORATED VILLAGE DISTRICT

The Unincorporated Village District is created to accommodate the land use patterns of those established unincorporated villages or settlements where the mixture of land uses makes it impracticable to apply traditional land use separations.

(1) PERMITTED USES.

(a) All uses permitted in the R-1 District. See sec. 17.32(1).

(b) Addition of not more than 50% to the usable floor area of existing commercial structures.

(2) SPECIAL EXCEPTION USES.

(a) Additions to existing commercial structures in excess of that allowed as a permitted use.

(b) All other uses listed as permitted or special exception uses in the A-1, C-1, R-1, R-2, R-3, RR, B or I districts.

(c) In reviewing special exception applications, the Board of Adjustment shall review sewage and water supply problems in the community and may deny developments which would severely aggravate sanitary problems.

(3) DIMENSIONAL RULES AND OTHER STANDARDS.

(a) Single and 2 family dwelling units constructed on parcels created after the lands were placed with the district, shall comply with the dimensional standards of sec. 17.32(3)(a) and (b).

(b) Single and 2 family dwellings proposed to be constructed on parcels which existed prior to the lands being placed within this district and permitted commercial expansions, shall comply as to minimum dimensional rules with the Sanitary Code, sec. 17.13 regarding highway setbacks, and where applicable, the SO District regulations.

(c) The Board of Adjustment shall set dimensional rules for all other special exception uses, based upon standards contained in the cross-referenced parts of this chapter, modified as necessary to fit local circumstances.

17.36 RR RECREATIONAL-RESIDENTIAL DISTRICT

The Recreational-Residential District is created to provide for a mixture of residential, recreational and commercial uses, with emphasis on commercial uses which relate to the recreational opportunities or which serve the residential properties. This district will be located primarily along or near navigable waters on lands suited for development.

(1) PERMITTED USES.

(a) Conservancy Uses. Any use listed as permitted use in the C-1 District, sec.17.29(1).

(b) Residential Uses.

1. Single or 2 family dwelling units, seasonal or year-round, including manufactured homes, but not mobile homes.
2. Owner occupied travel trailers and recreational vehicles.
3. Any use listed as a permitted use in the R-1 District, sec. 17.32(1).
4. All manufactured homes shall be located on a permanent foundation.

(2) SPECIAL EXCEPTION USES.

(a) Any use listed as a special exception use in the C-1 District, sec. 17.29(2).

(b) Any use listed as a special exception in the R-1 District, sec. 17.32(2).

(c) The following commercial uses:

1. Hotels, motels.
2. Resorts, including 2 or more seasonal single family dwellings for rent or lease.
3. Restaurants, dinner clubs, taverns and other private clubs.
4. Gift and specialty shops customarily found in recreational areas.
5. Grocery and general stores serving the immediate neighborhood.
6. Marinas, boat liverys, bait shops, boating and fishing equipment stores, stores engaged in sales, rentals, and repairs of outdoor recreational vehicles.
7. Gasoline and automobile service stations.
8. Any business, when such business is not adverse to adjoining property and will not create traffic problems, excessive noise, fire hazards or other like problems.

(d) Institutions of a philanthropic or educational nature.

(e) Recreational camps and campgrounds.

(f) Mobile home parks.

(g) Travel trailer parks.

(h) Tourist rooming house.

(3) DIMENSIONAL RULES AND OTHER STANDARDS.

(a) Lot Dimensions.

Type of Lot	Minimum Lot Area	Minimum Lot Width	Minimum Side Yard	Minimum Aggregate of Both Side Yards
Sewered	20,000 sq. ft.	100'	10'	25'
Unsewered	1 ACRE	150'	10'	25'

(b) Building Height. No building shall exceed 35 ft. in height.

(c) Other Standards.

1. Those standards of sections 17.29(3) and 17.32 (3) which are not in conflict with pars. (a) and (b), are adopted herein by reference, and applied to all uses allowed in this district by reason of their being listed as allowable uses in the C-1 or R-1 District.

2. The standards of sections 17.41(8) through (10) are adopted herein by reference and made applicable to all uses established in this district.

3. Recreational vehicles which are established in this district and which are not located in approved campgrounds, may be placed only on parcels which satisfy all lot size, setback, and sanitary standards applicable to residential structures. Recreational vehicles so established may not exceed a size of 8 feet x 40 feet. The connection to a POWTS is not required.

a. Allowable number of recreation vehicles.

1. Parcels with a principle structure.

a. One (1) recreational vehicle may be stored within the yard area.

b. One (1) visiting recreational vehicle may be located in the driveway area that provides the main access to the principle structure.

c. Use of a camping unit transfer container is prohibited.

2. Parcels without a principle structure.

a. One (1) recreation vehicle shall be allowed per parcel.

b. One (1) additional recreational vehicle may be allowed if the following criteria can be met:

i. The parcel must contain a minimum 20,000 square feet.

ii. A minimum separation of 15 feet between recreational vehicles shall be maintained.

c. The location of the recreational vehicle(s) requires the issuance of a Barron County Land Use Permit.

d. The recreational vehicle(s) shall be parked on a concrete, bituminous or Class 5 compacted gravel pad. The construction of such pad shall comply with Section 17.41(8).

- e. Use of a camping unit transfer container shall comply with Section 17.64(10)(e)1.
4. The Board of Adjustment shall conduct a detailed review of all applications for recreational camps, travel trailer parks and campgrounds, and shall set precise standards addressing the following factors:
 - a. Minimum size and required vegetative cover or other screening along all boundaries of the property.
 - b. Provision for off street parking and internal vehicular and pedestrian circulation.
 - c. Sewage and rubbish disposal and water supply. The requirements of Ch. HSS 178, Wis. Adm. Code, and of other applicable codes shall be minimum standards and may be supplemented by the board.
 - d. Location and construction conditions of camping areas in relation to drainage, erosion, exposure to pollution conditions or health hazards.
 - e. Character of use (short or long-term; individual or group sites, type of camping arrangements to be accommodated etc.)
 - f. Maintenance. The Board may also address other factors which it deems relevant to the public health, safety, and welfare, and to prevent overcrowding and the development of unhealthy or unsanitary conditions on the premises; the Board may require that the permit be renewed annually or at other appropriate intervals.
5. Tourist Rooming House. In addition to the standards and conditions of Section 17.73(6), the following conditions shall be required by the Board of Adjustment with approval of a Tourist Rooming House.
 - a. **Approval:** The approval by the Board shall be for a period of one year of operation. The one year period of operation shall commence from the date a Barron County Land Use Permit is issued; however, a Land Use Permit shall not be issued prior to the property owner obtaining a lodging license from the Barron County Department of Health.
 - b. **Renewal:** The Special Exception permit shall remain in effect provided annual reviews by the Zoning Administrator discloses that a lodging license has been obtained and is current, the conditions attached to the Decision of the Board of Adjustment and all requirements of this chapter are adhered to. Reapplication to the Board of Adjustment for renewal, shall be required with a change in ownership, alterations to the operational rules, noncompliance with the standards of this chapter, or documented violations.
 - c. **Operational Rules:** Operational rules shall be provided that establish guidelines that the tenants must comply with regarding, but not limited to; off street parking, garbage collection, occupancy limits, fireworks and excessive noise. Owner must provide a copy of the operational rules to adjoining property owners.
 - d. **Occupancy Limits:** The maximum number of tenants allowed to reside in the tourist rooming house for overnight accommodations shall not exceed two (2) persons per bedroom, plus 2 persons.
 - e. A local contact person shall be identified that will be responsible to manage the property. The property owner may be the contact person.

f. Contact information shall be posted on an exterior wall near the main entrance of the residence with a minimum display area of 5" x7". The following must be provided:

Address of property.

Emergency contact information; 911 (police, fire, ambulance).

Owner's and local contact person's telephone number.

Maximum number of occupants allowed.

g. One business sign may be placed on the property with a maximum display area of 3 sq. ft.

h. The use of a recreational vehicle in conjunction with the residence is prohibited.

i. **Fines/Revocation:** Upon the occurrence of two (2) documented violations of the operational rules with a calendar year, the owner shall be subject to a fine and/or revocation of the special exception approval.

6. The standards of this paragraph are adopted by reference and applied to all mobile home parks in the RR District.

17.37 A-2 AGRICULTURAL DISTRICT

The Agricultural District is created to maintain and protect agricultural lands historically used for farming or forestry, but which are not included within the A-1 District. Because of location, soil characteristics, relatively low intensity of agricultural operation, topography and other reasons, these areas can accommodate some non-farm housing if these developments are carefully planned and located.

(1) PERMITTED USES.

(a) Uses permitted in the A-1 District. See Sec. 17.28 (1).

(b) Housing. Not more than 2 single family dwellings per 40 acres base density standard equivalent for residential development, except where the conservation site design concept is used. The minimum lot size shall be 17 acres. Existing lots in this district are allowed one (1) dwelling, provided that all lot standards can be met. Also, permitted, is residential occupancy of pre-existing dwellings which were originally used, and are no longer needed for farm related housing, and which were existing prior to May 21, 2002. The property, on which these dwellings are located, may be separated into one single parcel that shall not be less than 150 feet wide and not less than one acre in area. In the Shoreland Overlay District, these lots shall comply with Section 17.41(11)(a). For the purpose of this chapter, a pre-existing dwelling shall mean any structure meant to house a single family, including mobile homes that are located on a foundation, basement or slab. Section 17.17(3)(a) shall not apply to this section.

1. Conservation Site Design. A conservation site design will allow four (4) dwellings per 40 acres or 1/4-1/4 section, density.

a. The lots created shall not be less than 1 acre nor larger than 2 acres in area.

b. These lots shall be adjacent to each other and proximate to existing public roads when practicable, or be located along the edges of large forested areas.

c. This design shall maintain the agricultural lands and other valued natural features as an integral part of the landscape.

d. A covenant shall be attached to the deed for such forty acres prohibiting any further sub-division of that forty acres, unless rezoned to a district that would allow development of a greater density.

(c) Home occupations or professional offices consisting of activities such as the following, not limited because of enumeration:

1. Beauty Shop.

2. Music Lessons.

3. Hobby Crafts.

4. Offices. Such as veterinarians, doctors, insurance, provided that the occupational activity takes place entirely within the dwelling structure that has residential occupancy as its principle use, and that the occupational activity takes place within not more than 25% of the floor space of the dwelling structure.

(d) Township halls and township shops on parcels not less than 5 acres in size.

(2) SPECIAL EXCEPTION USES.

(a) Special exception uses listed under sec. 17.28(2).

(b) Ski hills, race tracks and drag strips.

(c) Private airports.

- (d) Private dumps and landfills.
- (e) Private junk or salvage yards.
- (f) Private kennels.
- (g) Sawmills, long-term.
- (h) Sewage disposal lagoons, plants and facilities, private.
- (i) Shooting ranges.
- (j) Automobile repair.
- (k) Welding repair.
- (l) Machine repair.
- (m) Feed and fertilizer sales.
- (n) Woodworking shop.
- (o) Other retail or wholesale businesses involving sales of and/or services similar to the activities listed above, and where they are not otherwise provided for in this chapter.
- (p) Community Living Arrangements.

(3) DIMENSIONAL RULES AND OTHER STANDARDS.

(a) Standards and procedures found in par. (b) and sec. 17.28(3)(a), (c) and (d), shall apply to farm connected residential uses allowed in the district as permitted uses or special exceptions.

(b) The following are locational standards:

1. The site proposed for the use shall be non-tillable or unsuitable for agricultural productions.
2. The soil characteristics of the site shall be suited to residential use.
3. The public service demands (including police, fire, road construction and maintenance and school services) which the proposed use will cause in the location for which a permit is requested, shall not be unreasonable.

(c) Lot sizes for special exception uses listed under Section 17.37(2) shall be established by the Board of Adjustment upon granting of a special exception. These lots shall not be used for residential development if under 17 acres in size.

17.38 B BUSINESS DISTRICT

It is the policy of the County to promote economic development and a strong local economy. It is recognized, however, that most commercial uses should be located in the urban communities where a full range of needed services can be afforded to such uses. Therefore, need for a rural location will be a requirement for approving a business district classification in those areas subject to county zoning.

(1) Permitted uses.

- (a) Apparel and accessory stores.
- (b) Automotive dealers, mobile home dealers.
- (c) Automobile gas and service stations.
- (d) Banks and, Savings and Loan offices.
- (e) Building materials, hardware, garden supplies.
- (f) Business and professional offices and studios.
- (g) Churches.
- (h) Civic, social and fraternal, associations.
- (i) Commercial entertainment facilities.
- (j) Communication services.
- (k) Community buildings (Local Government owned).
- (l) Community garages and storage facilities (Local Government owned).
- (m) Farm feed and fertilizer dealers.
- (n) Farm implement dealers.
- (o) Food stores.
- (p) Fuel dealerships.
- (q) Furniture, home furnishings and equipment.
- (r) General merchandise stores.
- (s) General retail establishments.
- (t) Golf courses.
- (u) Laundromats.
- (v) Medical and dental offices.
- (w) Mini-warehouse storage.
- (x) Motels.
- (y) Professional offices.
- (z) Public and private marinas.
- (aa) Public and semi-public buildings and institutions.
- (bb) Real Estate offices.
- (cc) Recreation service oriented facilities.
- (dd) Residences, only when an integral part of a business building.
- (ee) Restaurants.
- (ff) Retail stores and shops offering convenience goods and services.
- (gg) Rooming and boarding houses.
- (hh) Ski hills.
- (ii) Taverns.

(2) Lot Density.

- a. Only one structure shall be located, erected, or moved onto a lot in this district for any business use listed in (1).

(3) SPECIAL EXCEPTION USES.

- (a) Other retail or wholesale businesses involving sales of goods and/or services.
- (b) Manufacturing uses in connection with an approved business use, when clearly incidental to the conduct of the business use.
- (c) Airports and airstrips, public or private.
- (d) Structures exceeding one per business operation.

(4) DIMENSIONAL RULES AND OTHER STANDARDS.

(a) A lot or parcel for business uses must be:

1. Sufficient in size and shape to satisfy highway setback, water setback, off-street parking, and sanitary requirements.
2. Not less than 150 feet wide, and
3. Not less than one acre in area, and in the Shoreland Overlay District, lots shall comply with Section 17.41(11)(a).

(b) Sideyards shall be a minimum of 6 ft., except that any side yard that abuts a residential district and is not separated therefrom by a street, shall be 10 feet wide.

(c) Rear yards shall be a minimum of 12 feet.

(d) Maximum building height shall be 35 feet.

(e) No automobile parking lot, stock pile, waste or salvage pile, equipment storage yard or other accumulation of material or equipment in the open, shall be stored or placed in such side yards.

17.39 I. INDUSTRIAL DISTRICT

The Industrial District is created to provide for manufacturing, fabricating and other industrial uses in appropriate locations with appropriate standards.

(1) PERMITTED USES. In the I District, buildings and land may be used for any purposes except the following:

- (a) Religious, educational, charitable and medical institutions and dwellings, whether on a permanent or transient basis, except that there may be a dwelling for the owner of a premises or for a caretaker employed on the premises.
- (b) Commercial uses other than those which are oriented to or derive a major portion of their business from nearby industrial uses.
- (c) Uses contrary to the laws of the State or ordinances adopted by the County.
- (d) Uses listed in sub. (2).

(2) SPECIAL EXCEPTION USES. Heavy industrial uses listed below shall be allowed in this district, only if the structure is located beyond 300' from any boundary of an R-1, R-2, R-3, A-2, or RR district and only upon issuance of a special exception permit.

- (a) Acid, ammonia, bleach, chlorine or soap manufacture.
- (b) Ammunition manufacture; explosive or fireworks manufacture or storage.
- (c) Asphalt, coal and coal tar or coke manufacture; asphalt and asphalt cement mixing plants; mineral extraction, Type II.
- (d) Automobile wrecking yards, junk yards.
- (e) Bones, distillation of.
- (f) Cannery.
- (g) Cement, lime, gypsum or plaster of paris manufacture; cement or concrete mixing plants.
- (h) Fat rendering.
- (i) Fertilizer manufacture.
- (j) Forge plant.
- (k) Garbage, rubbish, offal or animal reduction or dumping.
- (l) Gelatine, glue or size manufacture.
- (m) Flammable gases or liquids, refining or manufacture of; over-ground tank farms.
- (n) Slaughterhouse, stockyard.
- (o) Smelting.
- (p) Any other industrial uses which are likely to produce noise, odor, glare, heat, radioactivity, electrical disturbances, vibration, fire and explosion hazards, air or water pollution, effects which will extend beyond the boundaries of the property.

(3) DIMENSIONAL RULES AND OTHER STANDARDS.

(a) Lot Area. For buildings or parts of buildings erected, moved, or structurally altered for residential use, the lot area regulations of sec. 17.32(3) shall apply; otherwise no minimum lot area shall be required.

(b) Height. For buildings or parts of buildings hereafter erected, moved or structurally altered for residential use, the height regulations of sec. 17.32(3)(b) shall apply; buildings erected, moved or structurally altered for any other purpose shall not exceed 50' in height. See also sec. 17.14.

(c) Side Yards. Side yards shall be 10' in width, except that any side yard that abuts a residential district shall be not less than 25' wide.

(d) Rear Yards. There shall be a rear yard of not less than 12' in depth, except that:

1. Such rear yard shall be increased in depth by 3' for each additional 5' by which the principle building of the lot exceeds 35' in height.

2. Such rear yard which abuts a residence district, shall not be less than 25' in depth, and no automobile parking lot, stock pile, waste or salvage pile, equipment storage yard or other accumulation of material or equipment in the open, shall be stored or placed in such rear yard, except that, loading platforms may be established in a rear yard if it abuts on a railroad.

(e) Cross-referenced Standards. Mineral extractions. See sec. 17.31(3)(b).

17.40 HIO HIGHWAY INTERCHANGE OVERLAY DISTRICT

The Highway Interchange Overlay District is created to provide special planning procedures for lands lying at intersections of major highways. Development in the district is to be guided in accordance with the interchange plan for the County, which was approved by the Board of Supervisors on April 17, 1973.

(1) **NATURE OF OVERLAY DISTRICT.** An overlay district supplements the zoning rules of basic use districts. Lands within an overlay district are within a basic use district as established by sections 17.28 through 17.39. They are also in an overlay district. In such instances, the lands are subject to the standards of both the basic use district and the standards of the overlay district. Where the 2 levels of zoning rules conflict, the most restrictive rule applies.

(2) **GENERAL PROVISIONS.**

(a) Any use that is listed in the underlying zoning district as a permitted use, and which requires a zoning permit for its establishment, shall by virtue of its location within the HIO District, be treated as a special exception use for the purposes of allowing application of the standards of sub. (3).

(b) Those uses that are listed as special exception uses in the underlying zoning district shall have the standards of sub. (3) applied to them, in addition to the special exception standards otherwise applied to them.

(3) **STANDARDS FOR REVIEW OF SPECIAL EXCEPTON USES.** In the review of special exception applications in the HIO District, the Board of Adjustment shall determine that:

(a) The proposed use substantially conforms with the County Interchange plan adopted by the County Board of Supervisors on April 17, 1973.

(b) Internal traffic generation, circulation and parking, will not create hazardous traffic conditions and will not have adverse impacts upon surrounding land uses.

(c) The arrangement of access roads to intersecting highways shall conform to the above identified plan, based upon consultation with State, County, and local highway agencies.

(d) Proposed lighting will not be directed onto adjoining property and will not be directed toward any public streets or highways.

(e) Proposed architectural treatment will be in general harmony with surrounding land uses and the natural landscape. The Board of Adjustment may require the use of materials and treatments to achieve this objective.

(f) Slopes and soils characteristics will not adversely affect the development proposed. The Board of Adjustment may require detailed soil tests or construction plans in order that the Board may determine that inherent soil or slope problems will be overcome by the construction proposed wherever the site has slopes in excess of 6% or has soils shown on the County detailed soils inventory as being marginal or unsuitable for structural development.

(g) Controls have been placed through conditions imposed on the special exception permit, upon cutting of trees so as to preserve natural beauty to the greatest extent possible.

17.41 SO SHORELAND OVERLAY DISTRICT

The shoreland regulations of the County are adopted for the purposes of promoting the public health, safety, convenience and general welfare, to further the maintenance of safe and healthful conditions, to prevent and control water pollution, to protect spawning grounds, fish and aquatic life, to control building sites, placement of structures and land uses, and to preserve shore cover and natural beauty. In addition to the use, dimensional rules and other standards provided for shorelands by the zoning district in which they are located, the following shall apply to all shorelands:

(1) **IDENTIFICATION.** The shoreland regulations of the County consists of all preceding zoning district regulations as they apply to shorelands, as defined below, all Sanitary Code and subdivision regulations as they apply to shorelands, and all provisions of this section.

(2) **SHORELAND JURISDICTION.** The jurisdiction to which the SO District applies includes all lands in all unincorporated parts of the County, which are:

(a) Within 1,000 feet from the normal highwater elevation of navigable lakes, ponds, or flowages. (If the navigable water is a glacial pothole lake, the distance shall be measured from the highwater mark thereof); or

(b) Within 300 feet from the normal highwater elevation or to the land-ward side of a floodplain of the navigable reaches of rivers or streams, which distance is greatest.

(3) **NAVIGABILITY.**

(a) Lakes, ponds or flowages, shall be considered navigable for the purposes of this chapter if they are identified as named or unnamed lakes in the Wisconsin Conservation Department publication, "Surface Water Resources of Barron County, 1964".

(b) Reaches of rivers or streams shall be considered navigable for purposes of this chapter if they are identified as such on the zoning map. The identification thereon shall be based upon whether, in at least some part of the year, on a regularly recurring basis, the reach of river or streams carries enough water to float a boat, skiff or canoe of the shallowest draft used for recreational purposes. This determination in turn, shall be based upon designation of streams or rivers as "continues" on U.S.G.S. maps or detailed soil survey maps, or upon other factual evidence.

(4) **FARM DRAINAGE DITCHES.** Under § 281.31(2m), Wis. Stats., the shoreland jurisdiction to which the SO District applies, does not include lands adjacent to farm drainage ditches if:

(a) Such lands are not adjacent to a natural navigable stream or river.

(b) Those parts of such drainage ditches, adjacent to such lands were non-navigable streams before ditching, or had no previous stream history.

(c) Such lands are maintained in nonstructural agricultural use.

(5) **LANDWARD SIDE OF THE FLOODPLAIN.** The land-ward edge of an area, subject to inundation by a 100 year recurrence interval flood, or where such data is not available, the maximum flood of record.

(6) **APPEALS.** The Zoning Administrator shall be responsible for determining questions of navigability, location of highwater elevations and floodplain boundaries, based upon application of the policies set forth above. Determinations of the Administrator shall be subject to appeal to the Board of Adjustment as provided in sec. 17.73(5) of this chapter.

(7) **ZONING OR SHORELANDS.**

(a) All shorelands shall be placed in one of the zoning districts created by sections 17.28 through 17.39 of this chapter.

(b) All shorelands which are designated as wetlands on the wetlands maps, that have been adopted and made a part of this chapter, in sec. 17.26 of this chapter, shall be placed in the Shoreland-Wetland Overlay District created by sec. 17.43 of this chapter.

(c) In placing wetlands, other than shoreland-wetlands overlay, within zoning districts, and in amending such district boundaries, the County Board and its Advisory Zoning Committee shall be guided by the purposes stated in this section. In amending Shoreland-Wetland Overlay District boundaries, the County Board and its advisory Zoning Committee shall comply with the requirements of sec. 17.43(4) of this chapter.

(8) FILLING, GRADING, LAGOONING, DREDGING AND RELATED ACTIVITIES.

(a) A County permit, known as a grading permit, shall be required before any of the following activities may be done in an area that is above the normal highwater mark of a navigable water body. For the purposes of this subsection, filling and/or grading shall include any area to be filled or graded within the shoreland jurisdiction, not including the foot print area of a dwelling that has been permitted by the county, unless that dwelling is to be located on a walkout basement.

1. Any filling, grading, lagooning, excavation or ditching in a Shoreland-Wetland Overlay District, may be permitted only as provided under sec. 17.43(2) and (3).

2. Any filling, grading or other related activity involving 500 square feet or more of area in a wetland within the shoreland jurisdiction, which is not within a Shoreland-Wetland Overlay District.

3. Any filling or grading of any non-wetlands having a slope toward the water of 20% or more within the shoreland jurisdiction, or any grading if ice ridges paralleling the shoreland.

4. Any filling or grading of more than 1,000 square feet of any non-wetland area, which has a slope toward the water of 12% to 20% and which is within the shoreland jurisdiction.

5. Any filling or grading of more than 2,000 square feet of non-wetland area, which has a slope toward the water of 12% or less and is within the shoreland jurisdiction.

6. Any dredging, construction, or other work on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway, involving areas within the shoreland jurisdiction.

7. Any work or relocation of any waterway within the shoreland jurisdiction.

8. Notwithstanding subpar. 7., above, permits shall not be required for any agricultural activities, such as terraces, runoff diversion or grassed waterways, which are undertaken pursuant to specifications of the soil conservation service for soil conservation purposes.

(b) Applications for grading permits shall describe the dimensions of the area involved, the existing and proposed slopes and contours, the depth of land cutting and/or filling, the measures to be taken to prevent any erosion of soil or similar material from the project site or into waters, during construction and beyond, the date of commencement of work and the expected date of completion.

(c) Grading permits shall be issued by the Zoning Administrator upon review and written recommendations of Land Conservation Department, and/or Natural resources Conservation Service and from those State and Federal agencies which are assisting such district under a memorandum of understanding. Decisions of the Administrator shall be in accord with the following standards:

1. Any such activity which requires permits or approvals by the Wisconsin Department of Natural Resources, the Public Service Commission or other State agencies shall obtain such permits or approvals before being granted a County permit. Grading permits may be withheld pending the granting of needed State permits or approvals, or may be approved by the County, subject to the acquisition by the application of needed State permits.

2. Any such activity which is proposed to be permitted in contemplation of a subdivision or other development or land use change which requires zoning, subdivision or Sanitary Code approvals, shall obtain such approvals before being granted a County permit for the filling, grading, lagooning, dredging or relocation of waterway.

3. Any such activity which involves a wetland that is within the C-1 district shall be granted a permit only upon finding that the proposed activity will not result in a significant impairment to the natural function performed by the wetlands.

4. Any other such activity shall be granted a permit only upon finding that the activity, if conducted in accord with conditions imposed by the Zoning Administrator, will not result in erosion, sedimentation or impairment of fish and aquatic life, or significant loss of the native appearance and natural beauty of shoreland areas.

(d) The Administrator shall attach conditions to each approved grading permit to assure compliance of the activity with the standards of subpars. 1. through 4., above. Those conditions may include the following without limitation, because of enumeration:

1. Time limits on the exposure of bare ground.

2. Required use of temporary or permanent ground cover

3. Required use of divisions, silting, basins, terraces and other measures to trap sediments.

4. Required stabilization of fills and sides of channels and other natural, artificial or relocated waterways, and use of bulkheads or rip-rapping on any slopes in excess of two units horizontal distance, to one unit vertical.

5. Required design characteristics to prevent undue restriction of floodways or diminution of the storage capacity of floodplains.

(e) The decision of the Zoning Administrator may be appealed to the Zoning Committee which shall review the matter, and affirm, reverse, or modify the decision of the Administrator.

(9) TREE CUTTING, REMOVAL OF SHRUBBERY AND RELATED ACTIVITIES. Tree cutting and removal or replacement of natural shrubbery in the shoreland jurisdiction shall comply with the following requirements:

(a) There shall be a shoreland vegetation protection area on each lot extending from the natural highwater elevation to a line that is land-ward of the natural highwater elevation, as described in sec.17.41(11)(a) of this chapter. Within this area the removal of trees, shrubs, and ground cover are limited to the following.

1. Establishment of one viewing corridor for each lot by pruning and selective removal of trees and shrubbery. Clear cutting is not permitted in the corridor, or elsewhere within the shoreland vegetation protection area. Sufficient trees and shrubbery shall be retained to screen development from view from the water, but provide for a filtered view of the water. No more than 50% of the trees can be removed from the viewing corridor. The viewing corridor shall be more or less perpendicular to the shore, no more than 30% of the width not to exceed 30 feet in width paralleling the shore, and shall be set back at least 20 feet from the lot line.

2. Pier, wharf, and lift placement, shall be confined to waters immediately adjacent to the view corridor, unless not feasible due to steep slope, wet soils, or similar conditions.
 3. One pedestrian pathway to the shoreline provided:
 - a. It is located within the viewing corridor, unless such location is not feasible due to steep slopes, wet soils, or similar conditions.
 - b. It is no more than four (4) feet wide and constructed of natural materials which blend with the ground cover in the vicinity of the pathway.
 - c. An elevated walkway or powered lift may be substituted for a pedestrian access pathway, provided it is the minimum construction necessary to access the shore because of steep slopes, wet soils, or similar limiting conditions, and construction plans are approved by the Zoning Administrator.
 4. Removal of dead and diseased trees, and trees which are a safety hazard.
 5. Control of noxious and exotic species.
 6. Any paths, roads or passages within the strip shall be constructed or surfaced so as to be effective in controlling erosion.
- (b) Shrubbery. Natural shrubbery within the shoreland jurisdiction shall be preserved as far as practicable, and where removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving native appearance and natural beauty.
- (c) Cutting Plan.
1. As an alternative to the above requirements, a special cutting plan allowing greater cutting may be permitted by the Board of Adjustment, by issuance of a special exception permit. The Board shall require the lot owner to submit a sketch of his lot, including the following information:
 - a. Location of all structures.
 - b. Location of parking.
 - c. Gradient of all land.
 - d. Existing vegetation.
 - e. Proposed cutting.
 - f. Proposed replanting.
 2. The Board may grant such a permit only if it finds that such special cutting plan:
 - a. Will not cause undue erosion or destruction of scenic beauty.
 - b. Will substantially shield the dwelling, accessory structures and parking areas from view from the water. The Board may condition such a permit upon a guarantee of tree planting by the lot owner. Such agreement shall be enforceable in court.
- (d) Commercial Forestry. A special exception permit shall be required for the commercial harvesting of trees from the inland edge of the vegetative buffer strip [See Section 17.41(11)(a)] to the outer limits of the shoreland. In reviewing the application for the special exception permit, the Board shall consider the maintenance of water quality, preservation of scenic values and adequate slash disposal methods.

(e) Exceptions. The provisions of this subsection shall not apply to the removal of dead, diseased, or dying trees at the discretion of the landowners, or to silvicultural thinning upon recommendation of a forester (as defined below):

1. Barron County Forest and Recreation Director on county owned lands.
2. DNR Foresters assigned by department to assist landowners of Barron County for all forestlands.
3. A Forester whose name appears in the annual Directory of Foresters as a cooperating Forester with Wisconsin Department of Natural Resources and, a plan approved by the County.

(10) WATER SETBACKS AND BUILDING ELEVATION STANDARDS. All buildings and structures in the shoreland jurisdiction shall comply with the following standards:

(a) Setbacks. No building or structures shall be located within the areas located between the normal highwater elevation and water setback lines, located inland from and parallel to, the normal highwater elevation according to the following lake classification standards:

<u>Lake Class</u>	<u>Shoreline Setback</u>
<u>I</u>	<u>75 feet</u>
<u>II</u>	<u>100 feet</u>
<u>III (Rivers and Streams)</u>	<u>100 feet</u>
<u>Wilderness</u>	<u>125 feet</u>

Provided, however, that:

1. Driveways, walkways, platforms, terraces, patios, retaining walls, may be established within the setback area. No part of any such structures shall extend more than twelve (12) inches above the ground level, and all structures shall be constructed so as to control erosion and comply within the tree cutting and related standards of sub. (9). A four (4) foot by four (4) foot landing in conjunction with steps, which shall not exceed four (4) feet in width, is allowed within the respective setback from the lake. No part of the steps are to extend more than three (3) feet above the ground level. One single rail above that three (3) foot high step, may be constructed on each side of the walkway or steps. Steps, landings, and railings shall be constructed so as to maintain the natural appearance of the shoreland.
2. Where engineering studies have determined the regional flood elevation, the setback area shall be bounded by a line two feet above the regional flood elevation where such a line is located more than 75 feet inland of the normal highwater elevation.
3. A water setback line located 100 feet inland of the normal highwater elevation of a navigable lake, pond, or flowage, shall apply to farm buildings housing animals, barnyards, and feedlots.
4. Boat storage structures, piers, docks, sea walls, marinas and similar marine service or shoreline facilities shall be governed by these standards:
 - a. The boat house structure shall be used solely for storage of aquatic equipment, shall be of such color as not to detract from the natural appearance of the shoreline, and shall not be used for human habitation. The boathouse structure shall be set back ten feet from the normal highwater mark. Boathouse structures shall not exceed eight (8) feet in height and 96 square feet in floor area. Such structure may not be within five (5) feet of the side lot line, and the eave shall not exceed one foot.
 - b. Piers, docks, and boat hoists, may be located within the water setback area, provided that such facilities are capable of seasonal removal.

c. Sea walls may be located within the water setback area, provided that grading permit and any permits required from the Wisconsin Department of Natural Resources are first obtained.

d. Marinas and similar nonresidential marine service buildings, structures, and facilities may be located within the water setback area, provided that a finding is made that a water front location is clearly needed, and that the site and construction plan will effectively minimize potential harm to public rights in navigable waters and shoreline natural beauty. In no case shall a reduced setback under this paragraph allow placement of buildings, structures, or facilities within a defined floodway.

5. As required by § 59.692(1v), Wis. Stats., the construction or placement of open structures within the shoreland setback area shall be permitted if it meets the following conditions:

(a) The part of the structure that is nearest to the water is located at least 35 feet from the ordinary high-water mark.

(b) The structure shall be located within the view corridor described in Section 17.41(9)(a).

(c) The total floor area of all structures in the shoreland setback area on the property will not exceed 200 sq. ft. This calculation shall include the area of any deck, patio, hard surfaced walkway, stairway, the portion of any pier landward of the OHWM and any such structures, but boathouses shall be excluded.

(d) The open structure shall have open or screened sides, which would include any structure that either has no roof or has a roof and support posts without walls. The structure shall not be attached to any other structure, unless the side of such structure at the point of attachment is open or screened.

(e) The structure shall not exceed 10 feet in height.

(f) The sideyard setback shall be a minimum of 10 feet.

(g) The color of the structure shall blend with native or restored vegetation at the site during the growing season.

(h) The buffer area shall be an area as described in Section 17.41(9).

(i) The county must approve a vegetative buffer zone plan that will be implemented by the owner to preserve or establish a vegetative buffer zone, and shall comply with the following standards:

1. The vegetative buffer zone shall cover at least 70% of the half of the shoreland setback area that is nearest to the water.

2. A vegetative buffer zone shall be submitted by the property owner and shall include the following provisions:

a. A description of the site before the project area begins and a description of the proposed site after the buffer area is completed.

b. Any preservation or establishment of the buffer area shall provide a tree canopy, a shrub layer and ground cover.

c. The names and description of native species to be utilized in the restoration, shall be provided.

d. A proposed schedule and sequence of work activities.

e. List of methods and equipment used to implement the plan.

f. The buffer area shall be established for a period of one growing season and maintained thereafter.

(j) Any permit issued under this section, shall not be valid until notice of it's condition is recorded by affidavit with the County Register of Deeds.

(b) Elevations. The lowest usable floor of all buildings which are located within a defined floodplain of a navigable river or stream, shall be elevated two feet or more above the defined regional flood elevation.

(11) MINIMUM SHORELAND DIMENSIONAL STANDARDS.

(a) The following are minimum standards for shoreland lot development for each class of waters:

	<u><i>Class I</i></u>	<u><i>Class II</i></u>	<u><i>Class III, Rivers and Streams</i></u>	<u><i>Wilderness</i></u>
<u>Lot Size</u>	<u>43,560 sq. ft.</u> <u>20,000 sq. ft.*</u>	<u>62,500 sq. ft.</u>	<u>80,000 sq. ft.</u>	<u>160,000 sq. ft.</u>
<u>Lot Width</u>	<u>150 feet</u> <u>100 feet*</u>	<u>200 feet</u>	<u>250 feet</u>	<u>400 feet</u>
<u>Shoreline Setback</u>	<u>75 feet</u>	<u>100 feet</u>	<u>100 feet</u>	<u>125 feet</u>
<u>Side Yard Setbacks</u>	<u>Minimum 20'</u>	<u>Minimum 35'</u>	<u>Minimum 35'</u>	<u>Minimum 40'</u>
	<u>Minimum</u> <u>Aggregate 40'</u>	<u>Minimum</u> <u>Aggregate 70'</u>	<u>Minimum</u> <u>Aggregate 70'</u>	<u>Minimum</u> <u>Aggregate 80'</u>
<u>Shoreland Vegetation Protection Area</u>	<u>50'</u>	<u>75'</u>	<u>75'</u>	<u>100'</u>
<u>Land-ward from Highwater Elevation</u>				

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

* All numbered lakes appearing in the DNR's Surface Water Resources of Barron County Publication, not classified as wilderness lakes, shall be considered Class 3 lakes.

(b) On lots recorded prior to April 18, 1995, the following side yard dimensional standards shall apply:

Minimum Side Yard	10 Feet
Minimum Aggregate	25 Feet

And, on lots recorded between April 18, 1995, and November 14, 2000, on lakes 75 acres or less the following side yard dimensional standards shall apply:

Minimum Side Yard	35 Feet
Minimum Aggregate	70 Feet

(c) An undeveloped lot which is nonconforming as to lot dimensions or area, may be used for any use permitted in the district in which it is located, provided it was legally created and recorded prior to November 14, 2000, and the development complies with all other ordinance requirements.

(d) For nonconforming structures located within the shoreland areas, the following repairs/improvements shall be allowed:

1. All nonconforming accessory structures are limited to ordinary maintenance and repair, except as provided in sec. 17.17(5) of this chapter.

2. Nonconforming principal structures less than 50 feet from the normal highwater elevation are permitted ordinary maintenance and repair, provided no more than 25% of the structural members of the existing external walls and roof are modified or replaced. Such structures may be improved internally, provided that internal improvements are confined to the building envelope (i.e., no new basements, additional stories, lateral expansion, or accessory construction outside of the perimeter of existing enclosed dwelling space are permitted.)

3. Nonconforming principal structures 50 feet and greater, and less than 75 feet from the normal highwater elevation are permitted ordinary maintenance and repair. Such structures may be improved and expanded provided:

- a. The existing structure includes at least 750 square feet of enclosed living space.

- b. The expansion is limited to a maximum of 1, 500 square feet of enclosed living space (existing and proposed construction).

- c. Additions are no closer to the normal highwater elevation than the land-ward façade of the existing principal structure.

- d. Limitations on land disturbance activities in sec. 17.41(8) of this chapter are observed.

- e. The mitigation requirements of sec. 17.41(11)(d)5. are implemented.

4. Nonconforming principal structures 75 feet or greater from the normal highwater elevation are permitted ordinary maintenance and repair. Such structures may be improved and expanded provided:

- a. The existing structure includes at least 750 square feet of enclosed living space.

- b. Additions are no closer to the normal highwater elevation than the land-ward façade of the existing principal structure, but no less than 75 feet.

- c. Limitations on land disturbance activities in sec. 17.41(8) of this chapter are observed.

- d. The mitigation requirements of sec. 17.41(11)(d)5. are implemented.

5. Mitigation is required to compensate for loss of shore buffer area functions when nonconforming structures are improved or expanded within the shoreland setback area. A person proposing such improvement or expansion shall submit a mitigation plan to the Zoning Administrator for review and approval. A mitigation plan shall include the following:

- a. The associated privately owned wastewater treatment system must be evaluated and upgraded as appropriate (COMM 83.055(3)(b)(1&3).

- b. Implementation of standard erosion and storm water management measures.

c. Selection of any of the following mitigation measures which amount to three points:

(1) Restore vegetative buffer area within 25 feet of the natural highwater elevation (1 point).

(2) Restore vegetative buffer area within 50 feet of the natural highwater elevation (2 points).

(3) Restore the vegetative buffer area within 75 feet of the natural highwater elevation (3 points).

(4) Remove nonconforming accessory buildings from setback area (1 point per building removed).

(5) Restore native vegetation in both side yards (1point).

(6) Other practices and points agreed upon by the Zoning Administrator.

d. A signed and notarized, Shoreland Mitigation Affidavit.

6. Recording of a Shoreland Mitigation Affidavit. Upon review and approval of the mitigation plan, the property owners shall record the Shoreland Mitigation Affidavit in the Barron County Register of Deeds office, acknowledging the approved mitigation plan.

7. A mitigation plan is not required when nonconforming structures 50 feet or more from the ordinary highwater elevation are improved or expanded within the shoreland setback area, when the owner has voluntarily complied with the mitigation measures prior to applying for a permit.

Barron County Water Classification System

Lake Classifications (I, II, III, IV-Wilderness) of Named Lakes

Class I - Least Restrictive

Beaver Dam	Horseshoe (Almena)	Poskin	Silver
Big Moon	Loon	Prairie	Staples
Chetek	Montanis	Red Cedar	Ten Mile
Duck	Mud (Ojaski)	Rice	Turtle, Lower
Echo	Pokegama	Sand	Turtle, Upper
Granite			Vermillion, Lower

Class II - Moderately Restrictive

Barron Flowage #3	Buck	Hemlock	Spring
Bass (Chetek)	Crystal	Little Sand	Stump
Bear	Devils, Lower	North	Tussockia
Big Dummy			

Class III - More Restrictive

Anderson	Eyk	Little Moon	Pintail
Bailey	Firetag	Little Mud	Prairie Farm Flowage
Barron Flowage #1	Fish	Little Poskin	Red Ribbon
Bass (Cedar Lake)	Fisher	Little Silver	Robinson
Bass (Turtle Lake)	Gates	Little Spider	Round (Beal Lake)
Beaver (Crystal Lake)	Ginder	Long (Crystal Lake)	Scott (Crystal Lake)
Bowman	Greeley	Long (Vance Creek)	Shallow
Bullhead	Grouse	Maple Plain Fish Pond	Skinaway
Butternut	Hawk	Meadow	Spider
Canthook	Hilman	Minnow	Spirit
Canvasback	Hogback	Mitchell	Spirit, Lower
Chain (Cedar Lake)	Horseshoe (Maple Plain)	Moon	Spirit, Upper
Collingwood	Jacobson	Moose Ear (Sec.23)	Squirrel
Couderay	Johnny	Mosquito	Star
Cranberry Creek Flowage	Kidney	Mud (Almena)	Sweeney Pond
Crooked	Killdeer	Mud (Bear Lake Sec 34)	Sylvan
Crystal Bay	Kirby (Maple Plain)	Mud (Crystal Lake)	Thirty
Dallas Flowage	Lake 5	Mud (Sioux Creek)	Thompson
Desair	Lake of the Woods/Bass	Mud Hen	Trigger
Devils, Upper	(Crystal Lake Township)	Nelson	Vermillion, Upper
Dietz #1	Larson's	North Pine	Waterman, Lower
Dietz #2	Little	Old Mill Pond	Wood Duck
Dietz #3	Little Bass	Pea Viner	
Dietz #4	Little Dummy	Peterson	
Elbow	Little Granite	Pickrel	

Class IV - Wilderness - Most Restrictive

Bass (Bear Lake)	Esker, West	Loch Lomond	Scott (Maple Plain)
Beauty	Fox	Mirror	Shinner
Beaver Lake (Cedar Lake)	Goose	Mud (Bear Lake, Sec 30)	Spawn
Black Duck	Grassy	Muskrat	Spruce Hen
Bloomquist	Jacksnipe	Pee Wee	Tamarack
Blueberry	Kelly	Pine	Teal
Chain Lakes	Kellys	Raccoon	Tee Pee
Cranberry	Kirby	Redhead	Waterman, Upper
Deer	Lindberg Lakes	Round	Wildcat
Esker, East	Little Butternut	Ruddick	Wintergreen
			Wolf

WILDERNESS LAKES OF BARRON COUNTY

Lake Name/Number	Township	Section	Acres	Ownership Inventory #
Bass Lake	Bear Lake	10	23	Private
Beauty	Maple Plain	11	11	Public/Priv.
Beaver Lake	Cedar Lake	20	15	Public
Black Duck	Maple Plain	8	28	Public/Priv.
Bloomquist	Maple Plain	24	12	Private
Blueberry	Crystal Lake	8	8	Private
Chain Lakes	Lakeland	23	43	Private
Cranberry	Maple Plain	34	8.6	Private
Deer Lake	Lakeland	3	9	Private
Esker, East	Lakeland	20	16	Private
Esker, West	Lakeland	20	12	Private
Fox	Lakeland	3, 10	12	Private
Goose	Cedar Lake	18	11.6	Public/Priv.
Grassy	Lakeland	14, 23	31	Public
Jacksnipe	Maple Plain	11	13	Private
Kelly	Bear Lake	7	17.6	Public
Kellys	Maple Plain	7	18.7	Public/Priv.
Kirby	Bear Lake	8	7.4	Public
Lindberg Lakes	Almena	5	N/A	Public
Little Butternut	Lakeland	12	18.6	Public/Priv.
Loch Lomand	Cedar Lake	23	14	Private
Mirror	Cedar Lake	20	9	Public
Mud Lake	Bear Lake	30	24	Private
Muskrat	Almena	19	18	Private
Pee Wee	Maple Plain	25	8	Private
Pine	Lakeland	11	13	Private
Raccoon	Maple Plain	10	12	Private
Redhead	Maple Plain	9	9	Public
Round	Cedar Lake	7	10.1	Private
Ruddick	Cedar Lake	20	13	Public
Scott	Maple Plain	29	28	Private
Shinner	Cedar Lake	20	7	Private
Spawn	Cedar Lake	18	9	Private
Spruce Hen	Maple Plain	12	28	Private
Teal	Maple Plain	4	9	Private
Tee Pee	Crystal Lake	27	26	Private
Tamarack	Maple Plain	13	32	Public
Upper Waterman	Maple Plain	5	22	Private
Wildcat	Lakeland	30	9	Private
Wintergreen	Lakeland	21	14	Private
Wolf	Maple Plain	15	10	Private

WILDERNESS LAKES OF BARRON COUNTY

Lake Name/Number	Township	Section	Acres	Ownership	Inventory #
4-7a	Almena	4	7.6	Private	1
4-7c	Almena	4	3.4	Private	2
4-9	Almena	4	4.2	Public/Priv.	3
4-10	Almena	4	3.5	Public	4
4-11	Almena	4	2.7	Public	5
19-14	Almena	19	0.5	Public	8
20-6	Almena	20	10	Private	10
27-9	Almena	27	2	Private	12
12-14	Bear Lake	12	1.5	Private	2
15-4	Bear Lake	15	8	Private	3
18-7	Bear Lake	18	4.2	Public/Priv.	4
18-9	Bear Lake	18	2	Public/Priv.	5
5-1	Cedar Lake	5	2	Private	3
7-7	Cedar Lake	7		Private	4
7-11	Cedar Lake	7	7.4	Private	9
7-12	Cedar Lake	7	3	Private	10
17-7	Cedar Lake	17	4.6	Public/Priv.	12
17-10c	Cedar Lake	17	1.4	Private	13
17-10d	Cedar Lake	17	4.6	Private	14
17-11a	Cedar Lake	17	4	Public/Priv.	15
17-11c	Cedar Lake	17	3.6	Private	16
17-11d	Cedar Lake	17	1.5	Private	17
17-14	Cedar Lake	17	2.2	Private	18
17-15	Cedar Lake	17	3.2	Public	19
18-4	Cedar Lake	18	2	Public/Priv.	21
18-13	Cedar Lake	18	2.4	Public	25
18-14	Cedar Lake	18	2.4	Public	26
18-16	Cedar Lake	18	2	Public/Priv.	27
19-1	Cedar Lake	19	4	Public	28
19-2a	Cedar Lake	19	6.7	Public	29
19-2b	Cedar Lake	19	1.6	Public	30
19-3	Cedar Lake	19	4.3	Public/Priv.	31
20-3	Cedar Lake	20	13.3	Public	32
26-3	Cedar Lake	26	5.3	Private	39
26-4	Cedar Lake	26	9.4	Private	40
26-7	Cedar Lake	26	5	Private	41
26-8	Cedar Lake	26	5	Private	42
26-9	Cedar Lake	26	8.1	Private	43
28-10	Cedar Lake	28	2.5	Public	44
35-4	Cedar Lake	35	3.3	Private	50
36-6	Cedar Lake	36	9.8	Private	51
2-10	Crystal Lake	2	2	Private	1

WILDERNESS LAKES OF BARRON COUNTY

Lake Name/Number	Township	Section	Acres	Ownership	Inventory #
3-4	Crystal Lake	3	1	Private	2
5-4	Crystal Lake	5	1.5	Private	4
8-8	Crystal Lake	8	0.5	Private	6
10-2	Crystal Lake	10	1.5	Private	7
10-13	Crystal Lake	10	2.1	Private	9
17-11a	Crystal Lake	17	5	Private	12
17-11c	Crystal Lake	17	1.3	Private	13
17-14	Crystal Lake	17	5.6	Private	14
17-15	Crystal Lake	17	5	Private	15
20-10	Crystal Lake	20	1.5	Private	17
22-6	Crystal Lake	22	3	Private	18
27-15	Crystal Lake	27	2	Private	24
33-3	Crystal Lake	33	6.2	Private	27
34-7	Crystal Lake	34	2.4	Public	28
3-10	Lakeland	3	4	Private	1
4-4	Lakeland	4	1	Private	3
4-13	Lakeland	4	1.3	Private	4
11-7	Lakeland	11	2.6	Private	8
14-1	Lakeland	14	8	Private	9
14-9	Lakeland	14	4	Private	10
14-14	Lakeland	14	2.5	Private	11
14-15b	Lakeland	14	3.6	Private	12
14-15d	Lakeland	14	9	Private	13
15-3	Lakeland	15	3	Private	14
15-9	Lakeland	15	8	Private	15
15-15	Lakeland	15	4	Private	16
16-14a	Lakeland	15	N/A	Private	17
16-14c	Lakeland	16	2.6	Private	18
19-2	Lakeland	19	7	Private	20
19-3	Lakeland	19	3.7	Private	21
19-13	Lakeland	19	4.5	Private	26
20-13	Lakeland	20	14	Private	28
20-14	Lakeland	10	9	Private	29
21-11	Lakeland	21	5	Private	30
22-3	Lakeland	22	14	Private	31
23-5	Lakeland	23	33.2	Public	32
23-8	Lakeland	23	12.8	Public	33
23-11	Lakeland	23	4.3	Public/Priv.	34
20-7	Lakeland	29	2.5	Private	36
29-11	Lakeland	29	3.6	Private	37
30-4b	Lakeland	30	3	Private	38
30-4d	Lakeland	30	6.5	Private	39
30-13	Lakeland	30	2.5	Private	40

WILDERNESS LAKES OF BARRON COUNTY

Lake Name/Number	Township	Section	Acres	Ownership	Inventory #
30-16	Lakeland	30	1.5	Private	41
32.3	Lakeland	32	4.5	Private	42
34-11	Lakeland	34	1.8	Private	45
3-6	Maple Plain	3	2	Private	3
4-8	Maple Plain	4	1	Public	4
4-10	Maple Plain	4	5	Public	5
5-6	Maple Plain	5	6.8	Private	7
7-9	Maple Plain	7	7.4	Public	9
9-14	Maple Plain	9	1	Public	12
11-12	Maple Plain	11	4.7	Private	17
12-10	Maple Plain	12	4	Private	18
13-11	Maple Plain	13	4.5	Private	19
14-6	Maple Plain	13	0.6	Private	20
18-8	Maple Plain	18	2	Private	22
25-9	Maple Plain	25	3	Private	27
25-15c	Maple Plain	25	1.5	Private	29
26-16	Maple Plain	26	3.6	Private	31
29-12	Maple Plain	29	3.8	Private	33

17.42 FO FLOODPLAIN OVERLAY DISTRICT

TABLE OF CONTENTS

- 1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS
 - 1.1 Statutory Authorization
 - 1.2 Finding of Fact
 - 1.3 Statement of Purpose
 - 1.4 Title
 - 1.5 General Provisions
 - (1) Areas to be regulated
 - (2) Official Map
 - (3) Establish Districts
 - (4) Locating Boundaries
 - (5) Removal of Lands from Floodplain
 - (6) Compliance
 - (7) Municipalities and Agencies Regulated
 - (8) See Section 17.04(3) Floodplain Regulations
 - (9) Interpretation
 - (10) Warning and Disclaimer of Liability
 - (11) Severability
- 2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS
- 3.0 FLOODWAY DISTRICT (FW)
 - 3.1 Applicability
 - 3.2 Permitted Uses
 - 3.3 Standards for Development
 - 3.4 Prohibited Uses
- 4.0 FLOODFRINGE DISTRICT (FF)
 - 4.1 Applicability
 - 4.2 Permitted Uses
 - 4.3 Standards for Development
- 5.0 GENERAL FLOODPLAIN DISTRICT (GFP)
 - 5.1 Applicability
 - 5.2 Permitted Uses
 - 5.3 Standards for Development
 - 5.4 Determining Floodway/Floodfringe Limits
- 6.0 NONCONFORMING USES
 - 6.1 General
 - 6.2 Floodway Areas
 - 6.3 Floodfringe Areas
- 7.0 ADMINISTRATION
 - 7.1 Zoning Administrator
 - 7.2 Zoning Agency
 - 7.3 Board of Adjustment/Appeals
 - 7.4 To Review Appeals of Permit Denials
 - 7.5 Floodproofing
 - 7.6 Public Information

8.0 AMENDMENTS

8.1 and 8.2 – See Section 17.81(3)(b)3 Rezoning and Amendment Standards, Floodplain District and Regulations

9.0 ENFORCEMENT AND PENALTIES

10.0 DEFINITIONS

11.0 FLOODPLAIN STUDY APPENDIX

FLOODPLAIN ADOPTION DATES

**CHAPTER 17.42
FLOODPLAIN ZONING ORDINANCE**

**1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE,
TITLE AND GENERAL PROVISIONS.**

1.1 STATUTORY AUTHORIZATION.

This zoning ordinance is adopted pursuant to the authorization in §§ 61.35 and 62.23, for villages and cities; §§ 59.69, 59.692, and 59.694 for counties; and § 87.30, Wis. Stats.

1.2 FINDING OF FACT.

Uncontrolled development and uses of the floodplains, rivers or streams of this municipality would adversely affect the public health, safety, convenience, general welfare, and impair the tax base.

1.3 STATEMENT OF PURPOSE.

To regulate development in flood hazard areas to protect life, health and property the governing body does ordain:

The purpose of these rules is to provide a uniform basis for the preparation, implementation and administration of sound floodplain regulations for all floodplains within the municipality to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public monies for costly flood control projects;
- (3) Minimize rescue and relief efforts, generally undertaken at the expense of the tax paying public;
- (4) Minimize business interruptions which usually result in the loss of local incomes;
- (5) Minimize damage to public facilities on the floodplains such as water mains, sewer lines, streets and bridges.
- (6) Minimize the occurrence of future flood blight areas on floodplains;
- (7) Discourage the victimization of unwary land and home buyers; and
- (8) Prevent increases in regional flood heights that could increase flood damage and may result in conflicts or litigation between property owners.

1.4 TITLE.

This ordinance shall be known as the Floodplain Zoning Ordinance for BARRON COUNTY, Wisconsin.

DATE OF COUNTY BOARD ADOPTION - SEPTEMBER 25, 1989.

1.5 GENERAL PROVISIONS.

(1) AREAS TO BE REGULATED.

Areas regulated by this ordinance include all areas within the limits of the municipality that would be covered by the "regional flood" (defined in s. 10.1) and include "floodplain islands" (defined in s. 10.1) designated on the official map where emergency rescue and relief routes would be inundated by the regional flood.

(2) OFFICIAL MAPS

(a) The boundary of the floodplain districts including the floodway, floodfringe and other floodplain districts, are those areas designated as floodplains or A-Zones on the following map: FLOOD INSURANCE RATE MAP prepared by Federal Emergency Management Agency (FEMA). This map, dated SEPTEMBER 29, 1989 is the official floodplain zoning map and has been approved by the Department of Natural Resources and the Federal Emergency Management Agency (FEMA), and is on file in the office of the ZONING ADMINISTRATOR & COUNTY CLERK. If more than one map is referenced, the regional flood profiles govern boundary discrepancies according to par. (4) below.

(b) Based on other studies:

1. Floodplain Study Appendix: All DNR and FEMA approved floodplain maps, flood profiles, floodway data tables, regional or base flood elevations and other information located in the appendix in Section 11.0 of the ordinance.

(3) ESTABLISHMENT OF DISTRICTS.

The regional floodplain areas are hereby divided into three districts defined in s. 10.1 and as follows:

(a) The Floodway District (FW) consists of the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood waters.

(b) The Floodfringe District (FF) consists of that portion of the floodplain between the regional flood limits and the floodway.

(c) The General Floodplain District (GFP) consists of all areas which have been or may be hereafter covered by flood water during the regional flood. It includes both the floodway and floodfringe districts.

(4) LOCATING FLOODPLAIN BOUNDARIES.

Where an apparent discrepancy exists between the location of the outermost boundary of the flood fringe district or general floodplain district shown on the official floodplain zoning map and actual field conditions, the location shall be initially determined by the zoning administrator using the criteria in paragraphs (a) or (b) below. Where the zoning administrator finds that there is a significant difference between the map and the actual field conditions, the map shall be amended using the procedures established in s. 8.0. Disputes between the zoning administrator and an applicant over the location of the district boundary line shall be settled according to s. 7.3 (3).

(a) Where flood profiles exist, the location of the district boundary line shall be determined by the zoning administrator using both the scale appearing on the map and the elevations shown on the water surface profile of the regional flood. Where a discrepancy exists between the map, and actual field conditions, the regional flood elevations shall govern. A map amendment is required where there is a significant discrepancy between the map and actual field conditions. The zoning administrator shall have the authority to grant or deny a land use permit on the basis of a district boundary derived from the elevations shown on the water surface profile of the regional flood, whether or not a map amendment is required. The zoning administrator shall be responsible for initiating any map amendments required under this section within a reasonable period of time.

(b) Where flood profiles do not exist, the location of the district boundary line shall be determined by the zoning administrator using the scale appearing on the map, visual on-site inspection and any available information provided by the Department. Where there is a significant difference between the map and actual field conditions, the map shall be amended. Where a map amendment has been approved by both the municipal governing body and the Department, the zoning administrator shall have the authority to grant or deny a land use permit.

(5) REMOVAL OF LANDS FROM FLOODPLAIN.

Compliance with the provisions of this ordinance shall not be grounds for removing lands from the floodplain district, unless they are removed by filling to a height of at least two feet above the regional

flood elevation, the fill is contiguous to land lying outside the floodplain district, and the map is amended pursuant to s. 8.0. To remove flood insurance requirements, FEMA must first revise the Flood Insurance Rate Map or issue a Letter of Map Amendment or Revision.

(6) COMPLIANCE.

Any development, as defined in s. 10.1, or use within the areas regulated by this ordinance shall be in full compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(7) MUNICIPALITIES AND STATE AGENICES REGULATED.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if § 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when § 30.12(4)(a), Stats., applies.

(8) See Section 17.04 (3) Floodplain Regulations

(9) INTERPERTATION.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements liberally construed in favor of the governing body, and shall not be deemed a limitation on or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this ordinance is required by a standard in Ch. NR 116, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Ch. NR 116 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection provided by this ordinance is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. Larger floods may occur or the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. Therefore, this ordinance does not imply that areas outside of the delineated floodplain, or permitted land uses within the floodplain, will not be totally free from flooding and associated flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) SEVERABILITY.

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS.

2.1 HYDRAULIC AND HYDROLOGIC ANALYSIS.

(1) No Development, except as provided in par. (2) below, shall be allowed in floodplain areas which will:

(a) Cause an obstruction to flow, denied in s. 10.1 as any development which physically blocks the conveyance of floodwaters by itself or in conjunction with future similar development causing an increase in regional flood height; or

(b) Cause an increase in regional flood height due to floodplain storage area lost, which is equal to or exceeding 0.01 foot;

(2) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance the official floodplain zoning maps, including floodway lines and water surface profiles, in accordance with s. 8.0 and only if the total cumulative effect of the proposed

development will not increase the height of the regional flood more than 1.0 foot for the affected hydraulic reach of the stream, unless a waiver is secured from FEMA for the 1.0 foot maximum increase (Rev. July, 1991).

3) The Zoning Administrator shall deny permits where it is determined the proposed development will cause an obstruction to flow or increase in regional flood height of 0.01 foot or greater.

2.2 WATERCOURSE ALTERATIONS.

Prior to any alteration or revocation of a watercourse, and prior to the issuance of any land use permit which may be required for the alteration or relocation of a watercourse, the local zoning official shall notify in writing, adjacent municipalities, the appropriate district office of the Department of Natural Resources and the appropriate office of FEMA, and shall require the applicant to secure all necessary state and federal permits. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT.

Development which requires a permit from the Department of Natural Resources, under Ch. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aides may be allowed provided the necessary local permits are obtained and necessary amendments to the official floodway lines, water surface profiles, floodplain zoning maps or floodplain zoning ordinance, are made according to s. 8.0

3.0 FLOODWAY DISTRICT (FW).

3.1 APPLICABILITY.

The provisions of this section apply to all areas mapped as floodway on the official floodplain zoning maps, and to those portions of the general floodplain district determined to be floodway according to the procedures in s. 5.4

3.2 PERMITTED USES.

The Following open space uses are allowed in the floodway district and the floodway portion of the general floodplain district, providing:

- they are not prohibited by any other ordinance;
- they meet the standards in s. 3.3 and 3.4; and
- all permits or certificates have been issued according to s. 7.1:
 - (1) Agricultural uses, such as: general farming, pasturing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas, and airport landing strips.
 - (3) Nonstructural private and public recreational uses, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trials, according to s. 3.3 (4).
 - (4) Uses or structures accessory to open space uses, or those classified as historic structures, that are not in conflict with the provisions in sections 3.3 and 3.4 (Rev. federal rule Oct. 1990).
 - (5) Extraction of sand, gravel or other materials according to s. 3.3 (4).
 - (6) Functionally water-dependent uses such as: docks, piers or wharves, including those used as part of a marina, and other water related uses such as dams, flowage areas, culverts, navigational aides and river crossings of transmission lines, and pipelines, according to Chs. 30, 31, Wis. Stats.

(6) Functionally water-dependent uses such as: docks, piers or wharves, including those used as part of a marina, and other water related uses such as dams, flowage areas, culverts, navigational aides and river crossings of transmission lines, and pipelines, according to Chs. 30, 31, Wis. Stats.

(7) Public utilities, streets and bridges, according to s. 3.3 (3).

3.3 STANDARDS FOR DEVELOPMENT IN FLOODWAY AREAS.

(1) GENERAL.

(a) Any development in floodway areas shall meet all of the provisions of s. 2.0, and have a low flood damage potential.

(b) Applicants shall provide the following data for the Zoning Administrator to determine the effects of the proposal according to s. 2.1:

1. A cross-section elevation view of the proposal, perpendicular to the watercourse, indicating whether the proposed development will obstruct flow; or
2. An analysis calculating the effects of this proposal on regional flood height.

(c) The Zoning Administrator shall deny the permit application where it is determined the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. (b), above.

(2) STRUCTURES: In or over floodway area, only structures which are accessory to permanent open space uses, those classified as historic structures, or are functionally dependant on waterfront location, may be allowed by permit, providing the structures meet all of the following criteria: (Rev. federal rule Oct. 1990).

(a) The structures are not designed for human habitation, or associated with high flood damage potential.

(b) The structures are constructed and placed on the building site so as to cause an increase less than 0.01 foot in flood height and offer minimum obstruction to the flow of flood waters. Structures shall be constructed with the longitudinal axis parallel to the direction of flow of flood waters, and approximately on the same line as those of adjoining structures;

(c) The structures are firmly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and

(d) The structures have all service facilities such as electrical and heating equipment at or above flood protection elevation for the particular area.

(3) Public utilities, streets and bridges may be allowed by permit, provided that:

(a) Adequate floodproofing measures are provided to the flood protection elevation.

(b) Construction does not cause an increase in the regional flood height according to s. 2.1, except where the water surface profiles, floodplain zoning maps and floodplain zoning ordinance area amended, as needed to reflect any changes in resulting from such construction.

(4) Fills or deposition of materials may be allowed by permit, provided that:

(a) The requirements of s. 2.1 are met;

(b) The fill or deposition of materials does not encroach on the channel area between the ordinary high water mark on each back of the stream unless a permit has been granted by the Department of Natural Resources pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of the 1972, 33 U.S.C 1334 has been issued, if applicable, and the other requirements of this section are met.

(c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheeting piling or bulk-heading sufficient to prevent erosion; and provided that

(d) Such fills are not associated with private or public solid waste disposal.

3.4 PROHIBITED USES.

All uses not listed as permitted uses in s. 3.2 are prohibited within the floodway district and in the floodway portion of the general floodplain district including the following uses which are always prohibited in the floodway.

(1) Structures in, on, or over floodway areas which are designed for human habitation, associated with high flood damage potential, or not associated with permanent open-space uses;

(2) The storage of any materials that are capable of floating, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or to other aquatic life;

(3) Any uses which are not in harmony with, or which may be detrimental to, the uses permitted in the adjoining districts;

(4) Any private or public sewage systems; except portable latrines that are removed prior to flooding, and systems associated with recreational areas and Department approved campgrounds, that meet the applicable provisions of local ordinances and Comm. 83, Wis. Adm. Code.

(5) Any public or private wells which are used to obtain water for ultimate human consumption; except those for recreational areas that meet the requirements of local ordinances and chs. NR 111 and NR 112, Wis. Adm. Code;

(6) Any solid and hazardous waste disposal sites, whether public or private;

(7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15 (3) (b), Wis. Adm. Code;

(8) Any sanitary sewer or water supply lines except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

4.0 FLOODFRINGE DISTRICT (FF).

4.1 APPLICABILITY.

The provisions of this section apply to all areas within the flood fringe district, as shown on the official floodplain zoning maps, and to those portions of the general floodplain district that are determined to be in the floodfringe area pursuant to s. 5.4.

4.2 PERMITTED USES.

Any structures, land use, or development, including accessory structures and uses, are allowed within the floodfringe district and floodfringe portions of the general floodplain district, provided that the standards contained in s. 4.3 are met; that the use is not prohibited by this or any other ordinance or any other local, state, or Federal regulation, and that all permits or certificates specified in s. 7.1 have been issued.

4.3 STANDARDS FOR DEVELOPMENT IN FLOODFRINGE AREAS.

(1) All of the provisions of s. 2.1 shall apply in addition to the following requirements according to the use requested;

(2) **RESIDENTIAL USES:** Any structure or building used for human habitation, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area shall meet or exceed the following standards;

(a) The elevation of the lowest floor excluding the basement or crawl-way, shall be at or above the flood protection elevation (which is a point two feet above the regional flood elevation) on fill except where par. (b) is applicable. The fill elevation shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing measures where existing streets or sewer lines are at elevations which make compliance impractical, provided the Board of Adjustment/Appeals grants a variance due to dimensional restrictions.

(b) The basement or crawlway floor may be placed at the regional flood elevation, providing it is floodproofed to the flood protection elevation. No permit or variance shall allow any floor, basement or crawlway below the regional flood elevation.

(c) Contiguous dryland access, defined in s. 10.1. as a vehicle access route above regional flood elevation, shall be provided from a structure or building, to land which is outside of the floodplain, except as provided in par. (d).

(d) In existing developments where existing streets or sewer lines are at elevations which make compliance with par. (c) impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, provided:

1. The municipality has written assurance from the appropriate local units of police, fire, and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles, considering the anticipated depth, duration and velocity of the regional flood event; or
2. The municipality has an adequate natural disaster plan concurred with the Division of Emergency Government and approved by the Department.

(3) **ACCESSORY STRUCTURES OR USES:** An accessory structure or use as defined in s. 10.1, not connected to a principal structure, including nonresidential agricultural structures, shall meet all the applicable provisions of ss. 3.3 (1) , (2) and (4) , and 3.4. A lesser degree of protection, compatible with these criteria and the criteria in sub. (4) may be permissible for an accessory structure or use, providing that the site is not inundated to a depth greater than 2 feet or subjected to flood velocities greater than 2 feet per second during the regional flood.

(4) **COMMERCIAL USES:** Any commercial structure or building which is to be erected, constructed, reconstructed, altered or moved into the floodfringe area, shall meet the requirements of s. 4.3(2). Storage yards, parking lots and other accessory structures or land uses may be at lower elevations, subject to the requirements of sub. (6). However, no such area in general use by the public shall be inundated to a depth greater than two feet or subjected to flood velocities greater than two feet per second during the regional flood. Inundation of such yards or parking areas exceeding two feet may be allowed, provided an adequate warning system exists to protect life and property.

(5) **MANUFACTURING AND INDUSTRIAL USES:** Any manufacturing, or industrial structure or building which is to be erected, constructed, reconstructed, altered or moved into the floodfringe area, shall be protected to the flood protection elevation utilizing fill, levees, floodwalls, adequate flood proofing measures in accordance with s. 7.5, or any combination thereof. On streams or rivers having prolonged flood durations, greater protection may be required to minimize interference with normal plant operations. A lesser degree of protection, compatible with the criteria in par. (4) and (6) may be permissible for storage yards, parking lots and other accessory structures or uses.

(6) **STORAGE MATERIALS:** The storage of materials that are buoyant, flammable, explosive, or which in times of flooding could be injurious to property, water quality or human, animal, plant, fish or aquatic life, shall be at or above the flood protection elevation for the particular area or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to assure that said materials will not enter the river or stream during flooding.

(7) PUBLIC UTILITIES, STREET AND BRIDGES: All utilities, streets and bridges should be designed to be compatible with the local comprehensive floodplain development plans; and

(a) When failure or interruption of public utilities, streets and bridges would result in danger to the public health or safety, or where such facilities are essential to the orderly functioning of the area, construction of and substantial improvements to such facilities, may only be permitted if they are floodproofed in compliance with s. 7.5, to the flood protection elevation;

(b) Minor or auxiliary roads or nonessential utilities, may be constructed at lower elevations provided they withstand flood forces to the regional flood elevation.

(8) SEWAGE SYSTEMS: All on-site sewage disposal systems shall be floodproofed to the flood protection elevation, and shall meet the applicable provisions of all local ordinances and Comm. 83, Wis. Adm. Code.

(9) WELLS: All public or private wells shall be floodproofed to the flood protection elevation, pursuant to s. 7.5, and shall meet the applicable provisions of Chs. NR 111 and NR 112, Wis. Adm. Code.

(10) SOLID WASTE DISPOSAL SITES: All public or private solid or hazardous waste disposal sites, are prohibited in floodfringe areas.

(11) DEPOSITION OF MATERIALS: Any materials deposited for any purpose may only be allowed if all the provisions of this ordinance are met.

(12) MOBILE HOMES AND MANUFACTURED HOMES. (Rev. federal rule October 1990).

(a) Owner or operators of all mobile manufactured home parks and subdivisions located in the regional floodplain, shall provide for adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with the appropriate local emergency management authorities.

(b) In existing mobile home parks, [see definition 10.1(13)] all new homes with new pads, replacement units on existing pads, and substantially improved mobile/manufactured homes and recreational vehicles that remain on-site in excess of 180 days, or are unlicensed or not ready for highway use and which are placed or improved on a site located in the regional floodplain shall:

1. Have the lowest floor elevated to the regional flood elevation; and
2. Be anchored so they do not float, collapse or move laterally during a flood.

(c) Outside of existing mobile home parks: including new mobile home parks, and all single units outside of existing parks; all new, replacement and substantially improved mobile/manufactured homes and recreational vehicles that remain on-site for more than 180 days, which are unlicensed or are not ready for highway use, shall meet the residential development standards for the floodfringe in s. 4.3 (2).

5.0 GENERAL FLOODPLAIN DISTRICT (GFP).

5.1 APPLICABILITY.

The provisions for this district shall apply to all floodplains for which "regional flood" data, as defined in Section 10.1 is not available, or where regional flood data is available but floodways have not been delineated. As adequate regional flood data becomes available and floodways are delineated for portions of this district, such portions shall be designated in the floodfringe district or floodway district, as appropriate.

5.2 PERMITTED USES.

The general floodplain district encompasses both floodway and floodfringe areas. Therefore, a determination shall be made pursuant to s. 5.4, to determine whether the proposed use is located within a floodway or floodfringe area. Those uses permitted in floodways (s. 3.2) and floodfringe areas (s. 4.2) are allowed within the general floodplain district, according to the standards of s. 5.3 and provided that all permits or certificates required under s. 7.1 have been issued.

5.3 STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT.

Once it is determined according to s. 5.4 that a proposed use is located within a floodway, the provisions of s. 3.0 shall apply. Once determined that the proposed use is located within the floodfringe, the provisions of s. 4.0 shall apply. All provisions of the remainder of this ordinance apply to either district.

5.4 DETERMINING FLOODWAY AND FLOODFRINGE LIMITS.

Upon receiving an application for development within the general floodplain district, the Zoning Administrator shall:

(1) Require the applicant to submit at the time of application, two copies of an aerial photograph, or a plan which accurately locates the proposed development with respect to the general floodplain district limits, channel of stream, existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures.

(2) Require the applicant to furnish any of the following additional information as is deemed necessary by the Department for evaluation of the effects of the proposal upon flood height and flood flows, the regional flood elevation and where applicable to determine the boundaries of the floodway:

(a) A typical valley cross-section showing the channel of the stream, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information.

(b) Plan (surface view) showing: elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.

(c) Profile showing the slope of the bottom of the channel or flow line of the stream.

(d) Specifications for building construction and materials, flood proofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities.

(3) Transmit one copy of the information described in pars. (1) and (2) to the Department District office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of s. 7.1 (2)(c) apply, the applicant shall provide all required information and computations, to delineate floodway boundaries and the effects of the project on flood elevations.

6.0 NONCONFORMING USES.

6.1 GENERAL.

(1) APPLICABILITY.

Insofar as the standards in this section are not inconsistent with the provisions of s. 59.69, Stats., for counties or s. 62.23(7)(h), Stats., for cities and villages, they shall apply to all nonconforming issues and nonconforming structures. These regulations apply to the modification of, or addition to, any structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

(2) The existing lawful use of a structure or building or it's accessory use which is not in conformity with the provisions of this ordinance, may continue subject to the following conditions:

(a) No modifications or additions to a nonconforming use or a nonconforming structure shall be permitted unless they are made in conformity with the provisions of this ordinance for the area of the floodplain occupied. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered modifications or additions; these include internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities.

(b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance.

(c) As requests are received by the municipality for modifications or additions to nonconforming uses or nonconforming structures, a record shall be kept which lists the nonconforming uses and nonconforming structures, their present equalized assessed value, and the cost of those additions or modifications which have been permitted, and the percentage of the structure's total current value those modifications represent. (Rev. July - 1991).

(d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed fifty (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3 (2).

(e) If any nonconforming structure or any structure with a nonconforming use is destroyed or is so badly damaged that it cannot be practically restored, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the requirements of this ordinance. For the purpose of this subsection, restoration is deemed impractical where the total cost of such restoration would exceed 50% of the present equalized assessed value of the structure.

6.2 FLOODWAY AREAS.

(1) No modification or addition shall be allowed to any non-conforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:

(a) Has been granted a permit or variance which meets the floodway requirements of this ordinance; and

(b) Meets the requirements of s. 6.1; and

(c) Will not increase the obstruction to flood flows or regional flood height, and

(d) Any addition to the existing structure shall be floodproofed pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation.

(2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and Comm. 83, Wis. Adm. Code.

(3) No new well or modification to an existing well, used to obtain water for ultimate human consumption, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances

and Ch. NR 111 and NR 112, Wis. Adm. Code.

6.3 FLOODFRINGE AREAS.

(1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality. In addition, the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for the particular use in s. 4.3, except where s. 6.3 (2) is applicable.

(2) Where compliance with the provisions of par. (1) would result in unnecessary hardship, and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the board of adjustment/appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of par. (1) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted provided:

- (a) No floor is allowed below the regional flood elevation for residential or commercial structures; and
- (b) Human lives are not endangered;
- (c) Public facilities, such as water or sewer, will not be installed;
- (d) Flood depths will not exceed two feet;
- (e) Flood velocities will not exceed two feet per second; and
- (f) The structure will not be used for storage of materials described in s. 4.3 (6).

(3) If neither the provisions of par. (1) nor (2) can be met, an addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe on a one-time basis only, if the addition:

- (a) Meets all other regulations and will be granted by permit or variance;
- (b) Does not exceed 60 square feet in area; and
- (c) In combination with other previous modifications or additions to the building, does not exceed 50% of the present equalized assessed value of the building.

(4) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and Ch. Comm 83, Wis. Adm. Code.

(5) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and Ch. NR 111 and NR 112, Wis. Adm. Code.

7.0 ADMINISTRATION.

This section provided for the appointment of appropriate boards and staff, and the development of necessary policies and procedures to administer this ordinance. Where a Zoning Administrator, Planning Agency or a Board of Adjustment/Appeals has already been appointed to administer a Zoning Ordinance adopted under §§ 59.69, 59.692, or 62.23 (7), Stats., these officials shall also administer this ordinance.

7.1 ZONING ADMINISTRATOR.

(1) The Zoning Administrator is hereby authorized to administer the provisions of this ordinance and shall have the following duties and powers:

(a) Advise applicants of the provisions of this ordinance, assist them in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

(b) Issue permits and inspect properties for compliance with provisions of this ordinance, and issue certificates of compliance where appropriate.

(c) Keep records of all official actions such as:

1. All permits issued.

2. Inspections made.

3. Work approved.

4. Documentation of certified lowest floor and regional flood elevations for floodplain development.

5. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.

(d) Submit copies of the following items to the Department district office:

1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;

2. Copies of any case-by-case analysis, and any other information required by the Department, including an annual summary of the number and types of floodplain zoning actions taken.

(e) Investigate, prepare reports, and report violations of this ordinance to the appropriate municipal zoning agency and the municipal attorney for prosecution. Copies of the violation reports shall also be sent to the Department District office.

(f) Submit of text and map amendments and biennial reports to the regional office of FEMA.

(2) **LAND USE PERMIT.** A land use permit shall be obtained from the Zoning Administrator before any new "development", as defined in s. 10.1, or any change in the use of an existing building or structure including sewage disposal systems and water supply facilities may be initiated. Application shall be made to the Zoning Administrator upon furnished application forms and shall include the following data:

(a) **GENERAL INFORMATION.**

1. Name and address of the applicant, property owner and contractor - builder;

2. Legal description of the property, type proposed use, and an indication as to whether a new construction or a modification to an existing structure is involved;

(b) **SITE DEVELOPEMENT PLAN.** The site development plan shall be drawn to scale and submitted as part of the permit application form, and shall contain the following information:

1. Location, dimensions, area, and elevation of the lot;

2. Location of the ordinary highwater mark of any abutting available waterways;

3. Location of any structures with distances measured from the lot lines and center line of all abutting street or highways;

4. Location of any existing or proposed on-site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits on the property, as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using National Geodetic and Vertical Datum (NGVD).
8. Data sufficient to determine the regional flood elevation at the location of the development, and to determine whether or not the requirements of s. 3.0 or 4.0 are met.
9. Data sufficient to determine if the proposed development will cause either an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3 (1).

(c) DATA REQUIREMENTS TO ANALYZE DEVELOPMENTS.

1. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in § 236.02 Stats., and other proposed developments exceeding 5 acres in the area or where the estimated cost exceeds \$125,000. The applicant shall provide:

- a. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity.
- b. A map showing location and details of vehicular access to lands outside the floodplain.
- c. A surface drainage plan with adequate details showing how flood damage will be minimized.

The estimated cost of the proposal shall include all structural development, landscaping improvements, access and road development, electrical and plumbing, and similar items reasonably applied to the overall development costs, but need not include land costs.

2. The Department will determine regional flood elevations and evaluate the proposal where the applicant is not required to provide computations as above, and inadequate data exists. The municipality may transmit additional information, such as the data in s. 5.4(2) where appropriate, to the Department with the request for analysis.

(d) EXPIRATION. All permits issued under the authority of this ordinance shall expire (**ONE YEAR**) from the date of issuance.

(3) CERTIFICATE OF COMPLIANCE. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

- (a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance.
- (b) Application for such certificate shall be concurrent with the application for a permit.

(c) The certificate of compliance shall be issued within 10 days after written notification of completion of the work specified in the permit, provided the building or premises or proposed use conforms with all the provisions of this ordinance.

(d) The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that floodproofing adequacy meet the requirements of s. 7.5.

(4) OTHER PERMITS. It is the responsibility of the applicant to secure all other necessary permits from all appropriate federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.

7.2 ZONING AGENCY.

(1) The Barron County (Zoning Agency or Planning Committee) shall:

- oversee the functions of the office of the Zoning Administrator and,
- review and make recommendations to the Governing body on all proposed amendments to this ordinance, maps, and text.

(2) This zoning agency shall not:

- grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; nor
- amend the text or zoning maps in place of official action by the Governing body.

7.3 BOARD OF ADJUSTMENT/APPEALS. The appropriate board created under § 59.99, Stats., for counties or § 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act as the Board of Adjustment/Appeals for the purposes of this ordinance. The Board of Adjustment/Appeals shall exercise the powers conferred by Wis. Stats., and adopt rules for the conduct of business. The Zoning Administrator may not be the Secretary of the Board.

(1) Powers and Duties: The Board of Adjustment/Appeals shall:

(a) Appeals – Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.

(b) Boundary Disputes – Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.

(c) Variances – Hear and decide, upon appeal, variances from the dimensional standards of this ordinance.

(2) Appeals to the Board:

(a) Appeals to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within **Thirty (30)** days as provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question, shall transmit to the board all the papers constituting the record concerning the matter appealed.

(b) Notice and Hearing for Appeals Including Variances:

1. Notice: The board shall:

- a. Fix a reasonable time for the hearing;
 - b. Publish adequate Class 1 or 2 notice pursuant to Wisconsin Statutes, specifying the date, time, place, and subject of the hearing;
 - c. Assure that notice shall be mailed to the parties in interest and the district office of the Department, at least 10 days in advance of the hearing.
2. Hearing: Any party may appear in person or by agent or attorney. The board shall:
- a. Resolve boundary disputes according to s. 7.3(3);
 - b. Decide variance applications according to s. 7.3(4);
 - c. Decide appeals of permit denials according to s. 7.4.

(c) Decision: The final decision regarding the appeal or variance application shall:

1. Be made within a reasonable time;
2. Be sent to the district office of the Department within 20 days of the decision.
3. Be a written determination signed by the chairman or secretary of the board;
4. State the specific facts which are the basis for the Board's decision;
5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the application for a variance;
6. Include the reasons or justifications for granting an appeal, with a description of the hardship or practical difficulty demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the board proceedings.

(3) BOUNDARY DISPUTES.

The following procedure shall be used by the board of adjustment/appeals in hearing disputes concerning the district boundaries on the official floodplain zoning map:

- (a) Where a floodplain district boundary is established by approximate or detailed floodplain studies, the regional flood elevations or profiles for the point in question shall be the governing factor in locating the district boundary. If no regional flood elevations or profiles are available to the board, other available evidence may be examined.
- (b) In all cases, the person contesting the location of the district boundary, shall be given a reasonable opportunity to present arguments and technical evidence to the board of adjustment/appeals.
- (c) Where it is determined that the district boundary is incorrectly mapped, the board should inform the zoning committee or the person contesting the location of the boundary to petition the governing body for a map amendment according to s. 8.0.

(4) VARIANCE.

- (a) The Board of Adjustment/Appeals may, upon appeal, grant a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates that:

1. Literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship on the applicant;
 2. The hardship is due to adoption of the floodplain ordinance and special conditions unique to the property; not common to a group of adjacent lots or premises (in such case the ordinance or map must be amended);
 3. Such variance is not contrary to the public interest;
 4. Such variance is consistent with the purpose of this ordinance stated in s. 1.3.
- (b) A variance shall not:
1. Grant, extend, or increase any use of property prohibited in the zoning district;
 2. Be granted for a hardship based solely on an economic gain or loss;
 3. Be granted for a hardship which is self-created;
 4. Damage the rights or property values of other persons in the area;
 5. Permit a lower degree of flood protection in the floodplain than the flood protection elevation;
 6. Allow any floor, basement or crawlway below the regional flood elevation for residential or commercial structures;
 7. Allow actions without the amendments to this ordinance or map(s) required in s. 8.1.
 8. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure. (Rev. federal rule Oct. 1990).
- (c) When a variance is granted in a floodplain area, the Board shall notify the applicant in writing that increased flood insurance premiums and risks to life and property may result. A copy of this notification shall be maintained with the variance appeal record.

7.4 TO REVIEW APPEALS OR PERMIT DENIALS.

- (1) The Zoning Agency (s. 7.2) or Board of Adjustment/Appeals shall review all data constituting the basis for the appeal of permit denial. This data may include (where appropriate):
- (a) Permit application data listed in s. 7.1(2);
 - (b) Floodway/floodfringe determination data in s. 5.4;
 - (c) Data listed in s. 3.3(1)(b)2. where the applicant has not submitted this information to the Zoning Administrator.
 - (d) Other data submitted to the Zoning Administrator with the permit application, or submitted to the Board with the appeal.
- (2) For appeals of all denied permits the Board shall:
- (a) Follow the procedures of s. 7.3;
 - (b) Consider Zoning Agency recommendations;

(c) Either uphold the denial or grant the appeal.

(3) For appeals concerning increases in regional flood elevation the Board shall:

(a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map, and all appropriate legal arrangements are made with all adversely affected property owners.

(b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

7.5. FLOODPROOFING.

(1) No permit or variance shall be issued until the applicant submits a plan or document certified by a registered professional engineer or architect that the floodproofing measures are adequately designed to protect the structure or development to the flood protection elevation.

(2) Where floodproofing measures, as defined in s. 10.1 are required, they shall be designed to:

(a) Withstand the flood pressures, depths, velocities, uplift and impact forces, and other factors associated with the regional flood;

(b) Assure protection to the flood protection elevation;

(c) Provide anchorage of structures to foundations to resist flotation and lateral movement;

(d) Insure that the structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding, without human intervention.

(3) Floodproofing measures could include:

(a) Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris;

(b) Addition of mass or weight to structures to prevent flotation;

(c) Placement of essential utilities above the flood protection elevation;

(d) Surface or subsurface drainage systems, including pumping facilities, to relieve external foundation wall and basement floor pressures;

(e) Construction of water supply wells, and waste treatment systems to prevent the entrance of flood waters into the systems;

(f) Cutoff valves on sewer lines or elimination of gravity flow basement drains.

7.6 PUBLIC INFORMATION.

(1) Where useful, marks on bridges or buildings or other markers may be set to show the depth of inundation during the regional flood at appropriate locations within the floodplain.

(2) All available information in the form of maps, engineering data and regulations shall be readily available and should be widely distributed.

(3) All legal descriptions of property in the floodplain, should include information relative to the floodplain zoning classification when such property is transferred.

8.0 AMENDMENTS.

8.1 & 8.2 – See Section 17.81(3)(b)4 Rezoning and Amendment Standards
Floodplain District and Regulations

9.0 ENFORCEMENT AND PENALTIES.

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney, who shall expeditiously prosecute all such violators. A violator shall upon conviction, forfeit to the municipality a penalty of not less than \$200.00 and not more than \$1,000.00, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined, and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to § 87.30, Stats.

10.0 DEFINITIONS.

10.01 Unless specifically defined below, words and phrases used in this ordinance shall have the same meaning as they have at common law and to give this ordinance its most reasonable application. 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, “shall” is mandatory and not discretionary.

(1) “A ZONES” – Those areas shown on the “Official Floodplain Zoning Map” (see below) which would be inundated by “regional flood” as defined below. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles; depending on the availability of data for a given area.

(2) “ACCESSORY STRUCTURE OR USE” – A detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with the principle structure or use to which it is related, and which is located on the same lot as that of the principle structure or use.

(3) “BASEMENT” – Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides. (July 1991).

(4) “BUILDING” – See STRUCTURE.

(5) “BULKHEAD LINE” – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

(6) “CERTIFICATE OF COMPLIANCE” – A certification issued by the Zoning Administrator stating that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

(7) “CHANNEL” – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

(8) “CRAWLWAYS” OR “CRAWL SPACE” – An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities. (July 1991).

(9) “DEPARTMENT” – The Wisconsin Department of Natural Resources.

(10) “DEVELOPMENT” – means any artificial 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 improvements to buildings, structures or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities.

(11) "DRYLAND ACCESS" – means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

(12) "ENCROACHMENT" – Any fill, structure, building, use or development in the floodway.

(13) "EXISTING MANUFACTURED OR MOBILE HOME PARK OR SUBDIVISION" - A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale on which the construction of facilities for servicing the lots (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

(14) "EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK" – means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be placed. This includes installation of utilities, either final site grading, pouring pads, or construction of streets.

(15) "FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)" – The federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA), or Department of Housing and Urban Development (HUD).

(16) "FLOOD" OR "FLOODING" – means a general and temporary condition of partial or complete inundation of normally dry land areas caused by:

(a) The overflow or rise of inland waters;

(b) The rapid accumulation or runoff of surface waters from any source; and

(c) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; and

(d) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

(17) "FLOOD FREQUENCY" – means the probability of a flood occurrence. A flood frequency is generally determined from statistical analysis. The frequency of a particular flood event is usually expressed as occurring on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.

(18) "FLOODFRINGE" – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and generally associated with standing water rather than flowing water.

(19) "FLOOD HAZARD BOUNDARY MAP" – A map prepared by FEMA designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. Said map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program.

(20) "FLOOD INSURANCE STUDY" – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and regional flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood insurance study maps form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

(21) “FLOODPLAIN” – That land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

(22) “FLOODPLAIN ISLAND” – means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

(23) “FLOODPLAIN MANAGEMENT” – means the full range of public policy and action for insuring wise use of floodplains. It includes everything from the collection and dissemination of flood data to the acquisition of floodplain lands and the enactment and administration of codes, ordinances and statutes for land use in the floodplain.

(24) “FLOOD PROFILE” – a graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

(25) “FLOODPROOFING” – means any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

(26) “FLOOD PROTECTION ELEVATION” – An elevation two feet of free-board above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)

(27) “FLOOD STORAGE” – means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

(28) “FLOODWAY” – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

(29) “FREEBOARD” – means a flood protection elevation requirement designed as a safety factor which is usually expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for the effects of any factors that contribute to flood heights greater than those calculated. These factors include but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and aggregation of the river or stream bed.

(30) “HABITABLE BUILDINGS” – means any building, or portion thereof used for human habitation.

(31) “HEARING NOTICE” – means publication or posting meeting the requirements of Ch. 985, Stats. Class 1 notice is the minimum required for appeals: published once, at least one week (8 days) before the hearing. Class 2 notice is the minimum required for all zoning ordinances and amendments including map amendments: published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

(32) “HIGH FLOOD DAMAGE POTENTIAL” – means damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

(33) “HISTORIC STRUCTURE” – (federal rule Oct. 1990) – any structure that is:

(a) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or directly by the Secretary of the Interior in states without approved programs.

(34) "INCREASE IN REGIONAL FLOOD HEIGHT" – means a calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, resulting comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain, but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

(35) "LAND USE" – any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

(36) "MOBILE HOME" OR "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. For the purpose of this ordinance, it does not include recreational vehicles or travel trailers which remain licensed and ready for highway use and remain on-site less than 180 days. (Rev. federal rule Oct. 1990).

(37) "MUNICIPALITY" OR "MUNICIPAL" – means the county, city, or village governmental units, enacting, administering, and enforcing this zoning ordinance.

(38) "NGVD" OR "NATIONAL GEODETIC VERTICAL DATUM" – means elevations referenced to mean sea level datum, 1929 adjustment.

(39) "NONCONFORMING STRUCTURE" – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the first floor is lower than the flood protection elevation, the structure is nonconforming.)

(40) "NONCONFORMING USE" – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

(41) "OBSTRUCTION TO FLOW" – means any development which physically blocks the conveyance of floodwaters such that this development by itself or in conjunction with any future similar development, will cause an increase in regional flood height.

(42) "OFFICIAL FLOODPLAIN ZONING MAP" – That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department of Natural Resources and FEMA.

(43) "OPEN SPACE USE" – Those uses having a relatively low flood damage potential and not involving structures.

(44) "ORDINARY HIGHWATER MARK" – The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

(45) "PERSON" – An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

(46) "PRIVATE SEWAGE SYSTEM" – means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the department of industry, labor and human relations including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

(47) "PUBLIC UTILITIES" – means those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

(48) "REGIONAL FLOOD" - A flood determined to be representative of large floods known to have occurred in Wisconsin or which may be expected to occur on a particular lake, river, or stream once in every 100 years.

(49) "STRUCTURE" – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, which includes but is not limited to, such objects as roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

(50) "SUBSTANTIAL IMPROVEMENT" – Any structural repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored before the damage occurred. The term does not however, include either;

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which existed before the improvement began, was identified by a municipal official and are necessary to assure safe living conditions,

(b) Any alteration of a designated historical (see definition) structure or site documented as deserving preservation by the Wisconsin State Historical Society, or listed on the National Register of Historic Places provided the alteration will not preclude the structure's continued designation as an historical structure (Rev. federal rule Oct. 1990).

Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. "Substantial improvement" begins when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

(51) "UNNECESSARY HARDSHIP" – means that circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

(52) "VARIANCE" – means an authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards contained in the floodplain zoning ordinance.

(53) "WATERSHED" – means the entire region or area contributing runoff or surface water to a particular watercourse or body of water.

(54) "WATER SURFACE PROFILE" – means a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

(55) "WELL" – means an excavation opening in the ground made by digging, boring, drilling, driving, or other methods, for the purpose of obtaining groundwater regardless of its intended use.

11.0 Floodplain Study Appendix.

1. Dam Hazard Assessments:

- a. Chetek Dam – Approved on January 17, 2006
- b. Moon Lake Dam – Approved on March 4, 2009

* Assessments are on file in the Barron County Zoning office.

Date of Public Hearing: September 5, 1989

Class 2 Hearing Notice Publication

Dates: During weeks of August 14th, and August 21, 1989

(Second must be at least 7 days before hearing, see definition.)

Date of Adoption: September 25, 1989

Date of Publication: _____

Floodplain Ordinance – Repealed and Recreated – Approved by the Barron County Board of Supervisors on April 16, 1991.

AMENDMENTS to the Floodplain Zoning Ordinance

Approved by the Barron County Board of Supervisors on July 22, 1996.

Official Maps:

- A. Flood Insurance Rate Maps (FIRM) for Barron County.
Based on Insurance Study dated September 29, 1989
Prepared by the Federal Emergency Management Agency (FEMA)
Dated: September 29, 1989
Approved by: FEMA and the Department of Natural Resources (WDNR)
- B. Revised Firms for Barron County. Prepared for FEMA by Dewberry and Davis.
Dated: August 2, 1996 (Revised Date)
Approved by: WDNR and FEMA.

17.43 SHORELAND-WETLAND OVERLAY DISTRICT

The Shoreland-Wetland Overlay District is created to maintain safe and healthful conditions, prevent water pollution, protect fish spawning grounds and wildlife habitat, preserve shore cover and natural beauty, reduce flood hazards to life and property and control building and development in a manner that minimizes adverse impacts upon the wetlands. This district shall include all lands within the shoreland jurisdiction as defined in sec. 17.41(2) which are designated as wetlands on the wetlands maps adopted and made a part of this chapter in sec. 17.26.

(1) Activities and permitted uses which do not require the issuance of a land use permit, but which shall be carried out without filling, flooding, draining, dredging, ditching, tilling or excavating:

(a) Hiking, fishing, trapping, hunting, swimming and boating.

(b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.

(c) The practice of silviculture, except as regulated under sec. 17.41(9) of this chapter.

(d) The pasturing of livestock and the construction and maintenance of fences.

(e) The cultivation of agricultural crops.

(f) The construction and maintenance of duck blinds which comply with State and Federal hunting regulations.

(g) The construction and maintenance of piers, docks and walkways.

(h) The maintenance, repair, replacement and reconstruction of existing town and county highways and bridges.

(2) Permitted uses which do not require the issuance of a land use permit and which may involve filling, flooding, draining, dredging, ditching, tilling or excavation to the extent specifically provided below:

(a) Temporary water level stabilization measures, in the practice of silviculture, which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.

(b) Dike and dam construction and ditching for the purpose of growing and harvesting cranberries.

(c) Ditching, tilling dredging, excavation or filling done to maintain or repair existing agricultural drainage systems, only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.

(3) Permitted uses which are not allowed upon the issuance of a land use permit.

(a) The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation, provided that:

1. The road cannot, as practical matter, be located outside the wetland.

2. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland and meets the following standards:

a. The road shall be designed and constructed to as a single land roadway with only such depth and width necessary to accommodate the machinery required to conduct agricultural and silvicultural activities.

b. Road construction activities are to be carried out in the immediate area of the roadbed only.

c. Any filling, flooding, draining, dredging, ditching, tilling or excavating that is to be done, shall be necessary for the construction of maintenance of the road.

(b) The construction and maintenance of nonresidential buildings used solely in conjunction with raising of water fowl, minnows, or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, if such building cannot, as a practical matter, be located outside the wetland, provided that:

1. Any such building does not exceed 500 sq. ft. in floor area.

2. No filling, flooding, draining, dredging, ditching, tilling or excavating is to be done.

(c) The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, provided that:

1. Any private recreation or wildlife habitat area shall be used exclusively for that purpose.

2. A grading permit shall be required before any grading, dredging, excavating, ditching or dike or dam construction, accessory to these permitted uses may be done. In addition to complying with requirements of sec. 17.41(4)(a) of this chapter, the Zoning Administrator shall consider alternative sites and methods to minimize adverse effects upon the wetlands, and shall issue the permit only where significant adverse impacts to the wetland values enumerated in sec. 17.81(3)(b)4 will not result.

(d) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, provided that:

1. The transmission and distribution lines and related facilities cannot, as a practical matter, be located outside the wetland.

2. Any filling, excavating, ditching or draining that is to be done shall be necessary for such construction or maintenance and shall be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.

(e) The construction and maintenance of railroad lines, provided that:

1. The railroad lines cannot as a practical matter, be located outside the wetland.

2. Any filling, excavating, ditching or draining that is to be done shall be necessary for such construction or maintenance and, shall be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.

(4) Any use not listed in subs. (1), (2), or (3) is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this chapter, in accordance with §59.97(5)(e), Wis. Stats., Ch. NR115, Wis. Adm. Code, sec. 17.81(2)(d)3, sec. 17.81(2)(d)4, and sec. 17.81(2)(h), of this chapter.

17.49 TELECOMMUNICATION TOWERS, ANTENNAS, AND RELATED FACILITIES ORDINANCE**17.49(1) Purpose and Intent.**

The purpose and intent of this chapter is to provide a uniform and comprehensive set of standards for the development and installation of telecommunication towers, antennas and related facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare and the aesthetic quality of Barron County, as set forth within the goals, objectives and policies of the Barron County Zoning and Shoreland Zoning Ordinance, to encourage managed development of telecommunications infrastructure, while at the same time not unduly restricting the development of needed telecommunications facilities.

It is intended that the County shall apply these regulations to accomplish the following:

1. Minimize adverse visual effects of telecommunication towers, antennas and related facilities through design and siting standards.
2. Maintain and ensure that a non-discriminatory, competitive and broad range of telecommunications services and high quality telecommunications infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community, as well as serve as an important and effective part of the Barron County's police, fire and emergency response network.
3. Provide a process for obtaining necessary permits for telecommunication facilities while at the same time protecting the interests of the Barron County citizens.
4. Protect environmentally sensitive areas of Barron County by regulating the location, design and operation of telecommunication towers, antennas and related facilities.
5. Encourage the use of alternative support structures, co-location of new antennas on existing telecommunication towers, camouflaged towers, and construction of towers with the ability to locate three or more providers.

Furthermore, this Ordinance is not intended to regulate residential satellite dishes or residential television antennas that are used privately. Additionally, it is not intended to regulate satellite dishes/antennas whose regulation is prohibited by § 59.69(4d), or its successor sections, of the Wisconsin Statutes as amended from time to time or as preempted by Federal law.

17.49(2) Definitions.

For the purpose of Chapter 17.49, the following terms and phrases shall have the meaning ascribed to them in this section:

Alternative Support Structure: Clock towers, steeples, silos, light poles, water towers, buildings or similar structures that may support telecommunication facilities.

Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, when such system is either external to or attached to the exterior of a structure. Antennas shall include devices having active elements extending in any direction, and directional beam type arrays having elements carried by and disposed from a generally horizontal boom, that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

Antenna Building Mounted: Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building.

Antenna Ground Mounted: Any antenna with its base placed directly on the ground.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Camouflaged Tower: Any telecommunication tower that due to design or appearance entirely hides, obscures, or conceals the presence of the tower and antennas.

Guyed Tower: A telecommunications tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

Height, Telecommunications Tower: The distance measured from the original grade at the base of the tower to the highest point of the tower. This measurement excludes any attached antennas, protection devices (e.g. lightning rods) and lighting.

Lattice Tower: A telecommunication tower that consists of vertical and horizontal supports and crossed metal braces.

Monopole: A telecommunication tower of a single pole design.

Navigable Stream or Lake: As designated on the United States Geological Survey (USGS) map and/or the Barron County Zoning maps.

Non-Conforming: Any pre-existing telecommunications facility that was in existence prior to the adoption of this ordinance and that has not been issued a conditional use permit or was issued a conditional use permit prior to the adoption date of this ordinance. This definition shall only apply to this specific ordinance and shall not apply to other Barron County Zoning Ordinances.

Operation: Means other than nominal use; when a facility is used regularly as an integral part of an active system of telecommunications, it shall be deemed in operation.

Platform: A support system that may be used to connect antennas and antenna arrays to telecommunication towers or alternative support structures.

Satellite Dish: A device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped, and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

Telecommunication Facility: A facility, site, or location that contains one or more antennas, telecommunication towers, alternative support structures, satellite dish antennas, other similar communication devices, and support equipment which is used for transmitting, receiving, or relaying telecommunications signals, excluding those facilities exempted under Section 17.49(3)

Telecommunication Facility Co-located: A telecommunication facility comprised of a single telecommunication tower or building supporting multiple antennas, dishes, or similar devices, owned or used by more than one public or private entity.

Telecommunication Support Facility: The telecommunication equipment buildings and equipment cabinets.

Telecommunications Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including camouflaged towers, lattice towers, guy towers, or monopole towers. This includes radio and television transmission towers, microwave towers, and common-carrier towers. It shall exclude alternative support structures and those facilities exempted under Section 17.49(3).

Utility Pole Mounted Antenna: An antenna attached, without regard to mounting, to or upon an existing or replacement electric transmission or distribution pole, street light, traffic signal, athletic field light, utility support structure or other similar structure approved by the Barron County Zoning Department.

17.49(3) Exempt from County Review.

The following shall be permitted without County approvals:

1. The use of all television antenna, satellite dishes and receive only antennas, provided that the primary use of the property is not a telecommunications facility and that the antenna use is accessory to the primary use of the property.
2. Amateur Radio. This Ordinance shall not govern the installation of any antenna and their supporting towers, poles and masts that is owned and/or operated by a federally licensed amateur radio operator or, is used exclusively for receive-only antennas.
3. Mobile services providing public information coverage of news events of a temporary or emergency nature.
4. Free standing (Ground Mounted Antenna) antennas (not supported on or attached to a building) and their supporting towers, poles or masts and their equipment buildings, 350 square feet or less in size, may be installed without a zoning permit when the overall height of the antennas and their supporting structures do not exceed a height of 45 feet above the original grade at the site of the installation. Antennas, their supporting towers, poles or masts, and their equipment building to be located in the A-1 zoning district, are subject to meeting the requirements of Wisconsin State Statute 91.01(10) as amended from time to time.
5. Antennas installed on, or attached to, any existing building (Building Mounted Antenna), and buildings 350 square feet or less in size, when the height of the existing telecommunication tower, or alternative support structure and their equipment antenna and it's supporting tower, pole or mast is 30 feet or less above the highest part of the building or alternative support structure to which it is attached. Antennas, installed on, or attached to, any existing building, an existing telecommunication tower or alternative support structure and their equipment buildings to be located in the A-1 zoning district are subject to meeting the requirements of Wisconsin State Statute 91.01(10) as amended from time to time.
6. Utility Pole Mounted Antennas, if the height of the antenna is 30 feet or less above the highest part of the utility pole.

17.49(4) Areas Permitting Telecommunication Facility Location with Special Exception Approval.

Telecommunications facilities may be permitted in the following zoning districts, subject to Special Exception review and approval by the Barron County Zoning Board of Adjustment and, in compliance with Sections 17.49(12), 17.49(6), and all other applicable sections of this Ordinance:

1. A-1, Exclusive Agricultural District, subject to meeting the requirements of Wisconsin State Statute 91.01(10) as amended from time to time.
 - (a) The activity will not convert land that has been devoted primarily to agricultural use.
 - (b) The activity will not limit the surrounding land's potential for agricultural use.
 - (c) The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement.
 - (d) The activity will not conflict with agricultural operations on other properties.
2. A-2, Agricultural District
3. B, Business District
4. I, Industrial District
5. MR, Mineral Reservation District
6. C-2, Upland Conservancy District

17.49(5) Areas Limiting Telecommunication Facility Location.

Telecommunication facilities may be permitted, subject to Special Exception review and approval by the Barron County Zoning Board of Adjustment as identified in Section 17.49(4) but are subject to review and approval of the Federal Aviation Administration (FAA), Wisconsin State Bureau of Aeronautics and other appropriate agencies, if applicable.

- (a) 2 mile radius from heliports
- (b) 1 mile radius from private airport runway(s)
- (c) 3 mile radius from public use airport runway(s)

17.49(6) Areas Prohibiting Telecommunication Facility Location.

No telecommunications facilities, except exempt facilities as defined in Section 17.49(3), shall be permitted within:

- 1. Historic sites and districts listed on the National Register of Historic Places
- 2. Wetlands
- 3. Floodplains
- 4. Zoning districts:
 - (a) R-1, Residential Low Density District
 - (b) R-2, Residential High Density District
 - (c) R-3, Mobile Home Park and Subdivision District
 - (d) R-R, Recreational-Residential District
 - (e) UV, Unincorporated Village District
 - (f) HIO, Highway Interchange Overlay District
 - (g) SO, Shoreland Overlay District
 - (h) FO, Floodplain Overlay District
 - (i) Shoreland-Wetland Overlay District

All maps identifying the prohibitive areas are located within the Barron County Zoning Office and are available for public review and inspection.

17.49(7) Special Exception Application.

Locating and constructing a telecommunication tower or a new alternative support structure, including the buildings or other supporting equipment used in connection with said tower shall require a Special Exception Permit. The Barron County Zoning Board of Adjustment may authorize the Zoning Office to issue a Special Exception Permit after review and a public hearing, provided that such special exception is in accordance with the purpose and intent of this Ordinance.

- 1. **Submittal Information.** For all telecommunication facilities, except exempt facilities as defined in Section 17.49(3), the Zoning Office shall require the following information to accompany every application. Said information shall include, but may not be limited to:

- (a) Completed special exception application and fee of \$1,000.00.
- (b) Original signature of applicant and land owner (if the telecommunication facility is located in an easement or pursuant to a ground lease, the beneficiaries of the easement or ground lease and underlying property owner must authorize the application.)
- (c) The identity of the carrier, provider, applicant, landowner and service provider and their legal status.
- (d) The name, address and telephone number of the officer, agent and/or employee responsible for the accuracy of the application.
- (e) A plat of survey, showing the parcel boundaries, tower, facilities, location, access, landscaping and fencing.

(f) A written legal description of the site.

(g) In the case of a leased site, a lease agreement or binding lease memorandum which shows on its face that it does not preclude the tower owner from entering into leases on the tower with other provider(s) and the legal description and amount of property leased.

(h) A description of the telecommunications services that the applicant offers or provides, to persons, firms, businesses or institutions.

(i) Federal Communication Commission (FCC) license numbers and registration numbers, if applicable.

(j) Copies of Finding of No Significant Impacts (FONSI) statement from the Federal Communication Commission (FCC) or Environmental Impact Study (EIS), if applicable.

(k) An alternatives analysis shall be prepared by the actual applicant or on behalf of the applicant by its designated technical representative, except for exempt facilities as defined in Section 17.49(3), subject to the review and approval of the Barron County Zoning Board of Adjustment, which identifies all reasonable, technically feasible, alternative locations and/or facilities which could provide the proposed telecommunication service. The intention of the alternatives analysis is to present alternative strategies which could minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the county.

The analysis shall address the potential for co-location and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to the review and approval of the Barron County Zoning Board of Adjustment. The County may require independent verification of this analysis at the applicant's expense, the consultant or the alternate chosen by the Barron County Zoning Board of Adjustment from a list mutually agreed upon by the County and the Telecommunications Industry.

(l) Plans indicating security measures (i.e. access, fencing, lighting, etc.).

(m) Shall include a tabular and map inventory of all of the applicants' existing telecommunications towers that are located within Barron County, and including all of the applicant's existing towers within fifteen hundred (1,500) feet of the County boundary. The inventory shall specify the location, height, type, and design of each of the applicants' existing telecommunication towers, and the ability of the tower or antenna structure to accommodate additional co-location antennas.

(n) A report prepared by an Engineer licensed by the State of Wisconsin, certifying the structural design of the tower and its ability to accommodate additional antennas.

(o) Proof of liability insurance coverage, with a Certificate of Insurance, annually or until cancelled, showing the policy period.

(p) Such other information as the Barron County Zoning Board of Adjustment may reasonably require.

(q) Copies of an Affidavit of Notification, indicating that the airport operator and airport property owner(s), within the areas limiting telecommunication facility locations as identified under Section 17.49(5), if applicable, have been notified via certified mail.

2. **Co-location.** All tower owners shall make available unused space for co-location of other telecommunication facilities, including space for those entities providing similar competing services.

Co-location is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline. All co-located and multiple-user telecommunication support facilities shall be designed for compatible joining to facilitate site sharing.

3. Technical Review. The Zoning Office, upon direction of the Barron County Zoning Board of Adjustment, shall employ on behalf of the County, an independent technical expert to review materials submitted in those cases where a technical demonstration of unavoidable need or unavailability of alternatives has been determined necessary by the Board. The applicant shall pay all the costs of said review. The payment to the Barron County Zoning Office shall be due upon receipt of the invoice. All invoices, fees and charges accumulated for the technical review, must be paid in full prior to the issuance of the Special Exception Permit.

4. Submittals Required following the Special Exception Approval. For each special exception permit approved by the Barron County Zoning Board of Adjustment, the applicant shall submit the following before the special exception permit will be issued:

- (a) Copies of the determination of no hazard from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings, and the Wisconsin State Bureau of Aeronautics, if applicable.
- (b) Copies of any Environmental Assessment (EA) reports on Form 600 or Form 854, submitted to Federal Communication Commission (FCC), if applicable.
- (c) Copies of any filings submitted to the Federal Communication Commission (FCC), shall be submitted within 30 days of filing, subject to the review of the Zoning Administrator.
- (d) Proof of Bond as security for removal.

17.49(8) Annual Information Report.

The purpose of the annual review report under this Section is to provide the County with accurate and current information concerning the telecommunications tower owners and providers, who offer or provide telecommunications services within the County, or that own or operate telecommunication facilities with the County, to assist the County in enforcement of this Chapter, and to assist the County in monitoring compliance with the special exception permit and this Ordinance.

1. Annual Information Report. All telecommunications tower owners of any new or existing telecommunication tower, shall submit annually on or before January 31st of each year to the Zoning Office, a Telecommunications Facility Annual Information Report. The Annual Report shall include the tower owner name(s), address(s), phone number(s), contact person(s), annual review fee, and proof of bond as security for removal. The tower owner shall supply the tower height and current occupancy, if applicable. This information shall be submitted on a county form, designated for such use, and shall become evidence of compliance.

2. Annual Information Report Fee. Following the special exception approval, every year thereafter, the tower owner shall submit on or before January 31st of each year to the Zoning Office, the annual review fee of \$200.00 per tower site. The fee submittal is the responsibility of each tower owner. Failure to provide this information shall result in a civil forfeiture of \$200.00 per day, until the information is received by the Barron County Zoning Office. Also, needs to submit an annual or until cancelled, a Certificate of Insurance, showing the policy period.

17.49(9) Removal/Security for Removal.

1. It is that express policy of Barron County and this ordinance, that telecommunications facilities be removed once they are no longer in use and not a functional part of providing telecommunications service, and that it is the telecommunications tower owner's responsibility to remove such facilities and restore the site to its original condition or a condition approved by the Board of Adjustment and the Barron County Zoning Office. This restoration shall include removal of any subsurface structure

or foundation, including concrete, used to support the telecommunications facility down to 10 feet below the surface. This depth of removal requirement may be modified by the Barron County Zoning Board of Adjustment after public hearing and review. After a telecommunications facility is no longer in operation, the tower owner shall have 90 days to effect removal and restoration unless weather prohibits such efforts.

2. **Security for Removal.** The telecommunications tower owner shall provide to Barron County, prior to the issuance of the special exception permit or the issuance of a zoning permit, a performance bond in the amount of Twenty Thousand Dollars (\$20,000) or a bond equal to a written estimate from a qualified tower removal contractor, to guarantee that the telecommunications facility will be removed when no longer in operation. Barron County will be named as obligee in the bond and must approve the bonding company.

17.49(10) Pre-existing Telecommunication Towers.

1. **Non-conforming and conforming** telecommunication towers and facilities may add to, move or replace the tower and facilities upon review and approval of a Special Exception Permit by the Barron County Zoning Board of Adjustment. An existing telecommunication tower may be increased in height a maximum of fifty (50) feet, relocated or reconstructed within fifty (50) feet of its existing location to accommodate co-location subject to meeting all other sections of this Ordinance, except Sections 17.49(7) and 17.49(12). Routine maintenance and repair on telecommunications facilities is permitted.

2. Existing Use Review

(a) **Existing Use Review for Those Towers Structurally Capable to Co-locate.** Beginning January 1, 2002, within 45 days all telecommunications tower owners, applicable to the requirements of this Ordinance, operating in Barron County prior to the adoption of this ordinance, shall provide the information required under sec. 17.49(8)(1) (except proof of bond and proof of insurance), of this ordinance and pay an annual fee of \$200 per tower site. Failure to provide this information shall result in a civil forfeiture of \$200.00 per day until the information is received by the Barron County Zoning Office.

(b) **Existing Use Review for Those Towers Structurally Incapable for co-location.** Beginning January 1, 2002, within 45 days all telecommunications tower owners, applicable to the requirements of this Ordinance, operating in Barron County prior to the adoption of this Ordinance, shall provide the information required under section 17.49(8)(1) of this Ordinance (except proof of bond and proof of insurance), and submit documents that the tower is structurally incapable of co-location, and pay a one time fee of \$200.00 per tower site. Failure to provide this information shall result in a civil forfeiture of \$200.00 per day until the information is received by the Barron County Zoning Office.

17.49(11) Compliance.

1. **Revocation.** Grounds for revocation of the special exception permit, pursuant to Section 17.90(8) of the Barron County Land Use Ordinance, shall be limited to one of the following findings as determined by the Barron County Zoning Board of Adjustment:

(a) The owner of such site, service provider and/or tower owner, fails to comply with the requirements of this ordinance as it existed at the time of the issuance of the conditional use permit.

(b) The permittee has failed to comply with the conditions of approval imposed.

(c) The facility has not been properly maintained.

2. Revocation Process.

- (a) The owner of such site, service provider and/or tower owner, shall be notified by certified mail of noncompliance by the Barron County Zoning Office.
- (b) The owner shall comply with such notice within 30 days, to the satisfaction of the Barron County Zoning Office.
- (c) If compliance is not obtained within 30 days, the Barron County Zoning Office shall notify the Barron County Zoning Board of Adjustment of the noncompliance and request permission to proceed with the revocation process. (This time period may be extended by staff to adjust for seasonal limitations.)
- (d) The Barron County Zoning Office shall petition the Barron County Zoning Board of Adjustment for a public hearing, before the Barron County Zoning Board of Adjustment following publication of a Class 2 notice in the legal newspaper of Barron County.
- (e) A copy of a hearing notice shall be mailed certified to the owner of record of the tower site at least two weeks prior to the hearing date.
- (f) An Officer of the Barron County Zoning Office shall appear at the hearing before the Barron County Zoning Board of Adjustment to present the evidence of noncompliance. All other interested parties may also give testimony to the Board.
- (g) In compliance with the procedures of a Special Exception hearing, a written decision of the Barron County Zoning Board of Adjustment will be made.

3. Abandonment. Any antenna or tower that is not operated for a continuous period of twelve (12) months, shall be considered abandoned. Time may be extended upon review and approval of the Barron County Zoning Board of Adjustment, if the tower owner demonstrates a good faith effort to secure new tenants. In such circumstances, the following shall apply:

- (a) The owner of such antenna and/or tower, shall remove said antenna and/or tower including all supporting equipment and building(s) within ninety (90) days of receipt of notice from the Zoning Department notifying the owner of such abandonment. If removal to the satisfaction of the Zoning Department does not occur within said ninety (90) days, the Barron County Corporation Counsel may order removal, utilizing the established bond as provided under Section 17.49(9) and salvage said antenna or tower and all supporting equipment and building(s). If there are two or more users of a single tower, then this provision shall not become effective until all operations of the tower cease.
- (b) The recipient of a special exception permit or zoning permit for a telecommunications facility under this ordinance shall notify the Barron County Zoning Department when the facility is no longer in operation.

17.49(12) Structural, Design and Environmental Standards. (Except exempt facilities as defined in Section 17.49(3)).

1. Tower, Antenna and Facilities Requirements. All telecommunication facilities, shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end, all of the following measures shall be implemented:

- (a) All telecommunication facilities shall comply at all times with all Federal Communication Commission (FCC) rules, regulations, and standards. To that end no telecommunication facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the Federal Communication Commission (FCC) adopted standard for human exposure, as amended, or any more restrictive standard subsequently adopted or promulgated by the

Federal Government. All telecommunication tower and antenna shall meet or exceed the standards and regulations, in place at the time of the issuance of the Special Exception Permit, of the Federal Aviation Administration (FAA), the Wisconsin State Bureau of Aeronautics, Occupational Safety and Health Association (OSHA), the Federal Communication Commission (FCC), and any other agency of the State and/or Federal Government with the authority to regulate towers and antennas.

(b) Telecommunication towers shall be constructed out of metal or other nonflammable material, unless specifically permitted by the County to be otherwise.

(c) All ground mounted telecommunication towers shall be self-supporting monopoles or lattice towers except, where satisfactory evidence is submitted to the Zoning Board of Adjustment that a guyed tower is required.

(d) Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function.

(e) Telecommunication support facilities (i.e., equipment rooms, utilities, and equipment enclosures) shall be constructed out of non-reflective materials (visible exterior surfaces only). Telecommunication support facilities shall be no taller than one story, fifteen feet (15') in height, measured from the original grade at the base of the facility to the top of the structure, and shall be designed to blend with existing architecture in the area or shall be screened from sight by mature landscaping, and shall be located or designed to minimize their visibility.

(f) Telecommunications towers, facilities and antennas shall be designed and constructed in accordance with the State of Wisconsin Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, Barron County Subdivision Ordinance, Barron County Sanitation Ordinance, Electronic Industries Association (EIA), American National Steel Institute Standards (ANSI), American National Standards Institute (ANSI), and Electronic Industry Assoc./Telecommunication Industry Association (EITTTIA) 222-E. 3., in effect at the time of manufacture.

(g) The maximum height of an antenna platform located on a roof top shall be twenty (20) feet above the roof.

(h) Telecommunication facilities shall not interfere with or obstruct existing or proposed public safety, fire protection or Supervisory Controlled Automated Data Acquisition (SCADA) operation telecommunication facilities. Any actual interference and/or obstruction shall be corrected by the applicant at no cost to the County.

2. **Height.** The height of a telecommunication tower shall be measured from the original grade at the base of said tower to the highest part of the tower itself. In the case of building mounted towers, the height of the tower includes the height of the portion of the building on which it is mounted. In the case of "crankup" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised.

3. **Lighting.** Telecommunications towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other applicable regulatory authority.

4. **Site Development, Roads and Parking.**

(a) A leased parcel intended for the location of new telecommunication tower(s) and equipment building(s), shall maintain a minimum parcel size of twenty-five hundred (2,500) square feet. The Barron County Zoning Board of Adjustment may modify the leased parcel size requirement after public hearing and review.

(b) A parcel owned by the telecommunication carrier and/or provider and intended for the location of new telecommunication tower(s) and equipment building(s), shall meet the minimum size requirement of the zoning district.

(c) All sites must be served by a minimum thirty (30) foot wide easement with a turn around. The Barron County Zoning Board of Adjustment may modify the easement and turn around requirement after public hearing and review. All sites shall use existing access points and roads whenever possible. The access point to the site shall be approved by the Barron County Highway Department, State of Wisconsin Department of Transportation, or the applicable Township depending on road jurisdiction.

5. Vegetation Protection and Facility Screening:

(a) Except exempt facilities as defined in Section 17.49(3), all telecommunications facilities shall be installed in such a manner so as to minimize disturbance to existing native vegetation and shall include suitable mature landscaping to screen the facility. For purposes of this section, "mature landscaping" shall mean trees, shrubs or other vegetation of an initial height of 5 feet that will provide a buffer area of at least 4 feet in width that will provide the appropriate level of visual screening immediately upon installation.

b) Upon project completion, the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping during the current growing season.

(c) Facility structures and equipment, including supporting structures, shall be located, designed and screened to blend with the existing natural or built surroundings, so as to reduce visual impacts.

6. Fire Prevention. All telecommunication facilities shall be designed and operated in accordance with all applicable codes regarding fire prevention.

7. Noise and Traffic. All telecommunication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end, all the following measures shall be implemented for all telecommunication facilities, except exempt facilities as defined in Section 17.49(3):

(a) Noise producing construction activities shall only take place on weekdays (Monday through Saturday, non-holiday) between the hours of 6:00 a.m. and 6:00 p.m., except in times of emergency repair; and

(b) Backup generators shall only be operated during power outages and for testing and maintenance purposes.

8. Signs. Signs shall be mounted on the fenced enclosure, on or adjacent to the gate prohibiting entry without authorization, warning of the danger from electrical equipment and unauthorized climbing of the tower, and identifying the owner of the tower and telephone number for contact in case of emergency. The sign shall be no larger than 6 square feet.

(a) No commercial advertising signs may be located on the telecommunications facilities.

17.49(13) Separation and Setback Requirements. (except exempt facilities as defined in Section 17.49(3)).

1. Minimum Separation between Telecommunication Towers (by tower type).

Proposed tower types: Lattice 85 ft. In height or greater.	Guyed	Monopole -	
Lattice	1 mile	1 mile	1 mile
Guyed	1 mile	1 mile	1 mile
Monopole-85 ft. In height or greater	1 mile	1 mile	1 mile

(a) Additional towers may be permitted subject to special exception review and approval of the Barron County Zoning Board of Adjustment.

(b) Camouflaged towers may be located closer than requirement listed above with special exception approval.

2. Setbacks. All setbacks shall be measured from the base of the tower or structure.

(a) Setbacks from all habitable residential buildings, except buildings located on the subject parcel, shall be a minimum of 500 feet.

(b) Setbacks from all historic sites and districts. All new towers shall be setback a distance equal to 100% of the height of the tower from historic sites and districts, provided the tower is designed to collapse with the guy wire radius..

(c) Setbacks from the road right of ways of all streets. All new towers shall be setback a distance equal to 100% of the height of the tower from all streets, provided the tower is designed to collapse within the guy wire radius.

(d) Setbacks from property lines. All new towers shall be setback a minimum of 100% of the height of the tower from all property lines, provided the tower is designed to collapse within the guy wire radius. (This requirement does not apply to the boundary of the leased parcel unless the leased parcel boundary is also a property line.) This setback requirement may be modified by the Barron County Zoning Board of Adjustment after public hearing and review.

(e) Towers not designed to collapse within the guy wire radius, shall be setback a distance equal to 125% of the height of the tower.

(f) Setback from the Ordinary High Water Mark (OHWM). All new towers shall be setback a minimum of 125% of the tower height from the Ordinary High Water Mark (OHWM) of a navigable lake or stream.

(g) Guy Wire Anchor Setback. All guy wire anchors shall be at least twenty-five (25 feet) from all property lines. This setback requirement may be modified by the Barron County Zoning Board of Adjustment after public hearing and review.

17.49(14) Zoning Permits.

A Barron County zoning permit is required from the Zoning Office, following the procedures of Section 17.74(5) of the Barron County Land Use Ordinances, for the location of all telecommunication facilities, except exempt facilities as defined in Section 17.49(3). The applicant shall submit information required

under Section 17.49(7)(1), Special Exception application, except the special exception application and fee. Facilities proposed to be co-located on facilities previously approved under this Ordinance shall be exempt from submitting information required under Section 17.49(7)(1), but shall be required to submit a zoning permit application for review and approval per Section 17.74(5)(c)3 of the Barron County Land Use Ordinances.

1. Permitted Uses:

(a) **Locating/Installing** an antenna that adds no more than fifty (50) feet to the height of a new or existing alternative support structure or an existing telecommunication tower, including placement of additional buildings or other supporting equipment used in connection with said antenna, subject to meeting all other sections of this Ordinance except Section 17.49(7), and if located on land zoned A-1 is subject to meeting the requirements of Wisconsin State Statute 91.01(10) as amended from time to time.

(b) **Existing Non-conforming and conforming** Telecommunication Towers, Antennas and Facilities may be increased one time during the life of the tower, a maximum of fifty (50) feet in order to accommodate co-location.

17.49(15) Appeal Procedures.

A person aggrieved by any decision of the Barron County Zoning Board of Adjustment, or its successor, regarding the siting of a telecommunications facility, may within 30 days after the filing of the decision in the Barron County Zoning Office, commence an action seeking the remedy available by certiorari.

Severability. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance. The Barron County Board declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more such provisions be declared unconstitutional or invalid. This ordinance shall be published in the manner and form required by the Wisconsin Statutes as amended from time to time, and shall be effective on the date of publication or posting.

1. Upon recommendation of the Barron County Zoning Committee, the Barron County Board of Supervisors shall from time to time, establish and review fees for application processing, annual information, existing information, review fees, security for removal, and any other fees that the County Board may deem appropriate as it applies to this ordinance.

2. No application shall be considered filed with the County unless, and until said application is accompanied by the appropriate application fee.

LAND DIVISIONS**17.50 APPLICABILITY**

(1) EXEMPTIONS UNDER STATE LAW. This subchapter applies to any land division in any unincorporated area of the County, where the division creates at least one parcel of land which is **19** acres or smaller in area, unless the division is covered by the exemptions listed in §§ 236.03(2), 236.03(3) or 236.45(a)1, through 3., Wis. Stats. Such exemptions are below. And except, that any quarter-quarter section, fractional or otherwise, served by a public road, may be split into two (2) equal parcels without a survey; however, this does not apply to Government Lots. Such land divisions require review by the County.

§ 236.03(2) Cemetery and assessors' plats.

§ 236.03(3) Sale or exchange of parcels of public utility or railroad right-of-way to adjoining property owners, where approved by joining property owners, where approved by the city, village, or town and county.

- § 236.45(2)(a)
1. Transfers of interests in land by will or court order.
 2. Leases for terms not to exceed 10 years, mortgages or easements.
 3. Sale or exchange of land between owners of adjoining parcels if no new lots are created and if neither lot is reduced below minimum size lots.

(2) A legal description or preliminary map for an exemption based on 236.45(2)(a)3, shall be reviewed by the County prior to recording any document evidencing the contemplated sale or exchange of real estate: the legal description or preliminary map shall clearly describe or indicate the parcel to which it is to be attached. Review of legal description or preliminary map shall be completed in ten (10) working days. If not reviewed within ten (10) working days, it shall be determined to be approved.

(3) All certified survey maps shall be reviewed by the County prior to recording, as well as, any legal description which divides an existing parcel.

17.51 SURVEY AND PLAT REQUIRED; STANDARDS

Prior to the occurrence of a land division to which this subchapter applies, the owner of the land shall have the parcels surveyed by a registered land surveyor and the surveyor shall create a certified survey map or plat, describing the proposed division and the survey thereof, unless exempt under the terms of sub. (2) or sec. 17.50 of this subchapter.

(1) The survey and certificated survey map or plat shall comply fully with the standards of Ch. 236, Wis. Stats., and other pertinent statutes; provided, however, that the standard of § 59.73 shall apply rather than the standard of § 236.20(2)(i); and with applicable administrative rules which establish technical and professional standard for land surveying. The standards of §§ 236.15, 236.20, 236.21 and 236.34(1), Wis. Stats. (for survey maps), shall apply to all land divisions to which this subchapter is applicable. [Note: By cross-reference to the Wisconsin Statutes and Administrative rules, the section adopts State standards for extent and accuracy of land surveys and for the basic form of the map or plat document on which the survey is portrayed.] A document termed a “county” plat shall be used when the proposed land division does not meet the definition of a State plat (see § 236.02(8), Wis. Stats.) and is not eligible to be accomplished by a certified survey map (see § 236.34, Wis. Stats.). Provisions of Ch. 236, Wis. Stats. and this chapter shall apply as to preparation and submittal. County plats shall be recorded with the Register of Deeds’ office and kept in a book provided for that purpose.

(2) The requirement of this section shall not apply to land divisions where the parcel or parcels being created are certified by the owner as intended not to be developed with structures for residential, commercial, industrial or institutional purposes. Such land divisions require County review and approval against the standards of sec. 17.54(1) and (2), and shall be reviewed on the basis of a preliminary map or sketch, pursuant to sec. 17.53(5).

17.52 APPLICATION FOR COUNTY APPROVAL

(1) PRELIMINARY SURVEY MAP OR PLAT. Before submitting a final plat for approval, the subdivider may submit, or the approving authority may require, that the subdivider submit a preliminary plat. County committee review may occur on the basis of preliminary maps or plats and accompanying materials, provided that the applicant shall demonstrate to the committee that the services of a registered land surveyor have been engaged to perform required surveying and documentation, and provided that the committee approval be conditioned upon submission of, and staff approval of, a final map or plat which conforms to requirements of sec. 17.51(1) and which is consistent with the preliminary version approved by the committee.

(2) REQUIRED ACCOMPANYING MATERIALS. In addition to the map or plat, the application for County approval of a land division, shall include the following items of information:

(a) An identification of intended use of each parcel or area of land.

(b) A completed town government checklist. The checklist shall be a uniform form established by the County Zoning Committee, and shall communicate the judgment of the Town Board on the questions listed below. The purpose of the checklist is to involve town boards in land division review early in the review process, and to advise the County and subdivider of Town Board standards. Before the survey map or plat (whether in preliminary or final form) may be presented to the County Zoning Committee, the completed town government checklist shall be on file in the office of the Zoning Committee. The checklist shall bear the signature of the 3 Town Board members or of the Town Clerk. The Town Clerk shall attest that his or her signature represents the official position of the Town Board on the questions listed above. The checklist does not relieve the Town Board of acting formally upon proposed land divisions as required under state law or town ordinances.

1. Whether the Town Board will accept ownership and responsibility for all or specified portions of the streets and roads involved in the land division.

2. Whether the subdivider will be obliged to construct roads to standards specified by the Town Board.
 3. The standards the Town wants applied to any culverts involved in the land division.
 4. Whether the Town wants an advisory report of the County Soil and Water Conservation District Board on surface drainage and erosion control aspects of the project.
 5. Whether the Town Board wants each lot in a land division to be tested for ability to meet the Sanitary Code requirements for installation of an on-site waste disposal system, prior to approval of the land division. The county will require each lot to be tested, unless the Town Board specifically approves a waiver of such testing.
- (c) If a subdivider or the surveyor engaged by the subdivider demonstrates to the satisfaction of the County Committee that the appropriate Town officials were or should have been aware of a request to complete a checklist, and the town officials failed, refused, or neglected to complete the checklist despite diligent efforts by the subdivider or surveyor to convince the Town official to do so, the Committee shall waive the requirement of the checklist. The County Committee shall not however, waive the site testing requirement described in sec. 17.54(3) without written approval of the waiver by the Town.
- (d) Such other information as the applicant chooses to submit on his own motion or in response to county requests.
- (e) The township checklist, as described in pars. (a) and (b), may be excluded for parcels which are merely describing existing buildings, whereby no new roads or services of any type are required. The zoning office shall still require review of the certified survey map.

17.53 PROCEDURE FOR COUNTY REVIEW

- (1) Except as provided under subs. (4) and (5) below, upon receipt by the County Zoning Administrator of a preliminary or final survey map or plat and the required accompanying materials, the Administrator shall cause the application to be placed upon the agenda of the next meeting of the Zoning Committee occurring no sooner than 48 hours from the time the application is received in completed form.
- (2) The Zoning Committee shall review the proposed land division for compliance with the standards of this subchapter and shall render a decision whether to approve, reject, or approve with conditions, within 30 calendar days from the date the application was received by the Zoning Administrator in completed form. Decisions shall be in writing. Subdivisions which fall within the definition of § 236.02(8), Wis. Stats., shall be governed by the time limits of §§ 236.11 and 236.12, Wis. Stats. Subdivisions involving 5 or more lots each of which is 1.5 acres or less in area, are subject to §§ 236.11 and 236.12, Wis. Stats. These laws establish time limits of 90 days for county review of preliminary plats and 60 days for county review of final plats.
- (3) The Committee may consider requests for and may grant modifications from the standards of this subchapter, upon a finding that unique conditions of the site or environs make the modification appropriate, and that no harm will be done to the public interest.
- (4) Where the committee has approved a survey map or plat in preliminary form, the final version may be reviewed by the Zoning Administrator. If the Administrator finds that the final plat conforms with the approved preliminary plat, and if it is prepared and signed by a registered land surveyor, the Administrator shall approve it under delegated authority from the Committee.
- (5) The Zoning Administrator shall review and approve or disapprove applications under sec. 17.51(2).

(6) The committee may from time to time, identify classes of land divisions for which it chooses to delegate its review and approval authority to the Zoning Administrator, with provision that denials by the Administrator cause the issuer to be referred to the Committee for final decision. Such delegations shall be made only by written resolution adopted by the Committee, preceded by notice to all registered surveyors regularly practicing in the County, and opportunity for such persons to comment upon the resolution. Each such resolution shall be reviewed annually by the Committee.

(7) Decisions by the Administrator under subs. (4), (5) and (6), shall be made within 10 working days, commencing with the date on which the application was received in final form. Decisions by the Administrator may be appealed to the Committee pursuant to sec. 17.55(6) of this chapter.

17.54 COUNTY STANDARDS

In addition to standards set forth previously in this subchapter, the following standards apply to all land divisions:

(1) **INTENDED USES.** If the lands are zoned by the County, the intended uses listed within the application shall be permitted or special exception uses in the zoning district where the lands are located. If this is not the case, the land division application shall be rejected or with the consent of the applicant, tabled until the lands are appropriately rezoned.

(2) **LOT OR PARCEL.** If a lot or parcel is subject to county zoning standards, the lot or parcel's size must be appropriate for the lot or parcel's intended uses under county zoning standards. Unless differently specified elsewhere in the county ordinances, a lot or parcel created by a land division must have a width of not less than 150 feet and an area of not less than one acre.

(3) **USES DEPENDENT ON ON-SITE DISPOSAL.** Unless a waiver is granted, each parcel intended to serve as a site for uses which are dependent upon on-site waste disposal, shall be demonstrated to have adequate areas specifically identified and fully tested in accord with the County Private Sewer System sections 17.60 through 17.65 of this chapter, and the State Plumbing code, for placement of such a system and for a required replacement field. Such demonstration shall take the form of an approved SBD-6398 application and accompanying Soil and Site Evaluation Report. This requirement may be waived by the Committee only on request of the subdivider supported by a written approval of the waiver by the Town expressed within the town government checklist. Subsection (4) applies in the event of a waiver.

(4) **PARCEL SIZES SPECIFIED.** If a waiver is granted under sub. (3), the parcel size for unsewered lots shall satisfy the minimum allowed under Comm. 85, Wis. Adm. Code, for unsewered lots, with soils of the least favorable characteristics for on-site waste disposal (currently 30,000 sq. ft.) or such smaller minimum size, as is indicated by submission of Soil and Site Evaluation Report by the county in accord with the standards of Comm. 85. The County shall place notice on all approved survey maps or plats which were granted waivers under sub. (3), that the lots have not been fully tested for suitability for on-site disposal. Sewered lots shall be 12,000 sq. ft. or a smaller size as set by a local utility or sanitary district. Lot sizes for lots which are part of planned unit developments shall be set in the course of PUD review.

(5) **DRAINAGE AND SOIL EROSION REPORT.** If a drainage and soil erosion report from the County Soil and Water Conservation District Board is received on request of the Town Board or the Committee, the Committee may direct that drainage ways, culverts, retention areas, and erosion control features be included in the land division design, as necessary to protect the public interest in accord with that report.

(6) **FLOOD HAZARD DESIGNATIONS.** If the land division is within the shoreland jurisdiction and is an area of flood hazard designation on a flood hazard map from which boundaries can be determined with reasonable precision, the County shall make notation of this fact on the plat or map with brief reference to the use restrictions which result from the hazard delineation.

(7) DESIGN; LAYOUT STANDARDS.

(a) The design and layout of the land division shall respect and be reasonably compatible with the natural contours of the land and with the objectives of avoiding excessive cutting, filling, grading, removal of trees and natural vegetation and the avoidance of soil erosion.

(b) Each lot shall have a minimum footage of at least 66' on a road or street. Lots fronting on a cul-de-sac shall have a minimum frontage of at least 35' on the cul-de-sac. [Note: These standards can be varied in unique circumstances under sec. 17.53 (3).]

(c) Land divisions shall be designed to be compatible as to traffic, drainage, waste disposal and other services, and land use, in relation to present and potential land uses on neighboring properties, and in relation to public facilities and service systems.

(d) Subdividers are encouraged to design land divisions so as to allow maximum use of solar power and wind to heat and cool structures and/or produce energy, and so as to minimize consumption of scarce energy resources.

(e) The proposed land division shall show on any newly created Certified Survey Map, all existing structures.

(8) RESTRICTIONS FOR PUBLIC BENEFIT. Restrictions for public benefit shall be governed by § 236.293, Wis. Stats., which is adopted by reference. (Note: Section 236.293, Wis. Stats., provides that any restriction placed on platted land by a covenant or easement which was required by a government unit or which names a government unit as an entity, which is to be protected or benefited by the restriction, may be enforced by that government unit against anyone who owns land in that subdivision.)

(9.) RESERVATIONS OF SITES FOR PUBLIC ACCESS TO WATERS.

(a) Where the Committee deems it feasible and necessary, land divisions abutting a navigable lake or stream may be required to include a reservation of a public access area to such a lake or stream.

(b) A reservation area shall be a land area of at least 60' in width, governed by § 236.16(3), Wis. Stats. The character and location shall be determined by the Planning Committee, based on input from agencies, local town boards, and the general public.

(c) Reservation status shall be clearly noted on the final plat or map, or in an accompanying recorded instrument.

(d) Subdivisions which fall within the definition of § 236.02(8), Wis. Stats. which shall be governed by § 236.16(4), Wis. Stats. (Note: Subdivisions involving 5 or more lots each of which is 1.5 acres or less in area are subject to State standards on dedication of public access sites.)

(10) PRIVATE LAKE ACCESS. All private lake accesses, lake access easements, or outlots, deeded or contractual accesses for the purpose of lake access, shall meet the following requirements.

(a) The access to a navigable waterway for backlot or off-lake development, shall meet the minimum lot and parcel size requirements of sub. sec. 17.36(3) and sec. 17.41(11). The lot width shall be measured at right angles at all points along its side lot lines and the minimum required lot area shall exclude any wetlands. A contiguous buffer area of 25 feet along each side lot line running the full depth of the lot, shall remain in its natural state. The cutting of vegetation or trees or the construction/placement of buildings within the buffer zone is prohibited.

(b) The number of single family lots, buildings sites, single family units or single family condominium units utilizing said access, shall be limited to six (6).

(c) Only one (1) accessory building will be allowed on the lake access parcel; except that actual boat storage and/or the connection of any pressurized water system is prohibited.

17.55 MISCELLANEOUS PROVISIONS

(1) CERTIFICATE TO APPEAR ON PLAT OR MAP.

(a) Plat. A surveyor's certificate as described in § 236.21, Wis. Stats., will appear on the final plat to entitle it to be recorded. [Note: This certificate identifies who hired the surveyor to draw the plat, describes the location of the site, certifies that the boundaries as shown on the plat are accurate, and states that all provisions of the State platting law have been fully complied with.]

(b) Map. To entitle the final map to be recorded, a surveyor's certificate lettered or printed legibly with black durable ink or typed legibly with black ribbon, shall appear on the face of the map containing the following statements:

1. The statement required by § 236.34(1)(d), Wis. Stats. [Note: This statement says that the survey map has been prepared in full compliance with state law and describes location of the site.]
2. The name of the person by whose direction the survey was made.
3. A statement that the map is correct in its representation of all exterior boundaries of the land surveyed and the division of it.
4. A statement that the surveyor has complied with the provisions of the Wisconsin Statutes and this General Code.
5. A signed statement of County approval in the following form.

Approved by the County Zoning Administrator on behalf of the Zoning Committee.

Date

Zoning Administrator

(2) RECORDING OF PLATS AND SURVEY MAPS.

Final plats and Certified Survey Maps meeting the requirements of state law and this chapter, may be submitted to the Register of Deeds for recording. The Register of Deeds shall accept and record those plats and certified survey maps only if each such instrument bears a sign statement of county approval pursuant to this subchapter, subject to sub. (1)(b)5. Certified Survey Maps must be recorded within 6 months of their last approval and 24 months of the first approval.

(3) USE IN CONVEYANCE. Sections 236.28 and 236.34(3), Wis. Stats., shall apply to plats (or maps) approved and recorded pursuant to this chapter. [Note: These statutes provide that where a plat or map is recorded, all future references to the lots etc. shall be by reference to the lot and block descriptions of the plat or map.]

(4) CORRECTION INSTRUMENTS. Correction instruments for certified survey maps shall be the same as for plats described in § 236.295, Wis. Stats.

(5) DEDICATIONS. If the subdivider intends to accomplish a dedication of any lands to any local governments, the dedication shall be done in accordance with §§ 236.29 and 236.34(1)(e).

(6) APPEALS. Decisions of the Zoning Administrator in reviewing plats or maps may be appealed to the Zoning Committee by any aggrieved person. Such appeals shall be initiated within 20 days of the Administrator's decision by filing a notice of appeal. Appeals shall be set on the agenda of the Zoning Committee, which shall provide the appellant and others opportunity to appear and present evidence. The Zoning Administrator shall be invited to appear and explain. The Zoning Committee shall render de novo review and a decision within 60 days of the hearing. If the Zoning Committee reverses the Zoning Administrator's decision, it shall direct the Administrator to execute approval of the application.

Appeals from the Administrator's decision or appeal decisions of the Committee may be taken to court pursuant to § 236.13(5), Wis. Stats.

(7) VACATING AND REPLATTING. Recorded plats or maps may be vacated or altered pursuant to §§ 236.40 through 236.44, Wis. Stats., which are adopted by reference and applied to all land divisions regulated by this subchapter. Re-plats shall be approved as are new county plats.

(8) ADOPTION BY REFERENCE. Provisions of the Wisconsin Statutes referenced within this subchapter are adopted by such reference and made a part hereof.

SANITARY AND PRIVATE SEWAGE SYSTEM

17.60 INTRODUCTION AND GENERAL PROVISIONS

The purpose of this subchapter is to protect the public health and safety, against pollution or degradation, in the quality of ground or surface waters or soils, by regulation installations of water supply systems and installations and operations of sanitary and other waste disposal facilities.

17.61 MATTERS COVERED BY THIS SUBCHAPTER

This subchapter applies to:

- (1) Installation of private water supply systems.
- (2) Connection of properties to public water supply systems.
- (3) Installation and use of privies.
- (4) Installation and operation of private sewage systems.
- (5) Sales of septic tanks.
- (6) Disposal of sludge.
- (7) Connection of properties to public sewer systems.
- (8) Discharge of wastes, rubbish and other pollutants into navigable waters.

17.62 GEOGRAPHIC AREA COVERED BY THIS SUBCHAPTER

The parts of this subchapter pertaining to private sewage systems apply to the entire area of the County, pursuant to § 59.065, Wis. Stats. The other provisions apply in all towns, cities and villages that have not adopted an ordinance on the same subject matter.

17.63 WATER SUPPLY

(1) PUBLIC WATER SUPPLY. All plumbing fixtures shall be served by a public water supply system where available. Where such public water system is not available, a private water system may be used.

(2) PRIVATE WATER SUPPLY.

(a) Well Construction and Location Standards. Well construction, location and materials shall be as specified in Comm 82 and NR 112, Wis. Adm. Code, hereby incorporated by reference, and which shall apply until amended and then shall apply as amended.

(b) Location. Wells shall be located as specified in Chapter NR 112, Wis. Adm. Code.

17.64 PRIVATE SEWAGE SYSTEMS

(1) **STATUTORY AUTHORITY.** This ordinance is adopted pursuant to the authorization in §§ 59.70(1), 59.70(5), 145.04, 145.19, 145.20 and 145.245 Wisconsin Statutes.

(2) **PURPOSE.** This ordinance is adopted to promote public health and safety by assuring the proper siting, design, installation, inspection and management of private sewage systems and non-plumbing sanitation systems.

(3) **SEVERABILITY AND LIABILITY.** Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. This ordinance shall not create a liability on the part of or a cause of action against the County or any employee thereof for any private sewage system which may not function as designed. There shall be no liability or warranty for any site which is approved or denied. The issuance of a sanitary permit and the final inspection of such a system does not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply to Wisconsin Statute or Administrative Code requirements.

(4) **INTERPRETATIONS.** The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and, shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related Administrative Codes.

(5) **COMPLIANCE.**

(a) All structures or premises in the County that are permanently or intermittently intended for human habitation or occupancy, which are not serviced by a public sewer, shall have a system for holding or treatment and dispersal of sewage and wastewater, which complies with the provisions of this ordinance and all applicable state laws governing the location, construction, and use of private sewage systems: § 59.70(5), Chs. 145, 281.48 and 986.10, Wis. Stats.; Chs. Comm 52.63, Comm 81-85, Comm 87, Comm 91, NR 113 and NR 116 Wis. Adm. Code.

(b) The POWTS for newly constructed structures or structures requiring a County Sanitary Permit, shall be installed, inspected, and approved for use before the structure may be occupied.

(6) **LIMITATIONS.**

(a) All domestic wastewater shall enter a POWTS, unless otherwise exempted by the state or this ordinance.

(b) A non-plumbing sanitation system may be permitted only when the structure or premises served by the non-plumbing system is not provided with an indoor plumbing system. If plumbing is installed in the structure or water under pressure is supplied to the structure, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.

(c) Any POWTS, or portion(s) thereof, installed within a floodplain, shall comply with all applicable requirements of NR 116, Wisconsin Administrative Code, and the Barron County Land Use Ordinance, sec. 17.42.

(d) A holding tank may only be used as a POWTS if soil and site conditions do not allow the installation of any of the following POWTS components:

1. Conventional Private Sewage System
2. Conventional Mound System
3. At-Grade System.
4. Pressurized In-Ground System

17.64 Private Sewage

(e) A thorough soil and site evaluation shall be completed in all areas within 300 feet of an existing or proposed structure for compliance with 17.64(6)(d).

(f) A temporary holding tank may be installed, if a public sewer approved by the Department of Natural Resources will be installed to serve the property within 2 years of the date of sanitary permit issuance. An application for a sanitary permit to install a temporary holding tank shall include written statements from:

1. The municipality or sanitary district, verifying the date that the public sewer will be installed and available to serve the property;
2. The Department of Natural Resources, verifying approval of the public sewer; and
3. The property owner, agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank. If public sewer does not become available within 2 years of the date of sanitary permit issuance, Section 17.64(6)(d) shall apply.

(g) A holding tank may be installed to serve a use with a Design Wastewater Flow of less than 150 gallons per day. An application for a sanitary permit to install a holding tank to serve a use with less than 150 gallons per day shall include an Affidavit that must be recorded with the deed to the property, in the Barron County Register of Deeds office indicating that:

1. The property owner, agreeing to install another type of system approved under Comm 83, if any change of occupancy or use occurs which results in a Design Wastewater Flow which is equal or exceeds 150 gallons per day.

(7) FAILING SYSTEM.

(a) When a failing private sewage system is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system, or its use discontinued within that period of time required by County order.

(b) Unlawfully modified private sewage systems, a private sewage system that has sewage bypassed, or a holding tank which is discharging untreated or partially treated sewage to the ground surface or surface waters, may be ordered by the County or the Department to be corrected or replaced with a code compliant system.

(8) ABANDONMENT OF PRIVATE SEWAGE SYSTEMS.

(a) Determination of whether sewer is available shall be made by the local sewer service entity. Abandonment of the disconnected private sewage system shall be done in accordance with the provision of Comm. 83, Wis. Adm. Code, and within the time frame set by the local sewer service entity.

(b) The components of an existing private sewage system that are not part of the approved design of a replacement system, shall be abandoned at the time of the installation of the replacement system by the plumber responsible for the installation of the system. The abandonment shall comply with Comm 83, Wis. Adm. Code.

(9) SOIL AND SITE EVALUATION.

(a) Soil and site evaluations shall be done prior to the issuance of permits as specified in Comm. 83 or Comm. 91, Wis. Adm. Code.

(b) Soil test pits shall be constructed pursuant to Comm. 85, Wis., Adm. Code, which allow adequate visual observation of the soil profile in place.

(c) County verification of a Soil and Site Evaluation report may be necessary to determine the suitability of a lot for a POWTS. This verification will be made at the discretion of the Zoning Administrator and will be made prior to the issuance of the sanitary permit. The verification will be filed with the sanitary permit or in a separate file if no sanitary permit has been issued.

- (c) Soil and Site Evaluation Reports filed prior to July 1, 1985, may not be used for the issuance of a sanitary permit.

(10) SANITARY PERMITS.

- (a) Every POWTS and non-plumbing system shall require a separate application and sanitary permit.

(b) A sanitary permit shall be obtained by the property owner, his/her agent or contractor, in the name of the property owner, prior to the installation, establishment or construction of a structure that requires a POWTS or non-plumbing sanitation system. Any property owner, his/her agent or contractor, who starts construction of a structure prior to obtaining a sanitary permit is in violation and may be subject to citation or other enforcement action.

(c) A sanitary permit shall be obtained by the property owner, his/her agent or contractor, in the name of the property owner, before a POWTS or part thereof may be installed, replaced, reconnected or modified. A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, manhole risers, baffles, and pumps.

(d) When any official State action is required prior to the issuance of a sanitary permit, an original copy of the official action shall accompany the application.

(e) A County Sanitary Permit shall be obtained prior to constructing or installing a non-plumbing sanitation system.

1. Camping Unit Transfer Containers – The unit must be state approved, installed pursuant to product stipulations and requires the issuance of an annual Barron County Sanitary Permit. Only one (1) such unit shall be allowed with each recreational vehicle and the unit shall only serve one recreational vehicle. A servicing contract shall be submitted with an application for each sanitary permit, indicating that the service provider will report maintenance activities to the county.

(f) If any part of a private sewage system has failed or requires replacement or modification, the entire system shall be evaluated for compliance with existing codes prior to sanitary permit issuance. This shall include a soil and site evaluation for those components that utilize in situ soil for treatment or dispersal, unless a valid report is already on file with the County.

(g) If any part of the system is found to be defective or not in conformance with the applicable provisions of this ordinance, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part.

(11) REVISIONS.

- (a) Revisions as outlined in 83.22(4)(a), Wis. Adm. Code shall also include the change of plumbers responsible for the POWTS installation.

(12) TRANSFER OF SANITARY PERMIT.

- (a) Transfer of ownership of a property for which a valid sanitary permit exists shall be subject to the following:

1. The applicable State transfer form shall be submitted to the County.
2. The sanitary permit card shall be returned to the County so that a new permit card may be issued.
3. Transfer of ownership shall not affect the expiration date or renewal requirements.

(13) MAINTENANCE AND MANAGEMENT.

(a) All private sewage systems and non-plumbing sanitation systems shall be managed and maintained in accordance with Comm 83, 84, and 91, Wisconsin Administrative Code, and this ordinance.

(1) The property owner shall report to the County, each inspection, maintenance or servicing event, in accordance with Comm 83, Wisconsin Administrative Code, and this ordinance.

(2) The property owner shall submit a copy of an appropriate maintenance agreement and/or servicing contract to the County prior to sanitary permit issuance.

(3) The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the County whenever there is a change to such document(s).

(4) The property owner shall submit a new maintenance agreement and/or servicing contract to the County prior to expiration of any existing maintenance agreement and/or servicing contract.

(b) SEPTIC TANK MAINTENANCE PROGRAM.

(1) The applicant for a sanitary permit shall be provided with written notice of the maintenance program at the time the sanitary permit is issued. The records of this notification shall be maintained by the issuing agent. Upon sale of this property, the owner shall provide written notification of the maintenance program to the buyer.

(2) All septic tanks permitted and installed on or after October 20, 1980, shall be visually inspected by a plumber, POWTS inspector, or a person licensed under Sec. 281.48 Wis. Stats., and pumped within three (3) years of the date of installation and at least once every three (3) years thereafter, unless upon inspection the tank is found to have less than 1/3 of the volume occupied by sludge and scum.

(3) Pumping of a septic tank shall be done by a certified septage servicing operator in accordance with NR113, Wisconsin Administrative Code.

(4) Visual inspection of a private sewage system may be conducted by a plumber, a person licensed under § 281.48, Wisconsin Statutes, or by an authorized County or State employee to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface.

(5) The owner of such septic tank shall furnish the County with a copy of the inspection report, verifying the condition of the tank, whether wastewater or effluent from the POWTS is ponding on the ground surface, and the date of pumping within 30 days of the date of inspection and/or pumping. Reports shall include all information required in Comm 83.55, Wisconsin Administrative Code, and be signed by the person(s) inspecting and pumping the private sewage system. Other maintenance or management reports required by Comm 83 or 84, Wisconsin Administrative Code, should be included with this report.

(c) HOLDING TANK MAINTENANCE AGREEMENT.

(1) The owner of the holding tank shall enter into a Maintenance Agreement with the appropriate city, village, or town, guaranteeing that the local governmental unit which signed the agreement will service the holding tank, if the owner fails to have the holding tank properly serviced in response to orders issued by the County. The Maintenance Agreement shall be binding upon the owner, the heirs of the owner and assignees of the owner. The Maintenance Agreement shall be filed with the Register of Deeds and shall be recorded in a manner which will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.

(2) The owner or agent shall submit a copy of the holding tank Maintenance Agreement when plans are submitted to the County for review.

(14) RECONNECTION.

(a) A County Sanitary Permit for a reconnection to an existing POWTS shall be obtained prior to the following, however, the reconnection shall not allow the wastewater load and/or contaminate load of the structure to exceed the limitations of the existing system:

1. Construction of a structure to be connected to an existing POWTS.
2. Disconnection of a structure from an existing POWTS and connection of another structure to the system, except as permitted in sec. 17.64(14)(d).
3. Rebuilding a structure that is connected to a POWTS.

(b) Prior to issuing a County Sanitary Permit, the existing POWTS shall be examined to:

1. Determine if it is functioning properly or whether it is a failing system.
2. Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.
3. Determine that all minimum setback requirements of Comm. 83, Wis. Adm. Code, will be maintained. Well setbacks are pursuant to NR 811 and NR 812 Wis. Adm. Code.

(c) Application for a County Sanitary Permit for a reconnection shall include the following:

1. For all systems that utilize in situ soil for a treatment or disposal, a Soil and Site Evaluation report verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater elevation and bedrock complies with Comm. 83, Wis. Admin. Code, unless a valid report meeting these criteria is on file with the County;
2. A report provided by a licensed plumber, certified septage servicing operator or a POWTS inspector relative to the condition, capacities, baffles and manhole covers for any existing treatment or holding tanks;
3. A report provided by a licensed plumber or POWTS inspector relative to the condition and capacities of all other system components and verifying that the system is not a failing system;
4. Complete plans indicating location of piping and existing components.
5. Reconnection to existing holding tanks may require a new servicing contract and an updated holding tank agreement which meets the requirements of this ordinance;
6. Reconnection to an existing system other than a holding tank may require a new maintenance agreement or contract.

(d) Replacing a structure with a new or different structure within two years of the date of permit issuance will only require statements indicating that the system has not been altered, that a modification in wastewater flow or contaminant load will not occur, and a plot plan that documents all setbacks between the structure and system components.

(15) CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD.

Prior to commencing the construction of an addition to or modification of a structure, which will affect the wastewater flow and/or contaminant load to an existing POWTS, the owner(s) of the property shall:

- (a) Possess a sanitary permit to construct a new POWTS system or modify an existing POWTS to accommodate the modification in wastewater flow or contaminant load or;

(b) Provide the following to the County:

1. Documentation that a Private Sewage System of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in Comm. 83, Wis. Adm. Code;

2. Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing POWTS components; and

3. Documentation specified in sec. 17.64(14)(c)(1, 2, & 3).

(c) If the existing private sewage system is found not to be compliant with this ordinance, construction of the building addition or modification shall be allowed only if a sanitary permit has been issued to modify or replace the existing POWTS.

(d) Any installation, addition, modification of a POWTS must be completed and accepted before the addition or modified area of the structure may be occupied.

(16) PRIVIES AND PORTABLE RESTROOMS.

(a) Privies and portable restrooms shall be constructed and maintained in a clean condition so that insects and rodents cannot enter the vault.

(b) No plumbing shall be installed in the privy.

(c) Privies and portable restrooms shall be located at a minimum horizontal distance of: 25 feet from dwellings, 25 feet from the lot line, 50 feet from the water supply wells, 75 feet from a stream, lake or other water course, and 25 feet from the edge of a slope greater than 20%.

(d) Pit privy permit applications shall be accompanied by soil data provided by a Certified Soil Tester to determine compliance with Comm. 91, Wis. Adm. Code.

(e) The structure that is placed over the vault or pit shall be constructed to these minimum standards:

1. The structure over the vault or pit shall have a minimum of 12 sq. ft. in floor area.

2. The height of the interior walls shall be at least 6 1/2 feet.

3. The vault or pit shall be provided with a vent pipe with a minimum diameter of 3 inches and shall extend at least one foot above the roof.

4. The storage chamber of a vault privy shall have a minimum storage capacity of 200 gallons or one cubic yard and shall comply with Comm 84.25.

5. All windows, vents and other openings shall be screened to prevent entrance of insects and rodents and the door shall be self-closing.

(f) A County Sanitary Permit is required prior to the construction or location of a privy.

(17) VIOLATIONS AND PENALTIES.

(a) Any person who fails to comply with the provisions of this ordinance, or any order of the County issued in accordance with this ordinance, or resists enforcement, shall be subject to a citation or other enforcement action. Citation authority is pursuant to sec. 17.90(3)(b).

17.65 ANIMAL WASTE

See § 11.02 of this Municipal Code.

ADMINISTRATION AND ENFORCEMENT

17.70 GENERAL PROVISIONS

This subchapter contains provisions on, and shall apply to, the administration and enforcement of the requirements of the zoning, subdivision and sanitary sections of this chapter.

17.71 BOARD OF SUPERVISORS

The County Board of Supervisors is responsible for the enactment, amendment and repeal of the County Land Use Ordinances. The Board appropriates funds in support of the Office of the Zoning Administrator, the Zoning Committee and the Board of Adjustment.

17.72 ZONING COMMITTEE

(1) **CREATED.** The County Zoning Committee is a committee of the County Board, created pursuant to § 59.69(2), Wis. Stats., and serves as the County planning agency pursuant to § 236.02(1), Wis. Stats.

(2) **DUTIES.** The Zoning Committee is responsible for overseeing the office of the Zoning Administrator and for other functions assigned to it by this chapter, by other actions of the County Board and by § 59.69, Wis. Stats.

(3) **OPERATING PROCEDURES.**

(a) Quasi-judicial Determinations and Proceedings. Certain sections of this chapter assign to the Zoning Committee, the function of deciding appeals of interpretation decisions made, in the first instance by the Zoning Administrator. In performing those specific functions, the Committee shall follow the procedures set forth in sec. 17.73(4) for the conduct of investigations, hearing, deliberations and decisions.

(b) Other Proceedings. In performing assigned functions other than those set forth in par. (a), the Committee shall follow procedural standards found in applicable statutes, ordinances, or in its own operating rules.

(c) Delegation of Authority. The Committee shall assign responsibility within its own membership or to the Zoning Administrator, for recording the actions of the Committee on certificates and reports which require such a recording.

17.73 ZONING ADJUSTMENT BOARD

(1) **CREATED.** The County Zoning Adjustment Board (known throughout this section as the “Board”), is a board created by action of the Board of Supervisors pursuant to §59.694, Wis. Stats.

(2) **DUTIES.** The Zoning Adjustment Board is responsible for hearing and deciding administrative appeals, variance applications, and applications for special exceptions as provided in this chapter.

(3) **APPOINTMENT AND TERM.** The Board shall consist of not more than five (5) members who shall be appointed for staggered 3 year terms, commencing on July 1st, by the County Board Chairperson. Vacancies shall be filled in like manner for the unexpired term of any member whose terms becomes vacant. Members shall all reside in the County and outside incorporated cities and villages, and no 2 members shall reside in the same town.

(4) **OPERATING RULES.**

(a) The Board shall choose its own chairperson, vice-chairperson, and secretary.

(b) The Board shall meet at the call of the Chairperson or at such other times as the Board may determine.

(c) The Board shall comply with all requirements of the Wisconsin Open Meeting Law in the conduct of the business before it. The nature of the Board's proceedings are quasi-judicial. The Board may therefore, deliberate in closed session after a hearing on the matter, provided legal requirements are complied with.

(d) The Board may conduct site inspections of premises and surrounding areas which are the subject of matters before the Board, provided that, when the Board as a unit or individual members are engaged in such site inspections, they shall not allow interested parties to present arguments or advocacy materials. Such arguments and materials shall be received only at hearings before the Board.

(e) The Board shall conduct a public hearing on all administrative appeals, special exception and variance matters before it, and shall cause a Class 2 notice under Ch. 985, Wis. Stats. to be published, and shall give due notice of the hearing to all parties in interest. Any party may appear in person or by attorney at such hearing. The Chairperson may administer oaths to parties testifying and may compel attendance of witnesses. Due notice to parties in interest shall mean that the office of the Zoning Administrator will mail by ordinary postage, reasonable advance notice of all hearings and meetings on any pending matter to the applicant, to owners of record of properties which are located within 300' of the parcel involved in the application, to the clerk of the town where the property is located, to the clerk of any other town or any other village located within 1.5 miles of the property involved in the application, and to other parties who have made known to the office their specific interest in the matter and their request to receive such notices. Failure of the office to accomplish such provision of notice shall not invalidate or prejudice the proceedings, provided the Board concludes that reasonable efforts were made or that the parties who subsequently complain of not having been sent or of not receiving notice, did in fact, know of the proceedings and had reasonable opportunity to attend or to be represented, or to convey their views prior to the Board's decision.

(f) All testimony before the Board by persons other than Board members, and written or documentary evidence or material pertaining to matters before the Board, shall be received at the hearings conducted by the Board, provided however, that the content of relevant ordinance or statutory materials shall be deemed to be before the Board in all cases, and need not be entered into the record. All parties in interest shall be afforded reasonable opportunity to comment on all materials or information so received. Board members who are in possession of facts which may have a bearing on the matter before the Board, shall enter same into the record of the hearing, and opportunity shall be allowed for comment on such entries.

(g) If following the close of a hearing, the Board finds it necessary or desirable to receive additional information, evidence, or arguments which may have a bearing upon the Board's

17.73 Zoning Adj. Board

decision, it shall reconvene a public hearing with notice given in the same manner as for the initial hearing, for the purpose of so doing.

(h) The Board shall deliberate on matters before it. The concurring vote of a majority of the Board shall be necessary to approve any appeal, variance or special exception before the Board. The vote of each member on each matter decided by the Board shall be recorded in the minutes. If a member is absent or if a member fails to vote, such fact shall similarly be recorded. The minutes of the Board shall show the Board's decisions and the votes of members thereon. Each decision of the Board shall be accompanied by written reasons in support of the decision, which written statement shall be signed or acknowledged by the members and entered into the minutes.

(i) All decisions by the Board shall be made in strict accord with the standards of the ordinance. The Board shall decide all matters before it, within a reasonable time.

(j) The Board shall cause complete records to be kept of its examinations on matters before it, of public hearings, site inspections, decisions and other official actions, which shall be immediately filed in the County zoning office and shall be a public record.

(k) The Board may adopt procedural rules not in conflict with this chapter or State law.

(5) ADMINISTRATIVE APPEALS.

(a) Appealable Matters.

1. Decisions by the Zoning Administrator which consist of interpretations of the terms of this chapter, and which are made in the course of determining whether a permit or approval will be issued by the Administrator, are appealable to the Board of Adjustment as administrative appeals.

2. Decisions by the Zoning Administrator to issue an enforcement demand or to commence other ordinance enforcement activities, where the Administrator has determined that violation of the ordinances exists, is appealable to the Board of Adjustment as an administrative appeal.

3. Decisions by the Zoning Committee which consist of interpretations of the terms of this chapter and in determining whether a permit or approval will be issued by the Committee are appealable to the Board of Adjustment as administrative appeals.

4. Where the ordinance states that a decision or interpretation shall be made by the Zoning Administrator, with a right of appeal specified to the Zoning Committee, such appeal shall be taken to the Committee before an appeal shall be allowed to the Board of Adjustment.

(b) Procedures for Initiating an Administrative Appeal.

1. Eligible Appellants. Administrative appeals may be initiated by any person aggrieved by the decision or interpretation being appealed, or by any officer, department, board, or committee of the County government.

2. Time for Appeals. An appeal shall be commenced within 30 days after the making of the decision or interpretation being appealed.

3. Initiating an Appeal. An appeal shall be commenced by filing with the office of the Zoning Administrator, a notice of appeal specifying the decision being appealed and grounds for the requested relief and payment of the fee specified by Sec. 17.74(5)(e). Upon receipt of such a notice, the Zoning Administrator shall immediately notify the Board of Adjustment and the Zoning Committee, and shall transmit to the Board all papers and files which constitute the record of the decision being appealed.

4. Stays. An appeal of a decision to issue a permit, approval or enforcement demand, or to commence other ordinance enforcement proceedings, shall cause the permit or approval action to be suspended, or shall stay further enforcement prosecution unless the Zoning Administrator or District Attorney shall file with the Board of Adjustment a certificate, supported by a statement of facts, alleging that suspension or stay will cause imminent peril to life or property. If such a certificate is filed, proceedings shall not be stayed except upon a restraining order issued by a court.

5. Decisions by the Board of Adjustment. Following a public hearing and other investigation conducted pursuant to sub. (4), the Board shall decide the matter based upon whether the decision, determination or interpretation being appealed was in error. The Board may reverse or affirm, wholly or partly, or may modify the decision appealed from, and may make such decision as ought to have been made, and to that end shall have all powers of the officer from whom the appeal is taken. All decisions by the Board on administrative appeals shall be based upon the terms of the ordinance and evidence as to legislative intent.

(6) SPECIAL EXCEPTION USES.

(a) Nature of. Certain uses are of such special nature or their effects are so dependent upon specific circumstances as to make impractical the determination in advance of where and when and under what conditions they should be permitted. Provision has been made in this chapter for the determination of such cases as special exception uses. Special exceptions are land uses listed as such in each zoning district. They may be established in such district only upon approval by the Board of Adjustment.

(b) Application for Approval. Any person holding an interest in lands within an area included in a County zoning district may apply for a special exception approval by filing an application and fee as specified in sec. 17.74(5)(e). Special exception approval applications can include single parcels of land or groupings of parcels, contiguous or non-contiguous. The application shall be transmitted by the Administrator to the Board. Re-applications may not be considered by the Board within two years after denial by the Board of a prior application, unless the reapplication is substantially different in content or justification than the original application or unless the reapplication is made pursuant to court order.

(c) Board Review and Decision. Following a public hearing and other investigations conducted pursuant to sub. (4), the Board shall decide the matter based upon the following standards:

1. Whether the use is listed as a special exception use in the zoning district where the lands are located or is a use which is not assigned by this chapter to any zoning district, and which is similar in character to uses allowed in the district in which the site is located, and which is compatible with the purpose and intent of such zoning district.

2. Where the regulations of the zoning district in which the lands are located contain specific standards for the class of special exception use under consideration, those standards shall be applied by the Board.

3. In addition or where the zoning district contains no standards unique to that district or use, the Board shall apply the following general standards:

a. No grant of a special exception shall violate the spirit or intent of this chapter.

b. No special exception shall be allowed which would be contrary to the public health, safety, or general welfare, or which would be substantially adverse to property values in the neighborhood affected.

c. No use shall be permitted by special exception that would constitute a nuisance by reason of noise, dust, smoke, odor, or other similar factors.

(d) Conditions. The Board of Adjustment may make the granting of an application for a special exception use contingent upon such express conditions, as it considers necessary to further the aims of this chapter. These conditions may include, but are not limited to, specifications of:

1. The period of time in which all or part of the use may be permitted.
2. Setback and yard dimensions.
3. Specified sewage disposal and water supply facilities.
4. Landscaping and planting screens.
5. Operational controls.
6. Sureties.
7. Deed restrictions.
8. Location of structures, docks, piers or signs.
9. Location and amount of parking facilities.
10. Type of construction.
11. Type of shore cover.

(7) VARIANCES.

(a) Nature of. Variances are waivers in the terms of this chapter. In a variance case the terms of the ordinance are not in dispute. An applicant for a variance acknowledges that the ordinance forbids the development for which approval is sought. Two avenues of relief can be pursued in such a case. One is for the applicant to seek an amendment to the ordinance. The second possible avenue of relief, one that is available only under strictly defined circumstances, is to seek a variance. Variances are an available form of relief only where the use in question is allowed in the zoning district, but the dimensional standards (setbacks, minimum lot area, etc.) block or hinder the desired form of development. Where dimensional standards create a hardship which can be relieved by modifying the standards for that parcel of land without destroying the basic intent of the ordinance, a variance procedure allows the impact of general rules to be varied in response to unusual local circumstances, without involving the County Board in amendment procedures for each such localized situation.

(b) Applications for. Applications for variances in the applicable zoning regulations may be filed with the Zoning Administrator, along with payment of the application fee specified in sec. 17.74(5)(e). The Administrator shall transmit the application to the Board. Reapplications may not be considered by the Board within two years after denial by the Board of a prior application, unless the reapplication is substantially different in content or justification than the original application, or unless the reapplication is made pursuant to a court order.

(c) Board Review and Decision. Following a public hearing and other investigations conducted pursuant to sub. (4), the Board shall decide the matter based upon the following standards:

1. No variance may be granted which would have the effect of allowing in any district a use not permitted in that district.
2. No variance may be granted which would have the effect of allowing a use of land or property which would violate State laws or administrative rules.

3. Subject to the above limitations, variances may be granted where strict enforcement of the terms of the ordinance results in an unnecessary hardship and where a variance in the standards will allow the spirit of the ordinance to be observed, substantial justice to be accomplished, and the public interest not violated.

(d.) Conditions. Conditions shall be attached in writing to all approved variances where such conditions will achieve compliance with standards of this chapter.

17.74 ZONING ADMINISTRATOR

The office of the Zoning Administrator is an administrative department of the County government, created by the County Board of Supervisors. The office is headed by a Zoning Administrator appointed by the Board of Supervisors on recommendation of the Zoning Committee. The office shall also consist of such other personnel as shall be provided for the office. In addition to duties and responsibilities specified elsewhere in this chapter, the Zoning Administrator shall be responsible for directing the work of the office, for making periodic reports as required on the activities of the office, and for training and educational activities to assure that persons connected with ordinance administration are able to keep abreast of developments in the field of County land use ordinances. In addition to the duties specified elsewhere in this chapter, the Zoning Administrator shall be responsible for the following administrative duties:

(1) ADVISING APPLICANTS. The Zoning Administrator shall advise applicants for permits and approvals as to the provisions of this chapter and shall assist them in preparing applications.

(2) KEEPING RECORDS. The Zoning Administrator shall keep records of applications received, committee or board or office actions on such applications, permits issued, inspections made, enforcement actions undertaken and other similar activities.

(3) MAKING INSPECTIONS. The Zoning Administrator shall make such inspections of premises as are required to determine compliance of land use activities with the terms of this chapter. Except in cases of emergency, such inspections shall be made only at a reasonable hour, with reasonable notice to the owner and/or occupant of the premises and with consent, unless it is made pursuant to an inspection warrant issued pursuant to the Wisconsin Statutes.

(4) MAKING DETERMINATIONS. The County Zoning Administrator will make those administrative decisions and determinations this chapter specifically assigns to the administrator. Subject to review by the County Zoning Board of Adjustment, the Administrator will determine whether specific ordinance requirements should be waived and a permit issued when:

a. An applicant alleges that he or she is handicapped or disabled and is entitled to "reasonable accommodations" under the Federal Fair Housing Act (42 U.S.C. §3601-3631) or the Wisconsin Open Housing Law (Wis. Stats. §106.50 and 106.52), or

b. The owner of a facility qualifying as a "public place of accommodation or amusement" under Wis. Stats. §106.50 and 106.52 or as a "public accommodation" under 42 U.S.C. §12181(7) specifically alleges the need to waive certain zoning restrictions in order to make the facility accessible to the handicapped or disabled.

(5) PERMITS, APPROVALS AND FEES. The Zoning Administrator shall receive applications for the following permits and shall review the applications and the fees collected in the following manner:

(a) Sanitary Permits.

1. When Required. A sanitary permit shall be required in accord with Section 17.64.

2. Application and Issuance. Applications for sanitary permits shall be made on forms furnished by the Zoning Administrator. The Zoning Administrator shall review the certified soil test reports that accompany the application and shall verify the report at the test site if necessary. Permits shall be issued if the application and information obtained through field inspections, if any, causes the Administrator to conclude that the proposed installation will comply with all applicable sanitary standards.

3. Records. The results of any soils test shall be retained by the County and shall be made available to the applicant for a sanitary permit.

4. Denials. Denials of sanitary permits shall be made in writing. The statement shall convey the specific reasons for disapproval and shall inform the applicant of appeal rights and procedures under Ch. 68, Wis. Stats.

5. Term of Permits: Transfers. Notwithstanding par. (l)3., a sanitary permit is valid for 2 years from the date of issuance and is renewable for similar periods thereafter. A permit shall remain valid for its term notwithstanding any subsequent change in the State Plumbing Code or in sections 17.60 through 17.64 of this chapter. A sanitary permit may be transferred from the holder to a subsequent owner of the land, except that, the subsequent owner shall obtain a new copy of the sanitary permit from the County.

6. Fees. A fee set pursuant to par. (g) shall be submitted to the Zoning Administrator for a sanitary permit, and for a transfer of permit, a permit for an alternative system, and for inspections.

(b) Approvals for Alternative On-Site Wastewater treatment Systems.

1. When Required. A supplemental approval shall be required from the Zoning Administrator before work may be commenced on the installation, and during the construction and operation of any alternative on-site wastewater treatment system, allowable under rules adopted by appropriate State agencies under Ch. 145, Wis. Stats.

2. Application and Issuance. Application and issuance of such approval shall be governed by the rules and administrative procedures adopted by appropriate State agencies under Ch. 145, Wis. Stats.

3. Fees. A fee set pursuant to par. (g) shall be submitted to the Zoning Administrator for such a requested approval.

(c) Land Use Permit.

1. When Required. A land use permit shall be required to be issued before any of the following may occur:

a. Before any building or structure not exempted below, is erected, moved, or structurally altered so as to increase its floor area.

b. Before any building or structure, or any parcel or tract of land, is substantially changed as to use; provided however, that land use permits shall not be required for structural alterations involving ordinary upkeep and maintenance; and provided further that on farms, land use permits shall be required only for structures for human habitation, structures for animal habitation, including barns and feed bunks, and waste storage systems for all types of manure storage, and other structures permanently fixed to the ground and located within 75' of the right-of-way line of a road or street, other than farm driveways or within a vision clearance triangle. On parcels of 5 acres or less in the Agricultural District, an accessory structure in excess of 200 sq. ft., shall require a permit.

17.74 Zoning Administrator

c. Accessory Structures, those structures not intended to be used for human habitation, when such structures contain a bathroom requiring connection to a POWTS as per 17.28(1)(b).

2. Compliance Required. Land use permits shall be issued only if the parcel is in compliance with the sections 17.50 through 17.55.

3. Application and Issuance. Applications for land use permits must be made on forms furnished by the county zoning administrator. If a use of land requires a sanitary permit in addition to a land use permit, the applicant must obtain the sanitary permit before the county zoning administrator issues a land use permit. The county zoning administrator will issue a land use permit only if the application, as well as information obtained through field inspection (if any), causes the administrator to conclude that the proposed use will comply with all applicable regulations. When an applicant requests waiver of zoning restrictions in order to provide a handicapped or disabled person with equal housing opportunities, or with access to a place of public accommodation, the applicant must:

- a. Specify each zoning restriction for which the applicant seeks a waiver;
- b. Specify each handicap or disability requiring a waiver;
- c. Explain the need for the waiver; and
- d. Describe each alternative solution (if any) the applicant has considered and for each alternative solution considered, each reason for rejecting it.

4. Fees. A fee set pursuant to par. (g) shall be submitted to the Zoning Administrator when application is made for a land use permit.

(d) Grading Permit.

1. When Required. A grading permit shall be required before undertaking any of the following activities.

a. Filling, grading, lagooning, or dredging in the SO District as defined in Sec. 17.41(8).

b. Wetland altering activities within the C-1 District as defined in Sec. 17.29(2)(d).

2. Application and Issuance. Applications for grading permits shall be made on forms furnished by the Zoning Administrator. Permits shall be issued if the application and information obtained through field inspections, if any, causes the Administrator to conclude that the proposed activity will comply with all applicable regulations.

3. Fees. A fee set pursuant to par. (g) shall be submitted to the Zoning Administrator when application is made for a grading permit.

(e) Applications for Special Exception Use Approvals, Variances, Administrative Appeals and Applications for Rezoning.

1. Application and Referral. Applications for special exception approvals, variances and administrative appeals, shall be made to the Zoning Administrator on forms prepared by the Administrator and approved as to form and content by the Zoning Board of Adjustment. Completed applications shall be referred by the Administrator to the Board for processing and disposition, as provided in sec. 17.73. Applications for a rezoning request shall be made to the County Clerk on forms prepared by the Administrator, and approved as to form and content by the Zoning Committee. Completed forms shall be referred by the Clerk to the Administrator who will in turn refer it to the Zoning Committee for processing and disposition, as provided in Sec. 17.77.

2. Fees. A fee set pursuant to par. (g) shall be submitted to the Zoning Administrator for a rezoning request after such request has been submitted to the County Clerk.
- (f) Land Division and Subdivision Approvals.
1. Applications. Applications for approval of land divisions and subdivisions shall be made pursuant to Sections 17.50 through 17.55.
 2. Fees. A fee set pursuant to par. (g) shall be submitted to the Zoning Administrator when application is made.
- (g) Fees.
1. Permit fees shall be determined by resolution adopted from time to time by the Board of Supervisors. The fees established in this method are adopted by reference as part of this chapter.
 2. All fees received by the Zoning Administrator shall be placed within the county general fund or transmitted to State agencies as required by the County Board or State Statutes. Fees are collected at the time of application and are not refundable if the application is denied.
- (h) Permits that Authorize "**Reasonable Accommodations**": for a handicapped Person.
1. The County Zoning Administrator will use a zoning permit that waives specified zoning ordinance requirements, if the administrator determines that both of the following conditions have been met.
 - a. The requested accommodation (i.e., the requested waiver of zoning restrictions), or another less-extensive accommodation, is:
 1. Necessary to afford handicapped or disabled persons equal housing opportunity or equal access to public accommodations, and
 2. The minimum accommodations that will give the handicapped or disabled persons adequate relief.
 - b. The accommodation will not unreasonably undermine the basic purposes the zoning ordinance seeks to achieve.
 2. If the County Zoning Administrator issues either to a handicapped or disabled person, or to the owner of a place of public accommodation, a zoning permit waiving compliance with specified zoning requirements, the permit must:
 - a. State that issuance of the permits required by Federal Fair Housing Act, the Wisconsin Open Housing Law, or the Americans with Disabilities Act, or any combination of them; and
 - b. Include the condition that the building addition or other structure (such as entrance ramps) authorized by the permit must be constructed to make it easily removable when the handicapped or disabled person no longer occupies the property, unless the county zoning administrator specifies in writing, reason for not including the condition. If the permit includes this condition, the property owner must notify the zoning administrator not more than 30 days after the handicapped or disabled person vacates the property.
 3. In cases where the county zoning administrator issues a handicapped or disabled person a permit conditioned on removal of the building addition or other structure when the handicapped or disabled person no longer occupies the property, the permit will not become effective until the property owner:

- a. Signs an affidavit that includes the legal description of the property and acknowledges that the building addition or other structure authorized by the permit is

17.75 Impact Studies

authorized for only the period a handicapped or disabled person who requires the structure occupies the property, and

- b. Records the affidavit in the office of the County Register of Deeds.

(i) Sanitary and Land Use Permits for Special Exception and Variance Uses. Issuance by the Board of Adjustment of a special exception approval or a variance shall not relieve the applicant of the obligation to obtain sanitary and land use permits.

(j) Effect and Posting of Permits.

1. Permits or special exception approvals and other permits issued on the basis of plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction at variance with that authorized shall be deemed a violation of this chapter.

2. Permits shall be placed in a prominent location on the premises during construction, alteration or moving.

3. Permits shall lapse and become void if operations described in the permit are not completed within one year of issuance of the permit.

- a. The exterior of a building shall be completed within one year.

17.75 IMPACT STUDIES AND REPORTS

In the course of carrying out administration of these ordinances, the various boards and committees which are assigned decision-making responsibilities hereunder, will find themselves occasionally confronting proposed land use changes which have unusually significant consequences, or which would arouse unusually high levels of citizen interest. In such cases, the unit responsible for making the decision may find that the procedures specified in the sections of the ordinance which govern the case, do not allow for a full and complete examination of the environmental and other impacts of the proposed decision. This situation is to be expected, since the procedures set forth herein are generally tailored to the more average or routine cases, and are designed to balance in such cases, the need of the board or committee for information against the burdens which a more complete procedure would impose upon landowners. The purpose of this section is to provide a special procedure for the handling of more complex cases or applications.

(1) COVERAGE. This section shall apply to:

- a. Proposed amendments to this chapter governed by sec. 17.77.

- b. Proposed special exception uses.

- c. Variances and administrative appeals.

- d. Proposed minor and full subdivisions.

(2) DETERMINATION THAT IMPACT STUDIES ARE NEEDED. The board or committee, which has before it a matter listed in sub. (1), may for reasons stated in a written determination, decide that the particular application, petition, or matter raises unusually significant questions of impact (environmental or other) and/or that an unusually high level of citizen interest has been shown in the proposed use, change, or amendment. Such a decision shall be followed by adoption by the board or committee of a resolution in which it shall set forth the impact questions on which it requires research, data, and input from affected or interested persons. The listing of impact questions can include items of data which this chapter already enables the board or committee to obtain, or it may include additional items of information which are relevant to the impact questions specified in the resolution.

The resolution may also assign responsibility for the acquisition of data on the specified impact questions, to County agencies or officials, to officials or agencies in other units of government who have or may be willing to assist, or to the developer or applicant. The resolution may set a date for

17.76 Limitations

the return of the requested data and information and it may specify the format in which the data is to be presented.

(3) **HEARINGS ON THE IMPACT STUDIES.** Following the return to the board or committee of the data called for in the resolution adopted under sub. (2), the board or committee shall cause the information to be compiled in the form of an impact report. The board or committee shall make such report available for scrutiny by the applicant or petitioner, by other interested persons or agencies, and shall schedule and hold a public hearing on the findings of the report. The hearing shall be preceded by a Class II notice under Ch. 985, Wis. Stats. Persons attending such hearing shall be afforded an opportunity to comment on the report, and to make recommendations as to the weight which the board or committee should give to the report or data therein, in deciding the matter pending before it.

(4) **SUSPENSION OF ORDINANCE TIME LIMITS TO ALLOW FOR IMPACT STUDY AND REVIEW.** Prior to commencing activities under this section, the board or committee shall consult the ordinance sections under which it is operating, and shall consult with its legal counsel to determine the time limits, if any, which are placed upon its deliberations on the matter before it. Notwithstanding other provisions of this chapter, those time limits which are not specified in State law and which do not permit the board or committee sufficient time to conduct an impact review under this section, may be suspended by passage of the resolution described in sub. (2). In the case of time limits set by State law, which conflict with the availability of reasonable time for an impact review, a formal request shall be made to the applicant for a consent to a reasonable and adequate extension of time for an impact review.

17.76 LIMITATIONS ON COUNTY LIABILITY

This chapter and approvals, and inspections under it, are not to be construed as establishing legal responsibility on the part of the County, its officers or agencies, for design or construction of building or premises.

17.81 REZONINGS AND ORDINANCE AMENDMENTS

(1) **AUTHORITY.** Pursuant to the authority of Sections 59.70(5), 59.70(6), 59.07, 59.69, 59.692, 59.693, and 87.30 and Chapters 91, 281 and 285, 145, 146, and 236 of the Wisconsin Statutes, the County Board may by ordinance, change the district boundaries established by this chapter and the maps incorporated herein, or amend, change, or supplement the text of the regulations established by this chapter or amendments thereto.

(2) PROCEDURE.

(a) **Filing a Petition.** A petition for amendment of this ordinance may be made by any property owner in the area to be affected by the amendment, by the town board of any town wherein the ordinance is in effect, by any member of the county board or by the county zoning committee. A petition for amendment of this ordinance shall be submitted in triplicate directly to the zoning administrator, in order that notice of hearings and other processing may be initiated without unnecessary delay.

(b) **Fee.** A petition for amendment of this ordinance submitted by other than a governmental body or agency, shall be accompanied by the proper fee as established under this ordinance and, shall be payable to the Barron County Zoning Department.

(c) **Rezoning Petition Information.** In addition to all information required on the petition form, the petitioner for rezoning shall supply the following information:

(1) A plot map in triplicate, accurately drawn to a scale of not less than 100 feet to the inch, showing the land in question, its location, the length and direction of each boundary thereof, the location and existing use of all buildings on each land, and the principle use of all property within 300 feet of such land.

(2) The names and complete mailing addresses, including zip codes, of the owners of all properties within 300 feet of any part of the land included in the proposed change.

(3) Any further information which may be required by the zoning administrator or the zoning committee to facilitate the making of a comprehensive report to the County Board.

(d) **Hearing and Notice.** The zoning administrator shall immediately file the original of a petition filed under this section with the county clerk, who shall present it to the county board at its next meeting for formal referral to the zoning committee for report and recommendations as required by § 59.69(5)(e), Stats. As soon as practical after receipt of petition, the zoning committee shall set a time, and place public hearing on the petition and shall give notice of the time and place of such hearing in the manner prescribed under sec. 17.81(1) of this ordinance. The hearing shall be held in accordance with the procedures specified in sec. 17.81(2) of this ordinance.

1. **Notice to County Board Supervisor.** Immediate notice of a rezoning petition shall be sent to the county board supervisor(s) of the affected area.

2. **Notice to Towns.** A copy of the public hearing notice on all petitions for rezoning or other amendment, shall be submitted by registered mail to the town clerk of each town affected by the proposed rezoning or other amendment, at least ten (10) days prior to the public hearing on the petition.

3. **Notice to Owners.** If a petition for rezoning has been submitted by someone other than the owner(s) of record, a copy of the petition and public hearing notice and an explanation of the rezoning procedures shall be submitted by registered mail to the owner(s) of record, at least thirty (30) days prior to the public hearing on the petition.

4. Notice to Department of Natural Resources.

(a) Shoreland Zoning Changes. If a petition proposes a change in the provisions or maps related to shoreland zoning, a copy of the petition and the notice of public hearing shall be forwarded to the Wisconsin Department of Natural Resources, not less than ten (10) days prior to the hearing.

(b) Shoreland-Wetland Zoning changes. If a petition proposes a change in the provisions of maps related to shoreland-wetland zoning, the Wisconsin Department of Natural Resources shall be provided with the following:

1. A copy of the petition within five (5) working days of the filing of such petition with the county clerk.
2. Written notice of the public hearing to be held on a proposed amendment at least ten (10) days prior to such hearing.

(c) Floodplain Zoning Changes. If a petition proposes a change in the provisions or maps related to floodplain zoning, a copy of the petition and the notice of public hearing shall be submitted to the Wisconsin Department of Natural Resources not less than ten (10) days prior to the hearing and a copy of the petition and notice of public hearing shall be sent to the Federal Emergency Management Agency.

5. Notice to Airport Owners or Operators. If a petition proposes any change in an airport affected area as defined in § 62.23(6)(am)1.b., Stats., a copy of the petition and the notice of public hearing shall be mailed to the owner or operator of the airport, bordered by the airport affected area, not less than ten (10) days prior to the hearing.

(e) Zoning Committee Action and Report. As soon as possible after such public hearing, the county zoning committee shall act on a petition referred to it under this section by either approving, modifying and approving, or disapproving of the same. If its action is favorable to granting a requested change, or any modification thereof, it shall cause an ordinance to be drafted effectuating its determination, and it shall submit such proposed ordinance directly to the county board with a report stating the reasons for its recommendation. If the county zoning committee after its public hearing, shall recommend denial for the petition, it shall submit a report with its recommendation directly to the county board stating its reasons for such action. Proof of publication of the notice of public hearing held by the county zoning committee, and proof of giving notice to the town clerk of such hearing, shall be attached to either such report. Notification of town board resolutions filed under subsection (i) of this section, shall be attached to either such report. A copy of the zoning committee's findings and recommendations on each proposed amendment affecting shoreland, shoreland-wetlands and floodplains, shall be mailed to the Wisconsin Department of Natural resources within ten (10) days after the submission of those findings or recommendations to the county board.

(f) County Board Action. Upon receipt of the report of the county zoning committee and proposed ordinance, if any, the county board shall either:

1. Adopt the ordinance drafted by the zoning committee;
2. Adopt the ordinance drafted by the zoning committee with amendments;
3. Refuse to deny the petition for amendment as recommended by the county zoning committee, in which case it shall re-refer the petition to the county zoning committee, with direction to draft an ordinance to effectuate the petition, and report the same back to the county board, which may then adopt or reject such ordinance; or
4. As an alternative to, or in addition to any public hearing held by the zoning committee, hold a public hearing on the proposed amendment if proper notice of such hearing has been provided as required by this ordinance or other law, and the persons specified in subsection (b) of this section have also been notified as required therein, except that, notice to the town

clerks of the affected towns shall be given 20 days prior to the time set for the hearing. If a public hearing is held under this section, the town board veto provisions provided hereafter in this section, shall be modified to require submission of a certified resolution or disapproval of the petition, at least twenty-four (24) hours prior to time set for the hearing. The procedures for town veto and effectuation after passage of a proposed amendment by the county board, shall be as provided hereafter in this section.

5. If a protest against a proposed rezoning is filed with the county clerk at least twenty-four (24) hours prior to the date of the meeting of the county board at which the report of the county zoning committee is to be considered, duly signed and acknowledged by the owners of fifty percent (50%) or more of the area proposed to be altered, or by the owners of at least fifty percent (50%) of the frontage immediately in the rear or along the side boundaries thereof within 300 feet of the area proposed to be changed, or by the owners of at least fifty percent (50%) of the frontage directly opposite and across a public street, highway or alley from the area proposed to be altered, action on such ordinance may be deferred until the county zoning committee has had a reasonable opportunity to ascertain and report to the county board as to the authenticity of such ownership statements. Each signer of such protest shall state the amount of area or frontage owned by the signer, and shall include a description of the lands owned by the signer. If such statements are found to be true, the requested rezoning ordinance shall not be adopted except by the affirmative vote of three-fourths of the members of the county board of supervisors present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest may be disregarded.

6. If a proposed amendment would make any change in an airport affected area as defined in § 62.23(6)(am)1.b., Stats., and the owner or operator of the airport bordered by the airport affected area, files a protest with the county clerk at least twenty four (24) hours prior to the date of the meeting of the county board at which the report of the county zoning committee is to be considered, no ordinance which makes such a change may be adopted, except by the affirmative vote of two-thirds of the county board of supervisors present and voting.

(g) Adverse Impact Clause Requirement. If the Department of Natural Resources has notified the county zoning department that a proposed amendment to the shoreland-wetland provisions of the ordinance may have a significant adverse impact upon any of the criteria listed in subsection (3)(b)4 of this section, that amendment, if approved by the county board, shall contain the following provision:

This amendment shall not take effect until more than thirty (30) days have elapsed since written notice of the county board's approval of this amendment was mailed to the Department of Natural Resources. During that thirty (30) day period, the Department of Natural Resources may notify the county board that it will adopt a superseding shoreland ordinance for the county under § 59.692(6), Stats. If the Department does so notify the county board, the effect of this amendment shall be stayed until the § 59.692(6) adoption procedure is completed or otherwise terminated.

(h) Notice of County Board Decision to State Agencies. Written notice of the county board's decision on each proposed amendment affecting shorelands, shoreland-wetlands and floodplains, shall be mailed to the Wisconsin Department of Natural Resources within ten (10) days after it is issued. The Wisconsin Department of Agriculture Trade and Consumer protection shall be notified in writing within ten (10) days of any decision approving the rezoning of any area zoned for exclusive agricultural use.

(i) Town Veto and Effectuation.

1. If a town affected by a proposed rezoning disapproves of the rezoning, the town board of such town may file a certified copy of the resolution adopted by such board disapproving of the petition with the county zoning committee prior to, at or within ten (10) days, or thirty (30) days under § 59.69(5)(e)3.m., Stats., if applicable, after the public hearing thereon. If the

town board of the town affected by a proposed rezoning files such a resolution, the county zoning committee shall not recommend approval of the petition without a change, but may only recommend approval with change or recommend disapproval. If a town affected by a proposed amendment, other than a rezoning, disapproves of the proposed amendment, the town board of such town may file a certified copy of the resolution adopted by such board disapproving of the petition with the county zoning committee prior to, at or within ten (10) days, or thirty (30) days under § 59.69(5)(e)3.m., Stats., if applicable, after the public hearing thereon. If the town boards of a majority of the towns affected in the case of such amendatory ordinances file such resolutions, the county zoning committee shall not recommend approval of the petition without a change, but may only recommend approval with change or recommended disapproval.

2. If any proposed ordinance amendment makes only the change sought in the petition, and if the petition is not disapproved at or within ten (10) days after the public hearing by the town board of the town affected in the case of rezoning, or by the town boards of a majority of the towns affected in the case of all other amendatory ordinances, it shall become effective upon passage by the county board. The county clerk shall record in the clerk's office the date on which such ordinance becomes effective and the clerk shall notify the town clerk of all towns affected by such ordinance of such effective date, and also insert such effective date in the proceedings of the county board. Any other such amendatory ordinance which would be a change from the change sought in the petition, when so adopted by the county board, shall within seven (7) days thereafter be submitted in duplicate by the county clerk, by registered mail, to the town clerk of each town in which lands affected by such ordinance are located. If after forty (40) days from the date of such adoption, a majority of such towns have not filed certified copies of resolutions approving such amendment with the county clerk, or if within a shorter time a majority of the towns in which the ordinance is in effect have filed certified copies of resolutions approving the amendment with the county clerk, the amendment shall thereupon be in effect in all the towns affected by the ordinance. Any rezoning ordinance shall within seven (7) days after adoption by the county board, be transmitted by the county clerk by registered mail only to the town clerk of the town in which the lands affected by such change are located and shall become effective forty (40) days after adoption of the ordinance by the county board, unless such town board has previously filed a resolution disapproving the petition and prior to such date, files a certified copy of resolution disapproving of such ordinance with the county clerk. If the town board of the town affected by a proposed rezoning files such a resolution, the rezoning ordinance adopted by the county board shall be vetoed and of no effect. If such town board approves the ordinance prior to the forty (40) day limit, said ordinance shall become effective upon the filing of the resolution of the town board approving same with the county clerk. The county clerk shall record in the clerk's office the date on which such ordinances become effective, and the clerk shall notify the town clerk of all towns affected by such ordinance of such effective date, and also make such report to the county board, which report shall be printed in the proceedings of the county board.

3. All changes to shoreland, shoreland-wetland, and floodplain provisions, shall be effective only after review and approval by the Wisconsin Department of Natural Resources.

4. The provisions of this section relating to town board disapprovals shall not apply to any amendment of the shoreland, shoreland-wetland, floodplain, land division or sanitary and private sewage system provisions, including maps of this ordinance.

(3) REZONING AND AMENDMENT STANDARD.

(a) General Rezoning Standards. The district boundaries established by this chapter and the maps designating said boundaries may be amended, if upon consideration of the following general standards which address public necessity, convenience, general welfare, and good zoning practice, it is determined that:

1. Additional property of the proposed zoning classification is needed in the area to meet public need, because existing property of the classification is being utilized, or uses that

would be beneficial to the neighborhood and are authorized under proposed classification are not reasonably accessible to the neighborhood.

2. The principle uses and accessory uses thereto authorized under the proposed zoning classification, are unlikely to impair the use, enjoyment, or economic value of neighboring properties due to appearance, noise, dust, odor, smoke or vibration.

3. The principle uses and accessory uses thereto authorized under the proposed zoning classification, are unlikely to endanger the public health or safety, if located in the area.

4. The principle uses and accessory uses thereto authorized under the proposed zoning classification, are unlikely to cause an unreasonable adverse impact on air quality, ground water, surface water, or natural vegetation if located in the area.

5. The principle uses and accessory uses thereto authorized under the proposed zoning classification, are unlikely to cause an unreasonable adverse impact on historically significant features if located in the area.

6. The principle uses and accessory uses thereto authorized under the proposed zoning classification, are unlikely to impair the normal development of neighboring properties if located in the area.

7. The proposed zoning classification is unlikely to cause undesirable land use patterns, including but not limited to small, isolated zoning districts or neighboring incompatible uses.

8. The proposed zoning classification is consistent with the county land use plan, or a land use plan of the affected town or neighboring municipality.

(b) Specific Standards. The district boundaries established by this chapter for the following districts, and the maps designating said boundaries or the regulatory provisions therein, may be amended only if, in addition to appropriate findings upon consideration of the general standards of subsection (a), the following provisions are also applied where applicable:

1. Exclusive Agricultural District (A-1). A petition for rezoning an area zoned for exclusive agricultural use (A-1) may be approved only if it is determined that:

a. Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.

b. Provision of public facilities to accommodate development will not place unreasonable burden on the ability of affected local units of government to provide them.

c. The land proposed for rezoning is suitable for development.

d. Development of the land proposed for rezoning will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas.

2. Business District (B). A petition to designate a property as business district use (B), may be approved only if a rural location is required because of such factors as access to transportation facilities, or need for a large land area and such needs cannot be met in alternative urban locations already zoned as business district use (B).

3. Mineral Reservation District. A petition to designate a property as a mineral reservation district may be approved only if the mineral extraction is an appropriate land use at the site in question, based upon consideration on such factors as follows:

a. Existence of mineral deposits.

b. Proximity of the site to transportation facilities and to market areas and other land uses.

- c. The proposed zoning classification is consistent with the county Land Use Plan, or a land use plan of the affected town or neighboring municipality.
4. Floodplain District and Regulations. The county board may change or supplement the boundaries of the floodplain overlay district, and the regulations specified therein in the manner provided by law.
- a. Actions which require an amendment include, but are not limited to, the following:
 - i. Any change to the official floodplain zoning map including the flood way line or boundary of any floodplain area;
 - ii. Correction of significant discrepancies between the water surface profiles and floodplain zoning maps;
 - iii. Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
 - iv. Any fill or encroachment into the floodplain that will obstruct flow causing an increase of 0.01 foot or more in regional flood height; or
 - v. Any upgrading of floodplain zoning ordinance overlay district text required by section NR116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the county.
 - b. Changes to the floodplain districts or provisions therein shall require consideration where applicable of the following, by the zoning committee prior to recommendation for approval:
 - i. All persons petitioning for an amendment which involves an obstruction to flow causing an increase of 0.01 foot or more in the height of the region of flood, shall obtain flooding easements, or other appropriate legal arrangement, from all adversely affected property owners and notify all affected local units of government before the amendment can be approved by the county board.
 - ii. When considering amendments to the official floodplain zoning map, in areas where no water surface profiles exist, the zoning committee shall consider data submitted by the Wisconsin Department of Natural Resources, the zoning administrator's visual on-site inspections and other available information.
5. Shoreland-wetland Overlay District and Regulations. A wetland or portion thereof in the shoreland wetland overlay district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following.
- a. Storm and flood water storage capacity.
 - b. Maintenance of dry season stream flow, a discharge of ground water to wetland, the recharge of ground water from a wetland to another area, or the flow of ground water through a wetland.
 - c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
 - d. Shoreline protection against soil erosion.
 - e. Fish spawning, breeding, nursery or feeding grounds.

f. Wild life habitat; or

g. Areas of special recreational, scenic or scientific interest, including scarce wetland types.

(4) SPECIAL PROVISIONS

(a) Zoning or Rezoning County Owned Lands. The county board may by ordinance, zone and rezone any lands owned by the county, except for land subject to a town zoning ordinance which is purchased by the county for use as a solid or hazardous waste disposal facility, or hazardous waste storage or treatment facility, as those terms are defined in § 289.01, Stats., without necessity of securing the approval of the town boards of the towns wherein such lands are situated, and without following the procedures outlined in § 59.69(5) Stats., provided that the county board shall give written notice to the town board of the town wherein such lands are situated of its intent to so rezone and, shall hold a public hearing on the proposed rezoning ordinance and give notice of such hearing by posting in five (5) public places in the town.

(b) Zoning in Annexed Areas.

1. Removal From Official County Zoning Map. When any lands previously under the jurisdiction of the county zoning ordinance shall have been finally removed from such jurisdiction by reason of annexation to an incorporated municipality, and after the regulations imposed by the county zoning ordinance have ceased to be effective as provided in § 59.69(7), Stats., the county board may, on the recommendation of the zoning committee, adopt such amendatory ordinances and shall remove or delete such annexed lands from the official zoning map or written descriptions without following any of the procedures provided in §§ 59.69(5)(e)1. through 7., Stats., and such amendatory ordinances shall become effective upon passage and publication. A copy of such ordinance shall be forwarded by the county clerk, and to the clerk of each town in which the lands affected were previously located. Nothing in this paragraph shall be construed to nullify or supersede the provisions of § 80.64 Stats.

2. Continued Effect of County Ordinance.

a. In General. Whenever any area which has been subject to a county zoning ordinance, petitions to become a part of a village or city, the regulations imposed by such a county zoning ordinance shall continue in effect without change, and shall be enforced by such village or city until such regulations have been changed by official action of the governing body of such village or city, except that, in the event an ordinance of annexation is contested in the courts, the county zoning shall prevail and the county shall have jurisdiction over the zoning in the area affected, until ultimate determination of the court action.

b. Shoreland Regulations. The shoreland zoning provisions of this ordinance that were applicable prior to annexation to any shoreland area annexed by a city or village after may 7, 1982, shall continue in effect and shall be enforced after annexation by the annexing city or village, except as provided in §§ 59.692 Stats. The shoreland zoning provisions of this ordinance that were applicable prior to incorporation to any shoreland area that is part of a town that incorporates as a city or village, under §§ 66.0215, 66.0203, 66.0211, or 66.0213, Stats., after April 30, 1994, shall continue in effect and shall be enforced after incorporation by the incorporated city or village, except as provided in §§ 59.692(ad)1. through 3., Stats.

17.90 ENFORCEMENT AND PENALTIES

(1) **DECLARATION OF UNLAWFUL CONDUCT.** Any liable person, which shall include firm, company, or corporation, who knew or should have known that a land use activity was prohibited by this ordinance and who disobeys, omits, neglects, refuses or otherwise fails to comply with or resists the enforcement of any of the provisions or requirements of this ordinance, including any permit and condition thereof issued pursuant to this ordinance, shall be in violation of this ordinance. Any land use activity conducted in violation of the provisions of this ordinance is hereby declared to be a nuisance per se, and the county may apply to any court of competent jurisdiction to restrain or abate such nuisance.

(2) **LIABLE PERSONS.**

(a) **In General.** All owners of lands or properties occupiers of land or premises, and agents of owners or occupiers of lands or premises including, but not limited to because of enumeration, building contractors, surveyors, plumbers, installers, soils technicians, road building, grading and excavating contractors and their agents, and lending institutions and insurers and their agents shall be a liable person for purposes of enforcement under this ordinance and are responsible for compliance with all provisions of this ordinance which bear upon their area of competency.

(b) **Other Parties.** Any party who aids or abets in a violation of this ordinance shall be a liable person for purposes of enforcement under this ordinance.

(c) **Public or Quasi-public Agencies.** This ordinance shall apply fully to all public governmental and quasi-governmental lands, developments and activities unless specifically exempted by State or Federal Law and the controlling agent for such units, shall be a liable person for purposes of enforcement under this ordinance.

(3) **ENFORCEMENT PROCEDURE.**

(a) **Notice of Violation and Order for Compliance.** If upon inspection or investigation, the Zoning Administrator becomes aware of a land use activity which the Zoning Administrator concludes is a violation or a potential violation of this ordinance, the Zoning Administrator shall immediately notify in writing, the party that is or appears to be the liable person of the detected or potential violation. Such notice shall specify the land use activity that is alleged to constitute the actual or potential violation. The Zoning Administrator shall also issue an Order for Compliance in writing to the party that is or appears to be the liable person of the detected or potential violation. The order shall direct said person to halt and/or remedy the observed violation or prevent the potential violation from occurring and, shall specify a time period for the violation to be halted or remedied or the potential violation to be prevented from occurring.

(b) **Citation.** If a Notice of Violation and Order for Compliance is issued pursuant to par. (a) of this section, the Zoning Administrator or Assistant Zoning Administrator may also concurrently issue a citation requesting an appropriate forfeiture which conforms with the requirements of sections 25.04(4)(b)1 through 7, of the Barron County General Code.

(c) **Noncompliance with Order for Compliance.** If an order for compliance is issued under par (a), and is not complied with, the Zoning Administrator shall either issue a citation or refer the matter to the Corporation Counsel for prosecution, unless an administrative appeal has been commenced and a stay order has been issued pursuant to sec. 17.73(5) of this chapter. Enforcement demands for violations of sections 17.60 through 17.65 may also be submitted to the Wisconsin Attorney General for enforcement.

(4) **PROSECUTION BY THE COUNTY.** The County Corporation Counsel shall expeditiously prosecute all violations of this ordinance reported by the Zoning Administrator.

(5) **PROSECUTION BY PRIVATE PARTIES.** Nothing in this section shall be deemed to prevent, restrict, or otherwise prohibit private prosecutions of violations of this ordinance pursuant to § 59.69(11), Stats., or any other law.

(6) **PENALTIES.** Any liable person who violates this ordinance shall be subject to a penalty of not less than twenty-five dollars (\$25.00), but not more than one-thousand dollars (\$1000.00) for each offense, together with the cost of the action. In default of payment thereof, the person shall be subject to contempt of county proceedings and any penalty authorized thereby the law. Each day that a violation is permitted to exist shall constitute a separate offense and be punishable as such.

(7) **INJUNCTIONS.** As a substitute for, or in addition to prosecution for fine or imprisonment, the County Corporation Counsel may seek compliance with this ordinance by suing for an injunctive or restraining order. In contempt of such court order obtained thereby, the person shall be subject to contempt of court proceedings and any penalty authorized thereby by law. It shall not be necessary to prosecute for fine or imprisonment before resorting to injunctive proceedings.

(8) **REVOCATIONS OR MODIFICATIONS.** Where a permit, special exception use approval or variance grant has been authorized subject to conditions, and where such conditions appear to have been violated or not complied with, as an alternative or in addition to any other enforcement action, the Zoning Administrator shall petition the Board of Adjustment to hold a public hearing to determine whether the conditions of the permit, special exception approval or variance grant have been violated or otherwise not complied with. If the Board determines that a condition has been violated or not complied with, then the Board may revoke or modify all or part of the permit, approval or variance or place designated the land use as probationary for a specified period of time subject to such additional conditions the Board deems necessary. The additional conditions imposed as part of a probationary designation shall be permanent modifications of the permit, approval or variance unless otherwise expressly stated.

(9) **OTHER ENFORCEMENT PROVISIONS.**

(a) **Assessor's Plats.** The County Board may, upon recommendation of the Zoning Committee, order as assessor's plat pursuant to the procedures of § 70.27, Stats., or amendment thereof, whenever the conditions specified in that section are found to be present.

(b) **Correction Instruments.** The Zoning Committee may require creation, committee approval, and recording of correction instruments correcting errors in distances, angles, directions, bearing, chords, block or lot number, street names or other details of a recorded map or plat at the expense of the sub-divider or affected property owners.

(c) **Violation of Land Division or Subdivision Ordinances or Laws.**

1. No person will be permitted to divide any land except in compliance with this chapter and applicable state laws.

2. No person will create any land division, or create or convey any lot or parcel within a land division, without having the land division reviewed by the county zoning administrator, approved by the county pursuant to this chapter, and recorded with the register of deeds.

3. No person will cause to be recorded with the register of deeds, a plat or certified survey map of land division without first having the plat map reviewed and approved by the county zoning administrator, and then approved by the county pursuant to this chapter.

4. **Failure of an owner of lands involved in a county approved land division:**

a. to place monuments or

b. to construct features of the land division as prescribed in the approved map or plat will be a violation of this chapter.

5. Sections 236.30 (relating to the improper recording of a final plat), 236.31 (relating to the transfer of lots without a recorded plat), and 236.32 (relating to disturbing or not placing

monuments) of the Wisconsin statutes, are incorporated by reference. A violation of any of those sections shall be punished both:

- a. as provided in the statutory section violated, and
- b. as provided in section 17.90(6) of the Barron County General Code.

(10) NUISANCE ACTIONS NOT BARRED. No provisions of this ordinance shall be constructed to bar any action to enjoin or abate the use or occupancy of any land or structure as a nuisance under the laws of the State.

(11) PRE-EXISTING VIOLATIONS.

(a) Where a building or structure violates the dimensional or use standards of this ordinance, and the violating building or structure has been in place more than ten years before an enforcement action initiated, such building or structure shall be treated as a legal nonconforming structure. All provisions of sec. 17.17 of this ordinance shall apply to such nonconforming buildings or structures.

(b) Any property owner asserting as a defense to a charge of violating this ordinance that the alleged violation has been in place more than ten years before enforcement action was initiated has the burden of proving that:

1. The building or structure that is in violation has been in place more than ten years before enforcement action was initiated.
2. That the building or structure (and its use, if the use is nonconforming) has remained essentially unchanged for at least ten years.
3. That the use of the building or structure has been active and continual for ten years or more. If use was discontinued for more than twelve months, that use shall not be considered active and continual.

ZONING CODE INDEX

-A-

A-1 EXCLUSIVE AGRICULTURAL DISTRICT	17.28
A-2 AGRICULTURAL DISTRICT	17.37
Abrogation and Greater Restrictions	17.04
Accessory use - defined	17.08
Accessory buildings/size	17.32(1)(b)1a & 1b
Accessory structure - defined	17.08
Acid, ammonia, bleach, soap manufacture	17.39(2)(a)
AGRICULTURAL DISTRICT, A-2	17.37
Airport – defined	17.08
Airports, private	17.37(2)(d)
AMENDMENTS	17.81
Ammunition Manufacture	17.39(2)(b)
Animal Hospitals	17.28(2)(a)8
Animal Unit – defined	17.08
Animal Waste	17.65
Antenna, defined	17.08
Appeal – defined	17.08
Appeals, Administrative	17.73(5)
Applicability	17.50
Application for County Approval	17.52
Asphalt Manufacture	17.39(2)(c)
Authority	17.28(1)(a)

-B-

Bathroom, defined	17.08
Beekeeping	17.28(1)(a)
Board of Supervisors	17.71
Boathouses	17.32(3)(g) 17.41(10)(a)4a
Bones, distillation of	17.39(2)(e)
Boundary – defined	17.08
Boundaries	17.27
Breezeway – defined	17.08
Building – defined	17.08
Buildings under construction	17.17(1)
BUSINESS DISTRICT (B)	17.38

-C-

C-1 WETLAND CONSERVANCY DISTRICT	17.29
C-2 UPLAND CONSERVANCY DISTRICT	17.30
Camping Unit Transfer Container - Defined	17.08 17.64(10)(e)1
Camps and campgrounds	17.30(2)(b) 17.36(2)(e) & (3)4
Cannery	17.39(2)(f)
Cell Towers – (See Telecommunication Facilities)	17.49
Cement or Concrete Manufacture	17.39(2)(g)
Certified Survey Map – defined	17.08
Churches	17.32(1)(b)2
Citation Ordinance	17.90(3)(b)
Coal or Coke Manufacture	17.39(2)(c)

-C-

Community Living Arrangement – defined	17.08
COMPLIANCE	17.11
Condominium – defined	17.08
CONDOMINIUMS	17.20
	17.33(d)(2)
Conversion Condominiums, defined	17.08
Correction Instruments	17.55(4)
County Review, procedure for	17.53
County Standards	17.54
Cul-de-sac (design; layout)	17.54(7)b

-D-

Deck – defined	17.08
Dedications	17.55(5)
Definitions	17.08
Districts Established	17.25
Drainage and Soil Erosion Report	17.54(5)
Driveways/walkways	17.41(10)(a)1
Duck blinds	17.29(1)(h), 17.43(1)(f)
Dwelling, Single, Two-Family, & Multi – defined	17.08
Dwelling Unit – defined	17.08

-E-

Easements	17.13(2)(b)5
Effective Date	17.07
Enforcement and Penalties	17.90
Explosive Manufacture	17.39(2)(b)

-F-

Family – defined	17.08
Farm – defined	17.08
Farm Animals – defined	17.08 17.32(3)(d)
Farm Drainage Ditches	17.41(4)
Farm Family Business – defined	17.08 17.28(2)(a)12 17.28(d)4
Farm Operation – defined	17.08
Farm Operator, Parents of – defined	17.08
Farming	17.30(1)(a), 17.32(3)(i)
Fat Rendering	17.39(2)(h)
Feedlot – defined	17.08
Fences/walls	17.13(1)(c)3
Fertilizer Manufacture	17.39(2)(i)
Filling, Grading, Lagooning	17.41(8)
Fireworks Manufacture or Storage	17.39(2)(b)
Flammable Gases or Liquids Manufacture	17.39(2)(m)
Flood Fringe – defined	17.08
Flood Hazard Designations	17.54(6)
Floodplain – defined	17.08
Floodplain, Landward side of	17.41(5)
Floodway – defined	17.08
FO FLOODPLAIN OVERLAY DISTRICT	17.42
Forest Management	17.28(1)(a)4

-F-

Forest or Woodlot Management	17.30(1)(b)
Forestry, commercial	17.41(9)(d)
Forage Plant	17.39(2)(j)
Fur Farms	17.28(2)(a)4

-G-

Game Management	17.28(1)(a)5
Game Preservation or Management	17.30(1)(c)
Gelatine, Glue or Size Manufacture	17.39(2)(1)
General Provisions	17.60, 17.70
Geographic Area covered by this subchapter	17.62
Gift and Specialty Shops	17.35(2)(c)4
Grading Permit	17.41(8) 17.29(2)(d)
Grazing	17.28(1)(a)6
Greenhouses, Nurseries	17.28(1)(a)7

-H-

Handicap Person " Reasonable Accommodations "	17.75(5)(h)
Hedges	17.13(1)(c)5
Height Regulations	17.14
Height, allowable increase in	17.14(3)
Height, Telecommunications Tower, defined	17.08
Highwater Mark, Normal, defined	17.08
Highwater Mark, Ordinary, defined	17.08
Highway Setbacks	17.13(2)
Highway/classes	17.13(2)(b)1,2,3,4

-H-

HIO HIGHWAY INTERCHANGE OVERLAY DISTRICT	17.40
Holding Tank Maintenance Agreement	17.64(13)(3)
Home Occupations – defined	17.08
Home Occupations and	17.32(1)(b)9
Home Professional Business	17.32(3)(g) & (h)
Hotels and Motels	17.35(2)(c)1
Household Pets – defined	17.08
Hunting and Fishing	17.30(1)(d)

-I-

I INDUSTRIAL DISTRICT	17.39
Impact Studies and Reports	17.75
Injunctions	17.80(4)
Intent	17.03
Interpretation and Severability	17.05
Introduction and General Provisions	17.60

-J-

Junk or Salvage Yards, private	17.37(2)(f)
Jurisdiction	17.10

-K-

Kennel – defined	17.08
Kennels, private	17.37(2)(g)

-L-

Lagooning	17.41(8)
Land Divisions – defined	17.08
Land Division	17.54(7)

-L-

Land Only Condominium - defined	17.08
Land Only Condominium Unit(s)	17.20(6)
Landings/platforms	17.41(10)(a)1
Land Use Permit	17.74
Landfills, private	17.37(2)(e)
Liability	17.90(2)
Limitations on County Liability	17.76
Liquid Manure Facilities – defined	17.08
Livestock - defined	17.08
Livestock Facility - defined	17.08
Livestock Structure - defined	17.08
Livestock Raising	17.28(2)(a)5
Livestock Facilities (Special Exceptions for)	17.28(2)(a)13 17.28(2)(d)5 & 6
Lot – defined	17.08
Lot area – defined	17.08
Lot of Record - defined	17.08
Lot for Business use	17.38
Lot or Parcel	17.54(2)
Lot Required for each use	17.15
Lot Width, defined	17.08
Lot Width, street access/easement	17.15(2)
Lot Width, Layout Design	17.54(7)(b)

-M-

Making Determinations (Ref. to Fed. Fair Housing Act or Wis. Open Housing Law)	17.74(4)
Manufactured Home – defined	17.08

-M-

Marinas	17.35(2)(c)6
Matters Covered by this Subchapter	17.61
Microwave Radio Relay Structures	17.32(2)(c)
Mineral – defined	17.08
Mineral Extraction – defined	17.08
Mineral Extractions	17.28(2)(a)10, 17.30(1)(g)
Mineral Extractions, private	17.37(2)(h)
Mineral Uses	17.31(3)(b)
Miscellaneous Provisions	17.55
Mobile Home – defined	17.08
MOBILE HOME PARK DISTRICT, R-3	17.34
Mobile Home Parks	17.33(3)(c)
Mobile Homes – preexisting	17.17(4)
MR MINERAL RESERVATION DISTRICT	17.31
Multiple Family Dwelling – defined	17.08
Municipal Builders	17.32(1)(b)3

-N-

Navigability	17.41(3)
Navigable Lakes – defined	17.08
Navigable Rivers – defined	17.08
Nonconforming Uses	17.17
Non-Plumbing Sanitation System, defined	17.08
Not Tillable – defined	17.08

-O-

Open Structure Placement	17.41(10)(a)6
Orchards	17.28(1)(a)9

-P-

Parcel - defined	17.08
Parking	17.16
Parks	17.30(1)(e), 17.32(1)(b)4 17.43(3)(c)
Penalties	17.90(6)
Permits that Authorize “Reasonable Accommodations” for a Handicapped Person	17.74(5)(h)
Permits, Effect and Posting of	17.74(5)(i)
(PRD) Planned Residential Development – defined Planned Residential Development	17.08 17.32(3)(f), 17.33(3)(d)
Place of Public Accommodation – defined	17.08
Plat – defined	17.08
Plat, County Approval on Preliminary	17.52(1)
Plat, preliminary – defined	17.08
Plat, recording of	17.55(2)
Platforms	17.41(10)(a)1
Poultry Raising	17.28(1)(a)10
Preexisting Structures	17.17(2), (5)
Preexisting Uses	17.17(3), (5)
Preexisting Violations	17.90(11)
Principal Structure	17.08

-P-

Private Lake Access	17.54(10)
Private Sewage Systems	17.64
Privies and Portable Restrooms	17.64(16)
Procedure for County Review	17.53
Professional Office – defined	17.08
Professional Offices	17.32(1)(b)10, 17.32(3)(h),
Prosecution	17.80(4)
Public Hearings (re. 300' radius)	17.73(4)(e)
Purpose	17.02

-R-

R-1 RESIDENTIAL LOW DENSITY DISTRICT	17.32
R-2 RESIDENTIAL HIGH DENSITY DISTRICT	17.33
R-3 MOBILE HOME PARK & SUBDIVISION DISTRICT	17.34
Railroad Lines	17.43(3)(e)
Recreational Camp – defined	17.08
Recreational Vehicle	17.36(1)(b)2
Recreational Vehicle/size and number allowed	17.36(3)(c)3
Regional Flood – defined	17.08
Replatting	17.55(7)
Reservation of Sites for Access to Waters	17.54(9)
Resorts	17.36(2)(c)2
Restaurants	17.36(2)(c)3
Restrictions for Public Benefit	17.54(8)

-R-

Restrictions, greater	17.04
Roadside Stands	17.28(1)(a)13
Road Street access/easement	17.15(2)
RR RECREATIONAL-RESIDENTIAL DISTRICT	17.36

-S-

Sanitary Permit, defined	17.08
Sanitary and Private Sewage Systems	17.64
Sanitary Permits	17.64(10)
	17.74(5)(a)
Satellite Dish, defined	17.08
Sawmills	17.28(1)(a)14
Septic System Maintenance & Management	17.64(13)
Setback areas: Highway Setbacks	17.13
Setbacks where road does not extend	17.13(2)(f)
Setbacks, reduced	17.13(2)(e)
Setbacks on lakes, rivers & streams	17.41(11)
Sewage Disposal Systems	17.64
Shooting Ranges	17.37(2)(k)
SHORELAND OVERLAY DISTRICT (SO)	17.41
Shoreland – cutting plan	17.41(9)(c)
Jurisdiction	17.41(2)
Zoning	17.41(7)
Shoreland Setback Area - defined	17.08
SHORELAND-WETLAND OVERLAY DISTRICT	17.43
Sign – defined	17.08
Sign Regulations	17.19

-S-

Silviculture	17.43(3)(a)
Silviculture - defined	17.08
Ski Hills	17.37(1)(g), 17.37(2)(c)
Slaughterhouses	17.28(2)(a)12, 17.39(2)(n)
Smelting	17.39(2)(o)
SO SHORELAND OVERLAY DISTRICT	17.41
Sod Farming	17.28(1)(a)15
Special Conditions – defined	17.08
Special Exception Uses	17.12(2), 17.73(6)
Stables	17.28(2)(a)10, 17.30(1)(f)
Standards	17.51
Steps/Platforms	17.41(10)(a)1
Storage Structures (see Accessory)	
Street Access	17.15
Structure – defined	17.08
Subdivider – defined	17.08
Subdivision - defined	17.08
Subdivision District, R-3	17.34
Subdivision – Road Creation	17.15(2)(a)
Substandard Lots	17.17(6)
Survey & Plat Required	17.51
Survey Maps, recording	17.55(2)

-S-

Swimming Pools	17.32(1)(b)5 17.32(3)(e)
----------------	-----------------------------

-T-

Tank Farms, overground	17.39(2)(m)
Taverns	17.37(1)(c)
Telecommunication Facility, defined	17.08
Telecommunication Tower, defined	17.08
TELECOMMUNICATIONS TOWERS, ANTENNA, AND RELATED FACILITIES ORDINANCE	17.49
Temporary Uses	17.18
Title	17.06
Towers (cellular phone)	17.28(2)(c)3
Tourist Rooming House	17.08 17.36(3)(c)5
Travel Trailers	17.32(1)(a)3, 4, 17.36(1)(b)2
Travel Trailer Parks	17.36(3)(c)3, 17.36(3)(c)4.f
Tree Cutting	17.41(9)

-U-

Unnecessary Hardship – defined	17.08
UPLAND CONSERVANCY DISTRICT, C-2	17.30
Use Restrictions	17.12
Uses not listed	17.12(3)
Utility Lines	17.13(1)(c)1. 17.13(1)(c)6.
UV UNINCORPORATED VILLAGE DISTRICT	17.35

-V-

Vacant Lots or Parcels	17.17(6)
Vacating and Replatting	17.55(7)
Variances	17.73(7)
Vegetable Raising	17.28(1)(a)16
Vegetative Buffer Zone – defined	17.08
Veterinary Services	17.28(2)(a)8
View Corridor	17.41(9)(a)1
Violations, Notice of	17.90(3)(a)
Violations of Land Division or Subdivision Ordinances or Laws	17.90(9)(c)
Vision Clearance Triangles	17.13(2)(c)

-W-

Wastewater Treatment Systems (alternative)	17.74(5)(b)
Water Setbacks	17.41(10)
Water Supply, private	17.63(1)
Water Supply, public	17.63(1)
Well Construction & Location	17.63(2)
WETLAND CONSERVANCY DISTRICT, C-1	17.29
Wetland – defined	17.08

-XYZ-

Zoning Board of Adjustment	17.73
Zoning (Appointment and Term)	17.73(3)
Zoning Administrator	17.74
Zoning Administrator – defined	17.08

-Z-

Zoning Committee	17.72
Zoning Maps	17.26
Zoning Permit – required	17.14(4)