

TITLE 16

Zoning

Chapter 1	Zoning Code
Chapter 2	Land Division and Subdivision
Chapter 3	Private Sewage Systems
Chapter 4	Flood Plain Zoning
Chapter 5	Shoreland Wetland Protection
Chapter 6	Wireless Communications Facilities
Chapter 7	Nonmetallic Mining Reclamation

Chapter 1

Zoning Code

16-1- 1	District and District Maps
16-1- 2	Single Family Residence District
16-1- 3	Multiple Family Residence District
16-1- 4	Rural Residential District
16-1- 5	Agricultural District
16-1- 5A	Agricultural Overlay District
16-1- 6	Agricultural District No. 2
16-1- 7	Marina District
16-1- 8	Recreation District
16-1- 9	Commercial District
16-1-10	Highway Interchange District
16-1-11	Industrial District
16-1-12	Planned Residential Development Overlay District
16-1-13	General Provisions and Exceptions
16-1-13A	Sign Regulations
16-1-14	Zoning Permits; Certificates of Occupancy and Use
16-1-15	Boundaries of District
16-1-16	Interpretation and Application
16-1-17	Board of Adjustment
16-1-18	Conditional Use Permits
16-1-19	Highway Setback Lines
16-1-20	Changes and Amendments
16-1-21	Enforcement and Penalties
16-1-22	Validity
16-1-23	Definitions
16-1-24	When Effective

Sec. 16-1-1 District and District Maps.

- (a) **Purpose.** The purpose of this Ordinance is to promote the public health, safety, and general welfare; to determine, establish, regulate and restrict the areas within which agriculture, forestry, industry, trades, business and recreation and residential uses may be conducted; the areas in and along natural water courses, channels, streams and creeks in which trades or industries, filling or dumping, erection of structures and the location of buildings, including trailer camps, or tourists camps and motels or both, may be prohibited or restricted; certain areas, uses or purposes which may be subjected to special regulation and building setback lines and such other uses authorized pursuant to Sections 59.97, 59.99, 59.971 and 144.26, Wisconsin Statutes.
- (b) **Districts.** For the purpose of promoting the public health, safety and general welfare and determining, establishing, regulating and restricting the area within the County, outside the limits of incorporated cities and villages, within which agriculture, forestry, industry, trades, business, recreation and residential uses may be conducted, to establish districts of such number, shape and area, to adopt such regulations for each such district as the County Board has determined to be necessary in order to carry out the purposes of this Ordinance, in accordance with the provisions of Section 59.97 and 59.971, Wisconsin Statutes, the entire of Columbia County, outside the limits of incorporated cities and villages, included within the following towns: Arlington, Caledonia, Columbus, Courtland, Dekorra, Fort Winnebago, Fountain Prairie, Hampden, Leeds, Lewiston, Lodi, Lowville, Marcellon, Newport, Otsego, Pacific, Springvale, West Point, and Wyocena are hereby divided into districts, namely:
- (1) Single Family Residence District
 - (2) Multiple Family Residence District
 - (3) Agricultural District
 - (4) Agricultural District No. 2
 - (5) Marina District
 - (6) Recreation District
 - (7) Commercial District
 - (8) Highway Interchange District
 - (9) Industrial District
 - (10) Rural Residential District
 - (11) Planned Residential Development Overlay District
- (c) **Zoning Map.** The boundaries of these districts are shown upon the maps of Columbia County, being designated as the "Zoning Map" of Columbia County, Wisconsin, dated July 25, 1961, and made a part of this Ordinance, and as subsequently amended by ordinance. All notations, references, and other information shown upon the said "Zoning Map" shall be as much a part of this Ordinance as if the matter and things set forth by said map were fully described herein.

Sec. 16-1-2 **Single Family Residence District.**

(a) In the Single Family Residence District no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this Ordinance, except for one or more of the following specified uses.

(1) **Permitted Uses.**

- a. Single family dwellings.
- b. Churches, public and parochial schools.
- c. Municipal buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- d. Parks and playgrounds including swimming pools, golf courses, tennis courts, picnic grounds and bathing beaches.
- e. Accessory buildings similar in appearance, construction and color to the primary permitted structure.
- f. Accessory buildings on a lot or parcel not having an established primary permitted use, provided that:
 1. The location of the accessory building does not preclude the construction of a single family dwelling on the lot or parcel, unless Section 16-1-13 (b)(3) applies.
 2. The lot or parcel, if located within 1,000 feet of the property containing the primary use being served, is tied by recorded deed restriction to the property being served by the accessory building, such that both properties are to be sold, transferred or conveyed as a unit.
 3. The accessory building shall be similar in appearance and construction to the primary buildings on adjacent or nearby lots.
- g. Gardening and farming, including nurseries for the propagation of plants only, except farms operated for the disposal of sewage, rubbish or offal, fur farms, stock farms and poultry farms.
- h. Telephone exchanges, provided there be no service garage or storage yard. Telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures, such as transformers, unit substations and equipment housings. These regulations, however, shall not include micro-wave radio relay structures unless and until the location thereof shall first have been approved by the Planning and Zoning Committee.
- i. Home occupations.
- j. Professional offices.
- k. Railroad passenger stations and railroad right of way, but not including switching or classification yards.

1. Accessory apartments, subject to the following conditions:
 - (1) Maximum living area of the apartment shall not exceed 800 square feet and shall contain no more than one bedroom.
 - (2) The apartment shall have and maintain a common interior doorway with the single-family dwelling.
 - (3) The overall structure shall maintain the appearance of a single-family dwelling, and the apartment shall not have a separate exterior entrance.
 - (4) There shall be no separation of utility connections that might permit separate billing for each unit.
 - (5) There shall be no more than one such unit per single-family dwelling.
- (2) **Conditional Use.** Two family dwellings.
- (b) **Height, Yards, Area and Other Requirements.**
 - (1) Height. Except as otherwise provided in this Ordinance, no building shall exceed a height of thirty-five (35) feet. See Section 16-1-13 (c).
 - (2) Floor Area. Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have a floor area of not less than nine hundred (900) square feet.
 - (3) Lot Area. Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall be located on a lot having an area of not less than twenty thousand (20,000) square feet and a minimum average width of one hundred (100) feet.
 - (4) Side Yards.
 - a. There shall be a side yard on each side of a main building.
 - b. For single family dwellings, the aggregate width of the side yards shall be not less than twenty-five (25) feet, and no single side yard shall be less than ten (10) feet wide.
 - c. For lots less than seventy-five (75) feet wide, the aggregate width of the side yards shall be the equivalent of four (4) inches for each foot of lot width and no single side yard shall be less than forty percent (40%) of the aggregate width; provided, further, that the build able width of no lot shall be reduced to less than twenty-four (24) feet.

<u>Lot Width</u>	<u>Total Side Yard</u>	<u>40% Side Yard</u>
75 ft. (or more)	25 ft.	10 ft.
70 ft.	23 ft., 4 in.	9 ft., 4 in.
65 ft.	21 ft., 8 in.	8 ft., 8 in.
60 ft.	20 ft.	8 ft.
55 ft.	18 ft., 4 in.	7 ft., 4 in.
50 ft.	16 ft., 8 in.	6 ft., 8 in.
 - d. There shall be a rear yard of not less than twenty-five (25) feet depth from the main building.
 - e. For highway setback lines, see Section 16-1-19, Highway Setback Lines.
 - (5) Off-Street Parking. See Section 16-1-13 (e).

Sec. 16-1-3 Multiple Family Residence District.

(a) In the Multiple Family Residence District, no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this Ordinance, except for one or more of the following specified uses:

(1) **Permitted Uses.**

- a. Any use permitted in the Single Family Residence District.
- b. Multiple family dwellings.
- c. Lodging and boarding houses.
- d. Private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business.

(2) **Conditional Use.** Mobile home parks, when the location of each park shall have been approved in writing by the Planning and Zoning Committee, after public hearing. In approving such location, the Committee shall view the proposed site or sites and shall consider such evidence as may be presented at the hearing, bearing upon the general purpose and intent of this Ordinance. In addition, such mobile home parks must at least equal the minimum requirements of all State Codes which govern mobile home parks.

(b) **Height, Yards, Area and Other Requirements.**

(1) Height. Except as otherwise provided in this Ordinance, no building shall exceed a height of thirty-five (35) feet. See Section 16-1-13 (c).

(2) Lot Area and Floor Area.

- a. The lot area, lot width and floor area requirements for single family dwellings hereafter erected, moved or structurally altered in the Multiple Family Residence District shall be the same as those required under Section 16-1-2. Buildings used in whole or part for multiple family dwelling purposes which are hereafter erected, moved or structurally altered shall provide a lot area and floor area as required by the following table.
- b. Except when the lot lies within an area classified as protected shoreland, as defined in Title 16-5, Shoreland-Wetland Protection Ordinance, the lot shall have an area of not less than twenty thousand (20,000) square feet and no such lot shall be less than one hundred (100) feet wide; provided that when the State Department of Industry, Labor and Human Relations or the County Planning and Zoning Committee require a larger lot area than those listed in the following table, such regulations shall govern:

<u>Number of Families</u>	<u>Lot Area</u>	<u>Floor Area</u>
2 on 2 floors	20,000 sq. ft.	1,100 sq. ft.
2 on 1 floor	20,000 sq. ft.	1,200 sq. ft.
3	20,000 sq. ft.	1,500 sq. ft.
4	20,000 sq. ft.	1,900 sq. ft.
5	22,000 sq. ft.	2,300 sq. ft.
Each additional family over five	22,000 sq. ft. Plus 1,000 sq. ft. for each additional family	2,300 sq. ft. plus 400 sq. ft. for each additional family

- (3) Side Yards. The side yard requirements for the Multiple Family Residence District shall be the same as those required under Section 16-1-2.
- (4) Rear Yards. The rear yard requirement for the Multiple Family Residence District shall be the same as that required under Section 16-1-2.
- (5) Highway Setback Lines. See Section 16-1-19.
- (6) Off Street Parking. See Section 16-1-13 (e).

Sec. 16-1-4 Rural Residential District.

- (a) **Purpose.** The purpose of this District is to provide for limited rural residential use development on lands that are predominately agriculture areas not suited for agricultural production or due to the proposed location would have limited impact on agricultural production. Lots should be limited in number and location to minimize the impacts associated with residential development in agricultural areas. Residents of this district may experience conditions associated with farming that are not compatible with rural residential use.
- (b) **Permitted Uses.**
 - (1) One (1) single family dwelling.
 - (2) Minor home occupations.
 - (3) Raising/keeping of farm animals provided the number of animals will not exceed one (1) animal unit per 2.0 acres.
 - (4) Growing of field crops.
 - (5) Roadside stands. A structure having a ground area of not more than three hundred (300) square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises (or adjoining premises). There shall not be more than one such roadside stand on any single premises.
 - (6) Accessory buildings.
- (c) **Conditional Uses.**
 - (1) Major home occupations.
 - (2) Public and semi-public uses.
- (d) **Height, Yard and Other Requirements.**
 - (1) Height. Except as otherwise provided in this Ordinance, no building shall exceed a height of thirty-five (35) feet. See Section 16-1-13 (c).
 - (2) Floor Area. Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have a floor area of not less than nine hundred (900) square feet.
 - (3) Side Yards. For buildings or parts of buildings used for residential purposes, the side yard requirements of the Single Family Residence District shall apply.
 - (4) Rear Yards. For buildings or parts of buildings used for residential purposes, the rear yard requirements of the Single Family Residence District shall apply.
 - (5) Highway Setback Lines. See Section 16-1-19.

- (6) A 35-foot buffer strip shall be provided and maintained between a navigable waterway as identified in Sec. 16-5-10 and any area used for the keeping, feeding or pasturing of animals permitted under (b)(3) above. The buffer shall consist of ground cover, trees and shrubs. In addition to compliance with Article F of Title 16, Chapter 5, the Shoreland-Wetland Protection Ordinance, the Natural Resources Conservation Service Field Office Technical Guide, Standard 393 shall be used as a guide for the installation and maintenance of the buffer strip.
- (e) **Lot Requirements.**
- (1) **Lot Area.** Minimum lot area in this district shall be two (2) acres. Maximum lot area for the district shall be five (5) acres. Minimum lot width shall be one hundred fifty (150) feet and minimum lot depth shall be two hundred (200) feet.
 - (2) **Lot Coverage.** No residential building together with its accessory buildings shall cover in excess of 10 percent of the lot area, or together exceed 8,712 square feet.
 - (3) **Density.** The purpose of this district is to limit the number of non-farm homes that can be developed within predominately Agriculture Zoning Districts, and areas identified in County or town comprehensive or land use plans. Residential uses should meet the density allowance of applicable planning areas in land use or comprehensive plans that have been approved by the County Board or a town board.

Sec. 16-1-5 Agricultural District.

- (a) **Purpose.** This district provides for the preservation, maintenance, and enhancement of agriculture, forestry and natural areas for the benefit of farm operators and the general public in terms of continued production of food and fiber and environmental quality. Except for continuation of preexisting uses, this district will allow very few non-agricultural uses or developments, and rezonings will be approved only where surrounding land uses have made continued farming, forestry, or natural uses infeasible, or where specific findings indicate a rezoning is consistent with the standards of Section 91.77 (1), Wisconsin Statutes, the Columbia County Farmland Preservation Plan, and is in the public interest. This policy is intended to avoid conflicts which occur when farm and non-farm uses are mixed, and to minimize the adverse pressures upon agricultural use caused by speculative land values and consequent increases in property taxes on farmland.
- (b) In the Agricultural District no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered unless otherwise provided in this Section, except for one or more of the following uses:
- (1) **Permitted Uses.**
 - a. General farming, including beekeeping, commercial feedlots, dairying, egg production, floriculture, fish or fur farming, forest and game management, grazing, livestock raising, raising of grain, grass, mint and seed crops, raising of fruits, nuts and berries, sod farming and vegetable raising (provided that no greenhouse or building or structure used for the housing or feeding of livestock or poultry shall be located within one hundred [100] feet of the boundary of a residential district).

- b. Not to exceed two (2) single-family residences or one (1) two-family residence when the occupant or head of the occupant household of both units are employed in connection with the farm operation, subject to the following:
 - 1. Residential units permitted under this Section shall remain a part of the farm parcel unless lands supporting same are removed from the Agricultural District.
 - 2. Farm residences and structures which existed prior to December 21, 1977, may be separated from a larger farm parcel without removing the supporting lands from the Agricultural District. For the purposes of this section, existing farm residences and structures shall be considered to be only those for which the roof and walls are intact at the time a land division is proposed. No parcel so created shall be used for residential purposes unless the structures qualifying for division under this section include a single-family dwelling.
 - 3. A second single-family residence shall be permitted only where the farm is of sufficient contiguous acreage to permit the creation of separate parcels for each residence in full compliance with the area requirements of this section.
- c.
 - 1. Not to exceed one mobile home on any operating farm when the occupant or head of the occupant household of such mobile home is employed in connection with the farm operation.
 - 2. A temporary occupancy permit, which will expire one (1) year from the date of issuance, shall be issued by the Planning and Zoning Department after verification by the Town Board that there is a need for the placement of a mobile home on the farm to provide housing for farm labor. The permit shall be renewed on an annual basis upon receipt of a sworn written statement from the farm operator that the occupant of the unit is employed in the farm operation. Any mobile home permitted under this Section and found to be used as a residence for non-farm labor, in violation of the provisions herein listed, shall be removed from the farm within one hundred eighty (180) days after receiving notice of such violation.
- d. Telephone, telegraph and power distribution towers, poles and lines, including transformers, substation relay stations, equipment housings and other similar necessary appurtenant facilities, together with all gas utility used and all uses governed by Section 196.491, Wisconsin Statutes.
- e. Roadside stands, defined as a structure having a ground area of not more than three hundred (300) square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises (or adjoining premises). There shall not be more than one such roadside stand on any single premises.
- f. Residential units when created through farm consolidation as provided in 16-1-5, Subsection (b)(1)(b)(2) above.

- (2) **Conditional Uses.** Conditional uses, including but not limited to those listed below, limited to those religious, utility (other than those listed above), institutional, governmental and agricultural related uses which do not conflict with agricultural use and are found to be necessary in light of the alternative locations available for such use when the location of each such use shall have been approved in writing by the Planning and Zoning Committee after a public hearing, and after a view of the proposed site or sites. The uses shall also be required to meet specific conditions listed below:
- a. Aircraft landing field, basins and hangars.
 - b.
 1. Extraction of sand and gravel and the quarrying of limestone and other rock and aggregate, and the processing of such materials incidental to such extraction, including the erection of buildings and the installation of necessary machinery and equipment incidental thereto, including the storage of cement, asphalt or road oils or the mixing of concrete or blacktop to related materials.
 2. Extraction for unrestricted use may be permitted where the Planning and Zoning Committee has approved a reclamation plan which provides for the restoration of the site to agricultural use, and where the Town Board has given its approval for the conditional use permit.
 - c. Dams, power plants, flowage areas.
 - d. Air Quality monitoring stations.
 - e. Radio and television transmission towers, microwave and radio relay towers.
 - f. Medical, correctional or charitable institutions.
 - g. Migrant labor camps, which meet local and state codes for housing and sanitation, provided that there shall be a woven wire fence located at the right of way line of the adjacent highway and not less than four (4) feet high, extending across the whole frontage of each such camp that is occupied by buildings, with no openings except one exit to the highway. Provided further that there shall be one access to the adjacent highway for each such camp and that there shall be a vision clearance triangle in each quadrant of the intersection of such access road and such highway, and a vision clearance setback line connecting a point located in the centerline of the access road at the intersection with the highway setback line established in Section 16-1-19 and a point on the centerline of the highway not less than three hundred (300) feet from its intersection with the centerline of the access road.
 - h. Real estate, insurance, seed, fertilizer, or other sales office, only when incidental to the principal use of the District. When such are conducted solely by a member or members of the resident family, entirely within the residence, provided further that there shall be no external alterations that would affect a substantial change in the residential character of the building.
 - i. Solid Waste Disposal Site.

- j. Farm family business, as defined in Chapter 91, Wisconsin Statutes, provided that:
 1. Such use is limited to existing farm residence structures or portions of a farm not dedicated to agricultural use as of the effective date of this section.
 2. No persons other than the resident farm family may be employed in such business.

(c) **Height, Yard and Other Requirements.**

- (1) **Height.** Except as otherwise provided in this Ordinance, no building shall exceed a height of thirty-five (35) feet. See Section 16-1-13 (c).
- (2) **Farm Area.** For the purpose of this Section, a farm is a parcel of land thirty-five (35) acres or more in size. For permitted residential divisions as per Section 16-1-5 (b)(1)(b)(2), the lot size requirements of the Single Family Residence District shall apply.
- (3) **Floor Area.** There are no minimum floor area requirements for farm dwellings or permitted trailers or mobile homes.
- (4) **Side Yards.** For buildings or parts of buildings used for residential purposes, the side yard requirements of the Single Family Residence District shall apply.
- (5) **Rear Yards.** For buildings or parts of buildings used for residential purposes, the rear yard requirements of the Single Family Residence District shall apply.
- (6) **Highway Setback Lines.** See Section 16-1-19.

Sec. 16-1-5A Agricultural Overlay District.

- (a) **Purpose.** The purpose of this overlay district to help preserve farmland and some open space areas within the Agriculture District and to provide an ordinance alternative that can be used to maintain development density goals or requirements of various County and Town plans and ordinances. This Agricultural Overlay District must be applied in combination with the underlying base Agriculture District to impose regulations and standards in addition to those required by the base Agriculture Zoning District. Specifically, no structural development is allowed in this overlay district.
- (b) **General Provisions.**
 - (1) The provisions of the Agricultural Overlay District shall be applicable in those towns that have adopted County zoning. A Town shall have the authority to disapprove of a rezoning to the Agricultural Overlay District under the procedures of Sec. 59.69 (5)(e)e, 59.69 (5)(e)3m, and 59.69 (5)(e)6, Wisconsin Statutes.
 - (2) No structures that require permits under Chapter 16 of the County Code of Ordinances are allowed in the District.
 - (3) The proposed location or size of this overlay district should be consistent with any siting criteria listed within approved County and Town Plans and ordinances, but the size of the parcel to be rezoned to the district must be a minimum of 30 acres.
 - (4) Land in this overlay district cannot be further divided or used together with other land not in the overlay district to achieve the acreage necessary to build a dwelling in Agriculture District.

- (5) A description of this overlay district shall be of sufficient detail that it can be accurately mapped and be able to determine the total acreage of the area to be rezoned. If deemed necessary, a metes and bounds description, plat of survey, or certified survey may be required.

(c) **Permitted Uses**

- (1) Floriculture, forest and game management, grazing, raising of grain, grass, mint and seed crops, raising of fruits, nuts and berries, sod and vegetable raising or other agricultural crops
- (2) Prairie and natural flora restoration projects
- (3) Open space uses

Sec. 16-1-6 Agricultural District No. 2.

- (a) **Purpose.** The purpose of this District is to provide for limited residential use of lands without rezoning the lands residential, in unincorporated areas of the County when such lands do not qualify for inclusion in the Farmland Preservation Program because of size or productivity.
- (b) **Application.** The only lands which qualify to be placed in this District are those divisions of record on November 1, 1984, which do not meet the definition of a farm for the Farmland Preservation Program or which do not meet productivity standards prior to the time of the petition.
- (c) **Permitted Uses.**
 - (1) General farming, including beekeeping, commercial feedlots, dairying, egg production, floriculture, fish or fur farming, forest and game management, grazing, livestock raising, raising of grain, grass, mint and seed crops, raising of fruits, nuts and berries, sod farming and vegetable raising (provided that no greenhouse or building or structure used for the housing or feeding of livestock or poultry shall be located within one hundred [100] feet of the boundary of a residential district).
 - (2) Not to exceed one (1) single family residence.
 - (3) Telephone, telegraph and power distribution towers, poles and lines, including transformers, substations, relay stations, equipment housings and other similar necessary appurtenant facilities, together with all gas utility uses and all uses governed by Section 196.491, Wisconsin Statutes.
 - (4) Roadside stands. A structure having a ground area of not more than three hundred (300) square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises (or adjoining premises). There shall not be more than one such roadside stand on any single premises.
- (d) **Conditional Uses.** The following uses shall also be required to meet specific conditions listed below:
 - (1) Aircraft landing field, basins and hangars.
 - (2) Extraction of sand and gravel and the quarrying of limestone and other rock and aggregate, and the processing of such materials incidental to such extraction, including the erection of buildings and the installation of necessary machinery and equipment incidental thereto, including the storage of cement, asphalt or road oils or the mixing of concrete or blacktop and related materials.

- (3) Dams, power plants, flowage areas.
 - (4) Air quality monitoring stations.
 - (5) Radio and television transmission towers, microwave and radio relay towers.
 - (6) Medical, correctional or charitable institutions.
 - (7) Migrant labor camps, which meet local and state codes for housing and sanitation, provided that there shall be a woven wire fence located at the right of way line of the adjacent highway and not less than four (4) feet high, extending across the whole frontage of each such camp that is occupied by buildings, with no openings except one exit to the highway. Provided further that there shall be one access to the adjacent highway for each such camp and that there shall be a vision clearance triangle in each quadrant of the intersection of such access road and such highway, and a vision clearance setback line connecting a point located in the centerline of the access road at the intersection with the highway setback line established in Section 16-1-19 and a point on the centerline of the highway not less than three hundred (300) feet from its intersection with the centerline of the access road.
 - (8) Real estate, insurance, seed, fertilizer, or other sales office, only when incidental to the principal use of the District. When such are conducted solely by a member or members of the resident family, entirely within the residence, provided further that there shall be no external alterations that would affect a substantial change in the residential character of the building.
- (e) **Height, Yard, and Other Requirements.**
- (1) Height. Except as otherwise provided in this Ordinance, no building shall exceed a height of thirty-five (35) feet. See Section 16-1-13 (c).
 - (2) Farm Area. For the purpose of this Section, the parcel shall be less than thirty-five (35) acres in size. For permitted residential divisions as per Section 16-1-5 (b)(1)(b)(2), the lot size requirements of the Single Family Residence District shall apply.
 - (3) Floor Area. There are no minimum floor area requirements for farm dwellings or permitted trailers or mobile homes.
 - (4) Side Yards. For buildings or parts of buildings used for residential purposes, the side yard requirements of the Single Family Residence District shall apply.
 - (5) Rear Yards. For buildings or parts of buildings used for residential purposes, the rear yard requirements of the Single Family Residence District shall apply.
 - (6) Highway Setback Lines. See Section 16-1-19.

Sec. 16-1-7 Marina District.

- (a) In the Marina District, no building or premises shall be used and no building hereafter be erected, moved or structurally altered, unless otherwise provided in this Section, except for one or more of the following uses:
- (1) **Permitted Uses.**
 - a. Boat launching areas.
 - b. Boat liveries, including boat storage, sale of boats, motors, fuel, marine supplies and the servicing of boats and motors, but not the manufacture of boats and motors.
 - c. Food, gift, notion or variety stores.
 - d. Restaurants, drive-in service.

- e. Sale of bait and sporting goods and supplies.
- f. Taverns.
- (2) **Conditional Use.** Residential use only when an integral part of a permitted commercial operation, provided that such use has been approved by the Planning and Zoning Committee.
- (b) **Height, Yard, and Other Requirements.**
 - (1) Height. Except as otherwise provided in this Ordinance, no building shall exceed a height of thirty-five (35) feet. See Section 16-1-13 (c).
 - (2) Lot Areas. Buildings used in whole or in part for residential purposes shall comply with the lot area regulations of Section 16-1-3; otherwise there shall be no minimum lot area for this District, except that the lot width shall not be reduced below that required in Section 16-1-2.
 - (3) Side Yards. The side yard requirements for the Marina District shall be the same as that required under Section 16-1-2.
 - (4) Highway Setback Lines. See Section 16-1-19.
 - (5) Off-Street Parking. See Section 16-1-13 (e).

Sec. 16-1-8 Recreation District.

- (a) In the Recreation District, no building or premises shall be used and no building hereafter be erected, moved or structurally altered, unless otherwise provided in this Section, except for one or more of the following specified uses:
 - (1) **Permitted Uses.**
 - a. Single family homes for year-round occupancy.
 - b. Cottages for seasonal occupancy.
 - c. Churches, public and parochial schools.
 - d. Parks and playgrounds including swimming pools, golf courses, tennis courts, picnic grounds and bathing beaches.
 - e. Accessory buildings permitted under Sections 16-1-2 (a)(1)(e) and (f).
 - f. Accessory apartments, subject to the conditions of Sec. 16-1-2 (a)(1)(1).
 - (2) **Conditional Uses.** The following uses shall also be required to meet specific conditions attached below:
 - a. Aircraft landing field, basins and hangars.
 - b. Drive-in theater, subject to the following conditions:
 - 1. That there be no direct entrance to or exit from such drive-in theater to any federal, state or county highway.
 - 2. That no parking be permitted on any street or highway on which a drive-in theater abuts or on any street or highway anywhere within one-half (1/2) mile of any entrance to or exit from such drive-in theater.
 - 3. That there be a distance of not less than two thousand (2,000) feet between the boundary of any residential district or any established residential unit and the nearest point on the boundary of such drive-in theater site, measured in a straight line.

- c. Shooting ranges, provided as follows:
1. The shooting area of a shooting range shall be fenced with a legal fence, except for one point of entrance not more than twelve (12) feet wide. The shooting area for skeet and trap shooting shall be defined as an area extending five hundred (500) feet from the shooting stand in the direction of normal shooting and fifty (50) feet from the shooting stand in lines directly opposite to the normal direction of shooting. Motor vehicles shall be prohibited in the shooting area except for maintenance purposes.
 2. The shooting area for a rifle, pistol or ball ammunition shall be defined as an area five hundred (500) feet beyond the target area in the direction of normal shooting and one hundred (100) feet from the rear firing line and one hundred (100) feet from the outer edge of the sod faced barrier. Motor vehicles shall be prohibited in the shooting area except for maintenance purposes.
 3. Each shooting range shall post around the perimeter of the shooting area, warning signs not more than one hundred (100) feet apart and fastened at the level of the top of fence, but not more than six (6) feet above the ground. Such warning sign shall not be less than two (2) square feet in area and shall contain the words "Danger -- Shooting Range" in red on a white background, the letters of such words to be not less than four (4) inches high and maintained in a legible condition at all times.
 4. Ranges for skeet and trap shooting shall be restricted to the use of shot ammunition unless such skeet and trap range is provided with screening and a barrier as required for rifle and pistol ranges.
 5. Shooting stands on any shooting range shall be located not less than one thousand five hundred (1,500) feet from any residential building in line with the normal shooting direction and not less than five hundred (500) feet from any residential building in directions other than that of the normal shooting direction, except that residence of the owner of the premises, his agent or employee.
 6. On each rifle or pistol range, and any other range where ball ammunition is used, there shall be established within six (6) months after issue of such permit, a planting screen completely surrounding the premises, except for permitted exits and entrances, as follows:
 - a. A temporary planting of fast growing material capable of reaching a height of fifteen (15) feet or more, such as Lombardy Poplar, and
 - b. A permanent evergreen planting such as White Pine or Norway Pine, the individual trees to be of such a number and so arranged that within ten (10) years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet.

7. Ranges for rifle and pistol shooting with ball ammunition shall be so arranged as to provide a sod fenced barrier of earth or sand, impenetrable by any missiles to be fired on such ranges. Such barrier shall be not less than fifteen (15) feet in height, measured from the base of the targets, and shall extend horizontally not less than thirty (30) feet on either side of the targets.
 8. If, on inspection, the Zoning Administrator finds that any of the above requirements are not being met at any time, he or she shall give notice to the owner or operator of the premises, specifying in writing the condition not met. If after fourteen (14) days of such notice, compliance has not been made, the Zoning Administrator shall file a complaint with the Columbia County Planning and Zoning Committee, who shall hear the action after notice.
 - d. Mobile home parks, under the provisions established for mobile home parks in Section 16-1-3.
 - e. Camping areas, provided that all applicable Wisconsin Administrative Codes are met.
- (b) **Height, Yards, Area and Other Requirements.**
- (1) Height. Except as otherwise provided in this Ordinance, no building shall exceed a height of thirty-five (35) feet. See Section 16-1-13 (c).
 - (2) Lot Area. Buildings used in whole or in part for single family dwelling purposes shall have a lot area as required by the regulations of Section 16-1-2.
 - (3) Floor Area. Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered, shall have a floor area as required by the regulations of Section 16-1-2.
 - (4) Side Yards. The side yard requirements for the Recreation District shall be the same as that required under Section 16-1-2.
 - (5) Rear Yard. The rear yard requirement for the Recreation District shall be the same as that required under Section 16-1-2.
 - (6) Highway Setback Lines. See Section 16-1-19.
 - (7) Off-Street Parking. See Section 16-1-13 (e).

Sec. 16-1-9 Commercial District.

- (a) In the Commercial District, no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this Ordinance, except for one or more of the following uses:
- (1) **Permitted Uses.**
 - a. Residential uses only when an integral part of a commercial operation. Limited expansion of existing, non-commercial residential structures is allowed subject to the limitation at Section 16-1-13 (a)(6)d.
 - b. Any use permitted in the Marina District.
 - c. Art shop, antique shop.
 - d. Bakery employing not over five (5) persons on the premises.
 - e. Bank, savings and loan, or other financial institutions.

- f. Barber shop, beauty parlor.
- g. Book and stationery store, newsstand.
- h. Bowling alley.
- i. Bus depot.
- j. Business and professional offices.
- k. Clothing store, department store, shoe store, shoe repair shop.
- l. Clubs and lodges.
- m. Drug store, soda fountain, soft drink stand.
- n. Filling station, tire and battery service.
- o. Florist shop, greenhouse.
- p. Food products (retail), fruit and vegetable store, grocery store, meat and fish market, supermarket
- q. Funeral home.
- r. Furniture store, appliances, office equipment, upholstery.
- s. Hardware, household appliances, plumbing, heating and electrical supplies, sporting goods.
- t. Hotel and motel.
- u. Jewelry store.
- v. Laundry, cleaning and dyeing establishments.
- w. Music, radio and television store, record shop.
- x. Paint store, interior decorator.
- y. Parking lot.
- z. Photographer, photography supply shop.
- aa. Printing and duplicating.
- ab. Private vocational school, conducted for profit.
- ac. Public utility office or substation, telephone exchange.
- ad. Radio and television broadcasting studio, tower, mast or aerial, micro-wave radio relay structures.
- ae. Restaurant, cafe, tavern.
- af. Sign painting shop.
- ag. Theater, except drive-in theater.
- ah. Other retail uses similar in character to the above.
- ai. Manufacturing or storage in connection with any of the above uses, when clearly incidental to the conduct of a retail business on the premises.

(2) **Conditional Uses.**

- a. Animal hospital, pet shop, veterinary.
- b. Dance halls, skating rinks.
- c. Feed and seed stores.
- d. Go kart and other similar race tracks.
- e. Lumber yards.
- f. Kennels, when located not less than one thousand five hundred (1,500) feet from a residential district or one thousand five hundred (1,500) feet from an established residence, other than that of the owner of such kennels, his agent or employee.
- g. Automotive repair shops, including body repair.

- h. Automotive sales dealerships.
- i. Mini warehouses.
- j. Farm machinery and implement sales, service, and repair.
- k. Adult bookstore or adult motion picture theater/adult entertainment facility, provided that:
 - 1. Such use shall not be located within five hundred (500) feet of any residential district, or any other adult oriented establishment.
 - 2. Such use shall not be located within one thousand (1,000) feet of a public or private school, nursery or day care center, church, religious institution, public park, or youth center.
 - 3. Such distances are to be measured in a straight line, without regard to intervening structures, from the nearest point of the lot or parcel upon which the proposed use is to be located, to the nearest point of the lot or parcel from which the proposed use is to be separated.

(b) **Height, Yards, Area and Other Requirements.**

- (1) Height. Except as otherwise provided in this Ordinance, no building shall exceed a height of forty-five (45) feet. See Section 16-1-13 (c).
- (2) Lot Area. Buildings used in whole or in part for residential purposes shall comply with the lot area regulations of Section 16-1-3; otherwise there shall be no minimum lot area for this district, except that the lot width shall not be reduced below that required in Section 16-1-2.
- (3) Floor Area. Buildings used in whole or in part for dwelling purposes, as opposed to accommodations for transients, shall have a floor area as required by the regulations of Section 16-1-3.
- (4) Side Yards. The side yard shall not be less than ten (10) feet wide.
- (5) Rear Yard. There shall be a rear yard of not less than twelve (12) feet in depth.
- (6) Highway Setback Lines. See Section 16-1-19.
- (7) Off-Street Parking. See Section 16-1-13 (e).

Sec. 16-1-10

Highway Interchange District.

- (a) In the Highway Interchange District, no building, land or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this Ordinance, except for one or more of the following specified uses:
 - (1) **Permitted Uses.**
 - a. General farming, including dairying, livestock and poultry raising, nurseries and greenhouses, the practice of forestry and similar agricultural and horticultural enterprises and uses, except fur farms and farms operated for the disposal or reduction of garbage sewage, rubbish or offal; provided that no greenhouse or building for the housing of livestock or poultry shall be located within one hundred (100) feet of any boundary of a lot or premises used for other than agricultural purposes.
 - b. Parks and playgrounds.

- c. Telephone, telegraph and power transmission and distribution towers, poles and lines, including transformers, substations, relay stations, equipment housings and other similar necessary appurtenant facilities; micro-wave radio relay towers and their appurtenances.

(2) **Conditional Uses.**

- a. Filling stations and automotive repair garages.
- b. Restaurants, taverns and dinner clubs.
- c. Hotels and motels.
- d. Mobile home parks for transient visitors only, under the conditions specified for mobile home parks in Section 16-1-3.
- e. Camping area for transient visitors.
- f. The following uses, provided that all such uses which are to be located in any one quadrant of an interchange, bounded more or less on two (2) sides by the two (2) intersecting highways, shall be housed in a building or group of contiguous buildings:
 - 1. Barber shop, beauty parlor.
 - 2. Book and stationery store, newsstand.
 - 3. Drive-in food and drink service.
 - 4. Drug store, soda fountain.
 - 5. Food products store (retail).
 - 6. Gift, notion or variety shop.
 - 7. Launderettes, either self-service or attendant-operated.
- g. Industrial uses, except those enumerated in Section 16-1-11 (a)(2) provided that such uses shall also be required to meet special conditions listed below:
 - 1. All manufacturing operations shall be carried on in enclosed buildings.
 - 2. All storage of equipment or materials in the open shall be completely screened from all points along the exterior boundaries of the premises by a solid wall or fence or evergreen planting of equivalent opacity to such solid wall or fence, built to or maintained at a minimum height of eight (8) feet. No equipment or material shall be piled against such screen, or project above it, and such equipment or material storage shall, in addition, be so located and screened as not to be visible from any part of the intersecting highways.
 - 3. The prime power source shall be electricity, gas, oil or oil derivatives.
 - 4. Continuous or routine manufacturing operations which produce flash or glare, such as grinding or welding, shall be so located in a building as not to be visible from any point along the exterior boundaries of the premises.
 - 5. All manufacturing operations, and other operations incidental hereto, shall be so conducted as to minimize, as far as is practicable, the emission of noise or vibration or the production of dust or noxious or toxic gases, at the boundaries of the premises, which is or are injurious or substantially annoying to persons, animals or property.

- h. Residential uses only when an integral part of an approved commercial operation. Limited expansion of existing, non-commercial residential structures is allowed subject to the limitation of Section 16-1-13 (a)(6)d.

(b) **Height, Yards, Area and Other Requirements.**

- (1) Height. Except as otherwise provided in this Ordinance, no building shall exceed a height of eighty (80) feet.
- (2) Lot Area. There shall be no minimum lot area requirement for this District, except that the width shall not be reduced below that required in Section 16-1-2.
- (3) Lot Coverage. No building or structure, including equipment and material storage, parking lots, loading berths and driveways, shall cover more than seventy-five percent (75%) of the area of any lot.
- (4) Side Yards. There shall be a side yard not less than ten (10) feet wide on each side of any lot developed for commercial or industrial use. Such yard shall be permanently maintained in grass, shrubs, or trees and shall not be used for parking, storage or driveways.
- (5) Rear Yard. There shall be a rear yard of not less than twelve (12) feet in depth on any lot developed for commercial or industrial use. Such yard shall be permanently maintained in grass, shrubs or trees and shall not be used for parking, storage or driveways.
- (6) Highway Setback Lines. There shall be setback lines along abutting highways as required by the provisions of Section 16-1-19, and the following special regulations shall also apply:
 - a. Frontage roads not less than fifty (50) feet wide shall be provided across the entire width or length of any lot that abuts on any intersecting highway, and there shall not be more than one access in each one thousand (1,000) feet from any such frontage road to the intersecting highway, but in no case less than two (2) such points of access in each quadrant of an intersection of two (2) or more highways. The location of such points of access shall be further restricted as follows:
 - 1. No such access shall be located on either side of the intersecting highway within one thousand (1,000) feet of the most remote end of taper of any entrance to or exit from a controlled access highway.
 - 2. Such access shall be located directly opposite cross-overs in median strips where the highway serving the Highway Interchange District is divided for directional control of traffic flow.
 - b. Each building or group of contiguous buildings shall have not more than two (2) entrances to the abutting frontage road, and no such entrance shall exceed thirty (30) feet in width. Wherever practicable, buildings or groups of buildings shall use entrances in common in order to reduce the number of such entrances and promote the safety of travel upon the abutting frontage road.
 - c. The intervals between permitted entrances to a frontage road shall be closed against vehicular access by a curb, planting strip or other equally effective barrier.
- (7) Off-Street Parking. See Section 16-1-13 (e).

Sec. 16-1-11 Industrial District.

- (a) In the Industrial District, buildings and land may be used for any purpose.
- (1) **Permitted Uses.** Building and land may be used for any purpose except the following:
- a. Religious, educational, charitable and medical institutions, and places of dwelling or lodging, whether on a permanent or transient basis, except that there may be a dwelling for a watchman or caretaker employed on the premises and members of his or her family.
 - b. Uses contrary to the laws of the State of Wisconsin or ordinances adopted by the County Board of Columbia County.
- (2) **Conditional Uses.**
- a. Acid, ammonia, bleach, chlorine or soap manufacture.
 - b. Ammunition manufacture; explosives or fireworks manufacture or storage.
 - c. Asphalt, coal and coal tar or coke manufacture; asphalt and asphalt cement mixing plants.
 - d. Automobile wrecking yards, salvage areas; provided that each such use shall be completely screened by a solid wall, fence, evergreen planting of equivalent opacity, or other equally effective means, built to or maintained at a minimum height of six (6) feet, except for one entrance or exit, not more than twelve (12) feet wide and not directly facing the public street.
 - e. Bones, distillation of.
 - f. Cannery.
 - g. Charcoal distillation plants.
 - h. Cement, lime, gypsum or plaster of paris manufacture; cement or concrete mixing plants.
 - i. Fat rendering.
 - j. Fertilizer manufacture.
 - k. Forge plant.
 - l. Garbage, rubbish, offal or dead animal reduction or dumping.
 - m. Gelatine, glue or size manufacture.
 - n. Inflammable gases or liquids, refining or manufacture of; overground tank farms.
 - o. Slaughterhouse, stockyard.
 - p. Smelting.
 - q. Timber preservation treating plants.
 - r. Contractor's storage yards.
 - s. Saw mill.
 - t. Extraction of sand and gravel and the quarrying of limestone and other rock and aggregate purposes, and the manufacture and processing of such materials incidental to such extraction including the erection of buildings, and the installation of necessary machinery and equipment incidental thereto.
- (b) **Height, Yards, Area and Other Requirements.**
- (1) Height. Except as otherwise provided in this Ordinance, no building shall exceed a height of eighty (80) feet. See Section 16-1-13 (c).

- (2) Lot Area. For buildings or parts of buildings erected, moved or structurally altered for residential use, the lot area regulations of Section 16-1-3 shall apply; otherwise no minimum lot area shall be required, except that the lot width shall not be reduced below that required in Section 16-1-2.
- (3) Side Yard. For buildings or parts of buildings erected, moved or structurally altered for residential use, the side yard regulations of Section 16-1-3 shall apply; there shall be a side yard not less than six (6) feet wide on each side of a building hereafter erected, moved or structurally altered for any other use, 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 side yard; provided further that any such side yard which abuts a boundary of a Residence District shall be not less than twenty-five (25) feet wide, unless such Residence District boundary lies within a street or alley.
- (4) Rear Yard. There shall be a rear yard of not less than twelve (12) feet in depth except that:
 - a. Such rear yard shall be increased in depth by three (3) feet for each additional five (5) feet by which the principal building on the lot exceeds thirty-five (35) feet in height.
 - b. Any such rear yard which abuts a boundary of a Residence District shall be not less than twenty-five (25) feet in depth, unless such Residence District boundary line lies within a street, alley or railroad right of way; provided that no automobile parking lot, stockpile, 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.
- (5) Highway Setback Lines. See Section 16-1-19.
- (6) Off-Street Parking. See Section 16-1-13 (e).

Sec. 16-1-12 Planned Residential Development Overlay District.

- (a) **Purpose.** It is the purpose of this Section to reduce or eliminate the inflexibility that sometimes results from the strict application of zoning standards in order to provide a process which will facilitate a more adaptable pattern of residential development, the provision of open space, and the arrangement of dwellings in accordance with good planning principles while providing adequate safeguards for the community and the environment. This District may provide for the combination of single family, two-family, and multi-family residential developments on one or more lots. Each separate District shall consist of not less than three (3) acres, unless a smaller size is approved by the County Board of Supervisors as part of the District Overlay approval process.
 - (1) The provisions of the Planned Residential Development Overlay District (PD) shall be applicable in those towns that have adopted County zoning. A Town shall have the authority to disapprove of a rezoning to the PD District under the procedures of Sec. 59.69 (5)(e)e, 59.69 (5)(e)3m, and 59.69 (5)(e)6, Wisconsin Statutes.

- (2) A copy of the petition to amend the Ordinance to apply the PD within an area subject to the Shoreland Wetland Protection Ordinance shall be mailed to the District Regional Office of the Department of Natural Resources within five (5) days of the filing of the petition. Written notice of a public hearing for a rezoning to apply a PD within an area subject to the Shoreland Wetland Protection Ordinance shall be mailed to the District Regional Office of the Department of Natural Resources at least ten (10) days prior to the public hearing. A copy of the County Board's decision on the petition shall be forwarded to the District Regional Office of the Department of Natural Resources within ten (10) days after the decision is issued.
- (b) In the Planned Residential Development Overlay District no building or premises shall be used and no building erected, moved, or structurally altered until a development plan is approved in accordance with the provisions of this Section.
 - (1) **Application and Notice of Hearing.** Application for approval of a development plan within a Planned Residential Development Overlay District shall be made in made to the Planning and Zoning Department on forms furnished by the Department and shall include the following:
 - a. Names and addresses of the applicant, owner(s) of the property, architect, professional engineer.
 - b. A narrative of the development plan which includes a description of the subject property by lot, block, and recorded subdivision or metes and bounds; address of the site, type of structures and proposed use(s).
 - c. The development plan shall include a scalable architect's drawing showing the location of all structures and recreational facilities; the location of all drives, entrances, sidewalks, trails, and signs; the location, size, number, and screening of all parking spaces; a landscape plan; a grading and drainage plan; a detailed proposal including covenants, agreements, or other documents showing the ownership and method of assuring perpetual maintenance of land to be owned or used for common purposes.
 - d. Public hearing shall follow an application for a development plan. The Planning and Zoning Department shall fix a reasonable time and place for the public hearing on the development plan and give public notice thereof pursuant to the applicable requirements of the Wisconsin Statutes. However, the Planning and Zoning Committee must act on a development plan within six (6) months of a complete application.
 - e. A copy of a development plan within a Shoreland District and notice of a public hearing for the development plan shall be mailed to the District Regional Office of the Department of Natural Resources at least ten (10) days prior to the public hearing.
 - (2) **Review and Approval.**
 - a. While it is not required, applicants are encouraged to consult with the Town prior to filing any development plans with the County. This consultation is to inform the Town about the development plan and should help minimize the need to have proposals laid over by the Planning and Zoning Committee.

- b. The Planning and Zoning Department shall mail to the chair, clerk and plan commission chair of the Town within which the development plan is proposed, a copy of the application, all maps, plans, and other documents submitted by the applicant and notice of the time and place of the public hearing to be held on the proposed development plan. This information shall be mailed at least ten (10) days prior to the date of the public hearing by certified mail to the clerk, and regular mail to the chair.
- c. The Town Board or its representative should at the hearing or earlier indicate its recommendation in regard to granting, denying, and granting in part or with conditions the development plan. The Town can communicate its position either orally or in writing, however, all Town recommendations for approval or denial shall be accompanied by appropriate findings of fact. Failure of the Town to submit findings of fact shall constitute their recommendation for unconditional approval of the development plan. Findings shall, at a minimum, address whether the development plan is consistent with adopted comprehensive plans, or plan elements, adopted ordinances if any, compatibility or non-compatibility with adjacent land uses, specific substantiated objections (if any), plus any other specific findings that pertain to the development plan.
- d. Failure of the Town Board to communicate its recommendation either at the public hearing or earlier shall be taken as an approval by the Planning and Zoning Committee. If the Town Board or its representative shall at the public hearing request an extension of time within which to determine its position, the development plan will be automatically laid over until the next regularly scheduled meeting of the Planning and Zoning Committee.
- e. A development plan application may be dismissed by the Planning and Zoning Committee, upon notice to the applicant, if one year has passed since the filing of the application or the last scheduled public hearing on said application, whichever is later. Dismissal under this section shall not limit the ability of the applicant to reapply.
- f. The Planning and Zoning Committee shall have the authority to attach conditions of approval to any development plan reviewed under this Section to ensure the development plan adheres to the purpose and review criteria of this Section and the Chapter. The Planning and Zoning Committee shall transmit a copy of its decision, signed by the Director of Planning and Zoning, to the applicant and Town within fifteen (15) days of the public hearing at which the decision is made.
- g. Approval of a development plan does not eliminate the requirement to obtain the appropriate building and zoning permits. If the plan is not initiated by:
 - 1. securing a zoning permit, or
 - 2. if more than one permit is necessary, securing at least one (1) zoning permit within one (1) year of the date of the public hearing;the approval of the development plan shall be considered void, and the applicant will have to reapply.

- h. A copy of the Planning and Zoning Committee's decision on any development plan within a Shoreland District area, as defined in Section 16-5-10, shall be forwarded to the District Regional Office of the Department of Natural Resources within ten (10) days after the decision is issued.
 - i. No substantial changes can be made to an approved development plan unless an amendment to the development plan is approved by the Planning and Zoning Committee per this Section.
- (3) **Review Criteria.** In reviewing the development plan the Planning and Zoning Committee shall use the following as guides for making a decision.
- a. Conformance with applicable standards of the base zoning district and the provisions of this Chapter, except as may be modified by the Planning and Zoning Committee under procedures of this Section, and applicable provisions of Section 16-5, the Shoreland-Wetland Protection Ordinance.
 - b. Suitability of the land and the property for the proposed development.
 - c. Compatibility of the proposed development with adjacent and nearby existing or planned development in terms of scale, mass, height, bulk, uses, activities, traffic, design, structure placement, privacy, views, and similar concerns.
 - d. Density of the number of dwelling units allowed in the Overlay District shall not be greater than allowed by the underlying zoning district, or the Shoreland-Wetland Protection Ordinance if applicable. Density shall be determined by dividing the total land area of the district, excluding street and highway right-of-way by the minimum lot sizes required in the underlying zoning district or the Shoreland Wetland Protection Ordinance in Chapter 5.
 - e. The use of site planning principles common to high quality development.
 - f. Effective mitigation of any potential negative impacts of the proposed development on surface or ground water, shoreland or wetland areas, or other environmental or aesthetic issues.

Sec. 16-1-13

General Provisions and Exceptions.

- (a) **Buildings and Uses.**
 - (1) No provision of this Ordinance shall be construed to bar an action to enjoin or abate the use or occupancy of any land or structure as a nuisance under the appropriate laws of the State of Wisconsin.
 - (2) No provision of this Ordinance shall be construed to prohibit the customary and necessary construction, reconstruction or maintenance of overground or underground public utility neighborhood service lines and mechanical appurtenances thereto, where reasonably necessary for the preservation of the public health, safety, convenience and welfare.
 - (3) The use of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located.
 - (4) Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot.

- (5) Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof for which a building permit has been issued before the effective date of this Ordinance and the construction of which shall have been started within six (6) months from the date of such permit.
- (6) Nonconforming uses and structures.
 - a. The existing lawful use of a building or premises at the time of the enactment of this Ordinance or any amendment thereto may be continued although such use or structure does not conform with the provisions of this Ordinance for the district in which it is located, but no building or premises containing a nonconforming use shall be enlarged or extended.
 - b. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use. A nonconforming use shall not be changed to another nonconforming use of the same classification unless and until a permit therefore shall first have been secured from the Planning and Zoning Committee, provided the Committee shall find that the proposed change of use will be no more harmful to the character of the neighborhood than the existing nonconforming use.
 - c. If the nonconforming use of a building or premises is discontinued for a period of twelve (12) months, any future use of the building or premises shall conform to the regulations of the district in which it is located.
 - d. When a nonconforming structure or building containing a nonconforming use is damaged by fire, explosion, act of God or the public enemy to the extent of more than fifty percent (50%) of its current equalized assessed value as determined by the local assessor, it shall not be restored except in conformity with the regulations of the district in which it is located. The total structural repairs or alterations in any nonconforming use or structure shall not during its life exceed fifty percent (50%) of the current equalized assessed value of the structure unless permanently changed to a conforming use.
- (7) No accessory building shall be used for residential or dwelling purposes.
- (8) No mobile home, or any structure that was originally designed and used as a mobile home, shall be used as an accessory building except in Agricultural Districts under a Temporary Occupancy Permit.
- (9) Accessory buildings which are not a part of the main building shall not occupy more than thirty percent (30%) of the area of the required rear yard and shall not be nearer than ten (10) feet to any lot line, except as provided for in Section 16-1-2. Where an accessory building is a part of the main building or is substantially attached thereto, or is located partly or wholly in front of the rear wall of the main building, the side and rear yard requirements for the main building shall be applied to the accessory building.

- (10) The Planning and Zoning Committee, after investigation and public hearing, may authorize, by conditional use permit, the location of any of the following buildings or uses in any district from which they are excluded by this Ordinance:
 - a. Cemeteries.
 - b. Fire and police stations.
 - c. Hospitals and clinics, but not veterinary hospitals or clinics.
 - d. Institutions, public or private, of an educational, philanthropic or charitable nature.
 - e. Private clubs or lodges, excepting those the chief activity of which is a service customarily carried on as a business.
 - f. Public utility buildings, structures and lines, including power transmission lines and micro-wave radio relay structures and their appurtenances, for purposes as are reasonably necessary for the public convenience and welfare.
 - g. Railroad siding and structures.
 - h. Sewage disposal plants.
 - i. Bed and breakfast establishments.
 - (11) Permit the establishment of unlisted uses in any district except Agricultural provided that the Town Board has filed its written approval, and the Planning and Zoning Committee makes specific findings as follows:
 - a. That the proposed use is similar in character to other uses permitted in the district.
 - b. That the proposed use will not conflict with the purpose and intent of the district in which it will be located.
 - c. That the proposed use is not permitted in any other district.
- (b) **Area Regulations.**
- (1) No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this Ordinance, or that the minimum area required by the applicable district is not maintained, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.
 - (2) Any lot or parcel shown on a recorded subdivision, plat or assessor's plat, or conveyance and recorded in the office of the Register of Deeds for Columbia County prior to the adoption of the ordinance for Columbia County may be used as a building site, or for any purpose permitted by this Ordinance, even though such lot or parcel does not conform to the minimum frontage or area requirements of the district in which it is located; provided, however, that no multiple family dwelling, or residential unit in combination with some other use, shall be erected, structurally altered or converted in use on any lot having a width of less than fifty (50) feet, except by variance from the Board of Adjustment.

- (3) Combining substandard parcels. Any lot or parcel shown on a recorded subdivision, plat, or assessor's plat, or conveyance and recorded in the office of the Register of Deeds of Columbia County prior to the adoption of this Ordinance, may be increased in size by the addition of all or part of the adjoining lots or parcels, and such resulting lots or parcels may be used for any purpose permitted in the district in which they are located even though by such addition such lots or parcels do not reach the minimum area or frontage required in such district; provided, however, that:
 - a. Subsequent to such addition, the side yard, open space and percentage of occupancy provisions for lots of the resulting size shall apply.
 - b. After buildings have been erected on such lots or parcels their area or width shall not thereafter be reduced, except in conformity with the provisions of this Ordinance.
 - c. Once a building has been erected on a lot or parcel subsequent to the addition of all or part of the adjoining lot or parcel, the resulting lots or parcels shall thereafter be sold, assigned, or transferred as one (1) lot or parcel.
 - (4) Existing single family residences located on less than thirty-five (35) acres in the Agricultural District may be altered, repaired or rebuilt if destroyed, if they were constructed prior to December 21, 1977, unless Section 16-1-13 (a)(6)c applies.
- (c) **Height Regulations.**
- (1) Except as otherwise provided in this Ordinance, the height of any building hereafter erected, converted, enlarged or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.
 - (2) Except for permitted commercial structures or as otherwise provided in Section 16-1-13 (g)(3), no accessory building in the Single Family Residence, Multiple Family Residence, and Recreational Districts shall exceed a height of eighteen (18) feet.
 - (3) A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet.
 - (4) Churches, schools, hospitals, sanitariums and other public and quasi-public buildings may be erected to a height not exceeding seventy-five (75) feet, provided the front, side and rear yards, required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

- (5) Farm buildings not for human habitation, ornamental structures, radio and television broadcasting and receiving towers, telephone, telegraph and power transmission poles, towers and lines, micro-wave 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 on therein, are hereby exempted from the height regulations of this Ordinance and may be erected in accordance with other regulations or ordinances of Columbia County; provided that any such structure which is accessory to a building in a Residence or Recreation District, or to a building on a residential lot in the Agricultural District, shall be located not less than twenty-five (25) feet from any lot line; and provided further that any such structure on farm property shall be located not less than twenty-five (25) feet from the nearest lot line of any adjoining residential lot.
 - (6) Residences may be increased in height by not more than ten (10) feet when all yards and other required open spaces are increased by one (1) foot for each foot by which such building exceeds the height limit of the district in which it is located.
 - (7) Where a lot abuts on two (2) or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of one hundred twenty (120) feet from the line of the higher average established grade.
 - (8) On through lots which extend from street to street, the height of the main building may be measured from the average elevation of the finished grade along the end of the building facing either street.
- (d) **Front, Side and Rear Yard Regulations.**
- (1) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space required for another building.
 - (2) Except as otherwise provided in this Ordinance, any side yard, rear yard, or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two (2) districts which abut the district boundary line.
 - (3) No part of any building which has a setback less than is required by this Ordinance shall be enlarged or structurally altered within the front yard established by the setback required by this Ordinance, for the district in which such building is located.
 - (4) Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets be complied with.
 - (5) When the side line of an interior lot coincides wholly or partly with the rear line of an abutting corner lot and the setback for the main building on the corner lot is less than the setback required by this Ordinance on such interior lot, the setback for the building on such interior lot may be modified so as to be midway between the setback for the building on the corner lot and the setback otherwise required by this Ordinance. In the case of interior lots having a frontage on two (2) streets, no accessory building shall extend into the setback area of either street.

- (6) Every part of a required yard shall be open and unoccupied by any structure from the ground upward, except as follows:
- a. Sills, belt courses, cornices, canopies, eaves and ornamental architectural features may project into a required yard not more than thirty (30) inches; provided that no such feature shall project over a street line.
 - b. Bay windows, balconies and chimneys may project into a required yard not more than three (3) feet in any case, but not more than twenty percent (20%) of the width of any side yard which does not abut on a street; provided that the total length of such projections is not more than one-third (1/3) of the length of the building wall on which they are located.
 - c. Fire escapes may project into a required yard not more than five (5) feet in any case, but not more than twenty percent (20%) of the width of any side yard which does not abut on a street; provided that no such fire escape need be less than three (3) feet in width.
 - d. Uncovered steps and landings may project into a required yard not more than six (6) feet in any case, but not more than twenty percent (20%) of the width of any side yard which does not abut on a street; provided that no landings shall extend above the main entrance floor, except for a railing not more than three (3) feet in height.
 - e. Platforms, walks and drives extending not more than six (6) inches above the average ground level at their margins, and retaining walls when the top of such walls is not more than six (6) inches above the average level of abutting ground on one side, may be located in any yard.
 - f. Fences, walls and hedges may be located as follows:
 1. Solid fences and walls more than six (6) feet in height shall be considered as buildings, and the appropriate requirements of this Ordinance shall be applied accordingly.
 2. In residential subdivision plats fences, walls, and hedges shall not exceed three and one-half (3-1/2) feet in height when located in a front yard or in the street side yard of a corner lot.

(e) **Motor Vehicles and Parking.**

- (1) In the Residence Districts, not more than half the space in any private garage may be rented for the storage of the private passenger vehicles of persons not resident on the premises, except that all the space in a private garage having a capacity of not more than two (2) such vehicles may be so rented.
- (2) In the Residence Districts no commercial motor vehicle exceeding five (5) tons rated capacity shall be stored in any private garage.
- (3) In the Commercial or Industrial District, wherever a lot abuts upon a public or private alley, sufficient loading space shall be provided on the lot or adjacent thereto in connection with any business or industrial use so that the alley shall at all times be free and unobstructed to the passage of traffic.
- (4) One off-street parking space shall be two hundred sixteen (216) square feet of 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.
- (5) No building for which off-street parking space is required may be added to, structurally altered or converted in use so as to encroach upon or reduce the parking space below the required minimum.

- (6) No parking spaces required under this Ordinance may be used for any other purpose; provided, however, that open spaces required by this Ordinance for setback and side yards may be used for such parking spaces or approaches thereto, except where otherwise provided in this Ordinance, provided that on corner lots there shall be no parking in a vision clearance triangle.
- (7) All parking spaces shall be graded and drained so as to prevent the accumulation of surface waters.
- (8) Parking lots containing ten (10) or more parking spaces which are located in the Residence Districts 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, fence, evergreen planting of equivalent opacity or other equally effective means, built or maintained at a minimum height of four (4) feet. If parking lots so located are lighted, the lights shall be so shielded as to prevent undesirable glare or illumination of adjoining residential property.
- (9) Parking spaces required:
 - a. Multiple family dwelling shall provide one off-street parking space for each family for which accommodations are provided in the building plus one.
 - b. Roadside stands shall provide not less than five (5) parking spaces at the place of business off the right of way of the highway.
 - c. Establishments offering curb service or service to customers who remain in their vehicles, shall provide at least five (5) off-street parking places for each person employed to serve such customers.
 - d. Retail or local business places, banks, offices, and professional offices and personal service shops shall provide at least one (1) off-street parking space for each three hundred (300) square feet of ground floor area, plus at least one (1) additional parking space for each five hundred (500) square feet of upper floor area.
 - e. Buildings combining business and residential use shall provide at least one off-street parking space for each three hundred (300) square feet of area devoted to business use, plus at least one (1) parking space for each family for which accommodations are provided on the premises.
 - f. Theaters, churches, auditoriums, lodges or fraternity halls and similar places of public assemblage shall provide at least one (1) parking space for each seven (7) seats.
 - g. Lodging houses and dormitories shall provide at least one (1) parking space for each two (2) guest rooms.
 - h. Medical, correctional or charitable institutions shall provide at least one (1) parking space for each two (2) rooms for patients, clients, guests or persons detained on the premises, plus at least one (1) additional parking space for each three (3) persons employed on the premises.
 - i. Restaurants, taverns and similar places for eating and refreshment, except curb service establishments, shall provide at least one (1) parking space for each fifty (50) square feet of floor space devoted to the use of patrons.
 - j. Funeral homes and mortuaries shall provide at least one parking space for each fifty (50) square feet of floor space devoted to parlors.
 - k. Bowling alleys shall provide at least five (5) parking spaces for each alley.

- l. Garages and service stations shall provide adequate off-street parking space to prevent the parking of vehicles waiting to be serviced or repaired on the public street or highway.
- m. Industrial uses, warehouses, laboratories and research institutions shall provide at least one parking space for each four (4) employees on the premises at any one time, plus at least one additional space for each vehicle operated in connection with such use, for which parking on the premises is required.
- n. Parks and playgrounds, and mobile home parks shall furnish parking spaces as required by the regulations governing each of these uses.
- o. Any use not specifically named herein shall be assigned by the Director of Planning and Zoning to the most appropriate of the above classifications when application is made to him for a zoning permit. If such determination is not acceptable to the applicant, appeal may be made to the Board of Adjustment, which shall decide the matter at a public hearing.

(f) **Salvage Area Provisions**

- (1) **Use.** For the purpose of this ordinance, any premises used for the storage, gathering, recycling, or sale of junk, except as specified below, is a Salvage Area. A Salvage Area need not have a commercial purpose.
 - a. Junk, as defined in this chapter, may be stored on any premises on which a permitted or approved business enterprise is actually conducted, provided that all such junk is actually used in the conduct of or is a by product of such permitted business enterprise, and that all such junk at all times is stored in an enclosed environment within the lot boundaries of the premises, thereby securing it from public view.
 - b. Junk, as defined in this chapter, may be stored on any premises use chiefly for residential, recreational, or agricultural purposes, provided that it is stored solely for use on the premises or is being accumulated for disposal, and that such junk is not being used in the conduct of a permitted business enterprise, and that all junk is at all times stored in a manner securing it from public view.

(g) **Home Occupation**

- (1) **Purpose.** The purpose of this section is to allow for home occupations that are compatible with the neighborhood or area in which they are located. The provisions herein shall supercede any provisions to contrary found elsewhere in the ordinance.
- (2) **Permit Procedures.** Home occupations complying with the criteria established in Section 16-1-13 (g)(3) shall be considered to be minor in character and permitted by right with no permit required. Major home occupations shall commence only after the receipt of a home occupation permit as outlined in Section 16-1-18. All applicable state, federal, and local business and/or occupational licenses shall be obtained by the person(s) conducting the home occupation. All activities associated with a home occupation and the premises shall comply with all applicable local, county, and state building, fire, sanitary and health requirements and regulations.

- (3) **Criteria for Minor Home Occupations.** Uses classified as minor shall be permitted in all zoning districts that allow single family residences. In order to be classified as a minor home occupation, the use must comply with all the following requirements.
- (a) The use shall be conducted entirely within the confines of the residential structure or permitted accessory structure. The use shall occupy no more than 25 percent of the floor area on the floor that the use takes place or more than 400 square feet of an accessory structure.
 - (b) The use shall be clearly incidental and secondary to the use of the premises for residential purposes, and the appearance of the structures shall not be altered or the occupation within the structures be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust or vibrations that carry beyond the premises.
 - (c) No person other than a permanent member of the resident family is employed on the premises.
 - (d) There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products other than those produced by the home occupation to fill orders made by customers. That is, the direct retail sale of products is not allowed, but a person may pick up an order that had been placed. Wholesale or retail sales from within the residence or accessory structure as the primary activity or function of the home occupation is prohibited, except for sales conducted entirely via the mail, telephone, or the internet.
 - (e) The display, storage, or parking of materials, goods, supplies, or equipment outside of the dwelling or an accessory building is prohibited.
 - (f) There shall be no advertising, display, or other indications of a home occupation on the premises.
 - (g) No use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence shall be allowed.
 - (h) There shall be sufficient off street parking to compensate for additional parking generated by the home occupation.
- (4) **Criteria for Major Home Occupations.** Any home occupation that does not meet all the requirements necessary to be classified as a minor home occupation shall be considered a major home occupation. Uses classified as major shall require a permit subject to the provisions of Sec. 16-1-18.
- (a) When the use is conducted entirely within the confines of the principal structure, and it shall occupy no more than 50 percent of the floor area on the floor that the use takes place.
 - (b) The use shall be clearly incidental and secondary to the use of the property for residential purposes, and the appearance of the structures shall not be altered or the occupation be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, or vibrations that carry beyond the premises.

- (c) No more than four (4) persons in addition to those members of the family that are permanent residents of the premises are employed by the home occupation.
 - (d) There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products other than those produced by the home occupation. That is the direct retail sale of products that are not produced on the premises is not allowed, but a person may pick up an order that had been placed. Wholesale or retail sales from within the residence or accessory structure as the primary activity or function of the home occupation is prohibited, except for sales conducted entirely via the mail, telephone, or the internet.
 - (e) The display, storage, or parking of materials, goods, supplies, or equipment outside of the dwelling is permitted in an enclosed accessory building, or, in a yard of the subject property provided the yard area used for such display, storage or parking is completely screened from view from all public streets and adjacent property through the use of landscaping materials or a combination of landscaping materials and a fence. However, for property zoned Single Family Residence, Multiple Family Residence, or Recreational, display, storage or parking is limited to a side or rear yard, provided the yard area used for such display, storage or parking is completely screened from view from all public streets and adjacent property through the use of landscaping materials or a combination of landscaping materials and a fence. No storage, display or parking of materials, goods, supplies, or equipment shall be allowed within a required setback.
 - (f) There shall be no advertising, display, or other indications of a home occupation on the premises other than as specified by the terms and conditions of the home occupation permit.
 - (g) There shall be sufficient off street parking to compensate for additional parking generated by the home occupation, and employees.
- (5) **Specific Home Occupation Uses Prohibited.**
- (a) Any home occupation involving the on-site sale, resale, repair, including body repair, salvage or wrecking of automobiles, trucks, boats, trailers, recreational vehicles, or other motorized vehicles.
- (6) **Home Occupation Permits.** Home occupation permits granted for major home occupations shall be temporary in nature and shall be granted to a designated person who resides at the residential address. They are not transferable from person to person or from address to address. The permit for a home occupation may be revoked in accordance with Section 16-1-18 if conditions or requirements are not being met.

Section 16-1-13A Sign Regulations

A. FINDINGS AND PURPOSE

1. FINDINGS OF FACT

a. The Board of Supervisors hereby finds as follows:

- 1) Exterior signs have a substantial impact on the character and quality of the environment.
- 2) Signs provide an important medium through which individuals may convey a variety of messages.
- 3) Signs can create safety hazards that threaten the public health, safety or welfare. Such a safety threat is particularly great for signs that are structurally inadequate, or that may confuse or distract drivers or pedestrians, or that may interfere with official directional or warning signs.
- 4) Signs can also threaten the public welfare by creating aesthetic concerns and detriments to property values. Such aesthetic concerns and detriments to property values are particularly great when an accumulation of signs results in visual clutter, or when one or more signs spoil vistas or views, or when one or more signs add or increase commercialism in noncommercial areas.
- 5) The ability to erect signs serving certain functions, such as an address sign or a sign announcing that the property on which it sits is for sale or for lease, is an integral part of nearly every property owner's ability to realize the fundamental attributes of property ownership. The same cannot be said for signs serving other functions, such as billboards erected so as to be visible from public rights-of-way. Such signs are primarily designed to take advantage of an audience drawn to that location by the public's substantial investment in rights-of-way and other public property.
- 6) Signs serving certain other functions, such as small signs that serve a purely directional function, are necessary to enable visitors or residents to efficiently reach their intended destinations. Experience teaches that citizens often plan as if such signs will be present in those settings, so in the absence of such signs, frustration and disorientation will result, and time and fuel will be wasted.
- 7) With respect to electronic changeable copy, electronic graphic display and video display signs these signs are highly visible from long distances and at very wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity for extended periods of time. If left uncontrolled these electronic signs constitute a serious traffic safety threat. Studies conducted by the Federal Highway Administration (FHWA), Research Review of Potential Effects of Electronic Billboards on Driver Attention and Distraction, Sept. 11, 2001; the University of North Carolina Highway Safety Research Center, Distractions in Everyday Driving, May 2003; the Wisconsin Department of Transportation, Synthesis Report of Electronic Billboards and Highway Safety, June 10, 2003; the Municipal Research and Services Center of Washington, Sign Control Provisions, Jan. 2006; and the Veridan

Group, Video Signs in Seattle, Gerald Wachtel, May 2001 reveal that electronic signs are highly distracting to drivers and the driver distraction continues to be a significant underlying cause of traffic accidents.

- 8) No signs that exceed the size or spacing limitations of this section constitute a customary use of signage in the County.
- 9) The County's land-use regulations have included the regulation of signs in an effort to foster adequate information and means of expression and to promote the economic viability of the community, while protecting the County and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community or threaten health, safety or the welfare of the community. The appropriate regulation of the physical characteristics of signs in the County and other communities has had a positive impact on the safety and the appearance of the community.

2. Purpose

- a. The purpose of this section is to:
 - 1) Regulate signage in a manner that does not create an impermissible conflict with statutory, administrative, or constitutional standards, or impose an undue financial burden on the County.
 - 2) Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the County.
 - 3) Improve the visual appearance of the County while providing for effective means of communication and orientation, particularly in those settings in which the need for such communication or orientation is greater, consistent with constitutional guarantees and the County's Findings and other Purposes. Maintain, enhance and improve the aesthetic environment of the County, including its scenic views and rural character consistent with the Columbia County Comprehensive Plan and the purpose of each zoning district, by preventing visual clutter that is harmful to the appearance of the community, protecting vistas and other scenic views from spoliation, and preventing or reducing commercialism in noncommercial areas.
 - 4) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the County in order to promote the public health, safety and welfare.

3. Effective Date

- a. This subsection shall be effective on September 25, 2008.

B. General Provisions

1. Applicability

- a. The following regulations and standards are applicable to all signs in all zoning districts, including permanent, temporary, on-premise and off-premise signs, unless otherwise provided by this section.
- b. The regulations and standards in the Section may not be the only restrictions applicable to signs. Depending upon the location of a sign there may be State of Wisconsin and town regulations that are also applicable to existing and proposed signs.

2. Substitution Clause & Sign Content

- a. Subject to the landowner's consent, noncommercial speech of any type may be substituted for any duly permitted or allowed commercial speech; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any provision to the contrary in this ordinance. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a lot or parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.
- b. All noncommercial speech is considered on-premise signage and is entitled to the privileges that on-premise signs receive under this section.
- c. No commercial speech is allowed on a sign, other than a message drawing attention to a business or service legally offered on the premises, except as allowed in Sections D.3 and D.5.

3. Signs In The Public Right-Of-Way

- a. Except as provided in applicable state, county and town regulations, no sign shall be placed within any road, right-of-way, public easement or upon public property.
- b. Unauthorized signs erected or temporarily placed within any road, highway, right-of-way, public easement or upon any public property may be removed by the County or town in which the sign is located at the sign owner's expense.

4. Signs Exempt From Regulation

- a. The following signs shall be exempt from regulation under this section:
 - 1) Governmental signs erected by or on behalf of a government body for the purpose of carrying out an official activity or responsibility, including but not limited to posting legal notices, identifying public property, and indicating public use.
 - 2) Signs that are traffic control devices and are permitted or allowed by the Wisconsin Manual on Uniform Traffic Control Devices published by the Wisconsin Department of Transportation.
 - 3) Signs located within the interior of buildings are not visible to the outside of the building.
 - 4) Freestanding signs located in a farm field which sign identifies the crop in the field provided no such sign exceeds 8 square feet and is not more than 6 feet in height from the ground elevation where it is placed.
 - 5) Private property protection signs such as but not limited to: no trespassing, warning, no hunting, blasting area, etc., provided no such sign is more than 2 square feet in size.

- 6) Up to 3 flags containing only noncommercial speech and less than 50 square feet per flag in area. If displayed on a flagpole, the flagpole may not be more than 30 feet in height.
- 7) Incidental signs.
- 8) Temporary freestanding signs, containing no commercial speech, 2 square feet or less in size in farm fields.
- 9) Temporary freestanding signs, containing no commercial speech, 36 square inches or less in size in any lawn.

5. **Suspension of Certain Size, Shape, Placement and Content Restrictions During an Election Campaign Period**

- a. Subject only to the exceptions in paragraph e. below, during an election campaign period, signs containing noncommercial speech may be placed upon residential property notwithstanding any other restriction in this section of the size, shape, placement or content of any sign.
- b. For purposes of this subsection, “election campaign period” means:
 - 1) In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, and ending on the day of the election.
 - 2) In the case of a referendum, the period beginning on the day on which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.
- c. If the owner of the property has rented some or all of the property to another, the renter may exercise the right in any area of the property that he or she occupies exclusively, and the owner of residential property may exercise the right in any portion of the property not occupied exclusively by a renter.
- d. If another part of this section, including the substitution clause provisions of Section B.2., creates a right to erect or display a particular type of sign, this subsection does not in any way limit the exercise of that right, whether or not the sign is erected or displayed during an election campaign period.
- e. Exceptions
 - 1) No owner or renter may place a sign that is contrary to a size, shape, or placement regulation of this section if:
 - a) Such regulation is necessary to ensure traffic or pedestrian safety, or
 - b) The sign has an electrical, mechanical or audio auxiliary.
 - 2) This section shall not affect the County’s authority to enforce any regulation against a sign that is prohibited from being erected or displayed under Wisconsin Statutes 13.02, 12.04, or 84.30

6. Prohibited Signs

- a. All signs, other than those permitted herein, shall be prohibited, including but not limited to:
 - 1) Signs that fail to satisfy one or more of the applicable regulations set forth in Sections B. and C.
 - 2) Beacons, except those associated with emergencies and aircraft facilities.
 - 3) Bench signs.
 - 4) Bus shelter signs.
 - 5) Flying signs, such as blimps or kites, designed to be kept aloft by mechanical, wind, chemical or hot air means that are attached to the property, ground or other permanent structure.
 - 6) Inflatable signs that are attached to the property, ground or other permanent structure, including but not limited to balloons.
 - 7) Signs and components and elements of faces of signs that move, shimmer, or contain reflective devices, except for signs permitted in Section D.3.
 - 8) Signs which emit any odor, noise or visible matter other than light.
 - 9) Signs painted directly on a building, fence, tree, stone or similar object. Except those on windows or buildings as allowed in Sections a. and D.2.e.
 - 10) Off-premise signs, except as allowed in Sections D.3 and D.5.
 - 11) Pennants.
 - 12) Pornographic signs.
 - 13) Portable signs.
 - 14) Projecting signs.
 - 15) Roof signs.
 - 16) Signs on utility poles.
 - 17) Advertising message or sign affixed to any transmission facility.
 - 18) A vehicle used as a sign or as the base for a sign where the primary purpose of the vehicle in that location is its use as a sign.
 - 19) Video Display signs.

C. Standards

1. Placement Standards

- a. Signs shall not be placed on any property without the property owner's written approval.
- b. Building signs shall be placed below the roof line.
- c. No person shall place a sign which will obstruct or interfere with a driver's or pedestrian's ability to see a road, highway, traffic sign, signal, railway crossing, crossroad or crosswalk. No sign or its structural components shall be erected or temporarily placed within the vision triangle of a road or highway.
- d. Double faced signs shall be placed back-to-back (parallel).

2. Dimensional Standards

- a. Every portion of any sign and its structural components and mounting devices must meet the specified setbacks.
- b. Freestanding signs shall be set back at least 10 feet from any right-of-way.
- c. Freestanding signs shall be set back at least 20 feet from all side and rear yard lot lines.
- d. Signs over 100 square feet shall be at least 500 feet from any preexisting residence or residential district.
- e. Freestanding sign(s) shall be separated from other structures by a minimum of 10 feet, measured from edge of roof overhang to the closest part of the sign.
- f. The maximum height of any freestanding sign shall be 20 feet above the average elevation at the site of the sign, except on premises which are within 3,500 feet from the center point of a highway interchange which provides access to and from Interstate Highways 39, 90, or 94 where there can be one sign with the maximum height of 50 feet.
- g. Sign area or size will be measured as the entire area within a single continuous perimeter enclosing an individual sign or group of signs, including the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. It will not include the base, apron, supports, structural members, framework, poles, roof, embellishments or decorative base when such area meets the other regulations of this ordinance. When two sides of a double faced sign are located not more than 36 inches apart and display identical messages or other representation, the calculated sign area will only include one of the sides.

3. Illumination Standards

- a. Externally illuminated signs shall have a shielded light source which is downward directed.
- b. Illuminated signs shall be designed so as not to direct any light or produce glare onto adjacent properties or toward navigable waters.
- c. If determined through due process by the County Planning and Zoning Committee to threaten the public health, safety or welfare the County may specify the hours a sign may be illuminated and limit its brightness while illuminated. The hours of illumination or brightness limitations may be established at any time, including during the life of the sign.
- d. The lighted portions of an awning or canopy containing a commercial or noncommercial message shall be backlit and considered sign area, which will be limited by the wall sign regulations of the underlying zoning district.
- e. Signs and sign components and elements of faces of signs shall not flash, move, travel or use animation.
- f. No illuminated off-premises sign which changes in color or intensity of artificial light at any time while the sign is illuminated shall be permitted.
- g. Electronic changeable copy and graphic display signs.
 - 1) Location and Placement
 - a) Electronic changeable copy and electronic graphic display signs are not permitted off premise signs.
 - b) Electronic changeable copy and electronic graphic display sign shall not be permitted within 300 feet of an illuminated traffic control.
 - c) Electronic changeable copy and electronic graphic display signs shall not be permitted within 150 feet of a residence or residential district.
 - d) Electronic changeable copy and electronic graphic display signs must be separated from other electronic message signs by a minimum of 35 feet.
 - e) Electronic changeable copy and electronic graphic display signs are prohibited in Agriculture, Agriculture No. 2, Single Family Residence, Multiple Family Residence, Rural Residential and Recreation Districts.
 - f) Electronic changeable copy and electronic graphic display signs are not permitted as part of building signage.
 - 2) Up to 30% of the sign area can be allocated to electronic changeable copy and electronic graphic display.
 - 3) Number of messages.
 - a) Electronic changeable copy and electronic graphic display signs are permitted 3 different messages per day.
 - b) Electronic changeable copy and electronic graphic display signs shall not display off-premise commercial advertising.

- 4) Frequency of messages.
 - a) Electronic changeable copy and electronic graphic display signs may be changed no more than once per hour.
 - b) Electronic changeable copy and electronic graphic display shall not flash, scroll, twirl, or otherwise move during the transition between messages which transition shall be no more than 2 seconds.
 - c) Electronic changeable copy and electronic graphic signs must be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.
- 5) Illumination and brightness.
 - a) Electronic changeable copy and electronic graphic display signs must not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.
 - b) Electronic changeable copy and electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise.

4. Construction & Maintenance Standards

- a. All signs, supports and accessories and construction shall meet applicable State of Wisconsin building codes and the Uniform Sign Code and the Uniform Building Code as published by the International Conference of Building Officials, to ensure that the signs and their construction are structurally sound and safe.
- b. Sign display surfaces shall be properly coated or covered, attached and maintained.
- c. Off-premise signs shall contain the sign owner's name, address and phone number in the lower left corner.
- d. All signs using electric power shall have a cutoff switch on the outside of the sign and on the outside of the building or structure to which the sign is attached.
- e. All signs, supports and accessories shall be maintained in good repair.
- f. When any use is discontinued for a period of 180 consecutive days, all signs and sign supports relating to that use shall be removed.
- g. Signs that do not carry fully readable messages, are in structural disrepair or damaged and are left without repair for 60 consecutive days shall be removed.

5. Sign Maintenance & Repair

- a. Signs and their structural components may be maintained or repaired with a zoning permit for sign maintenance and repair, provided there is no enlargement or alteration to the sign, mounting device(s) or structural components of the sign.
- b. A permit is not required if the only change is to a sign's message or copy, provided there is no enlargement or alteration to the sign or structural components of the sign. This does not relieve the owner of the need to comply with every applicable legal requirement other than the duty to obtain a permit.

D. SIGN TYPES

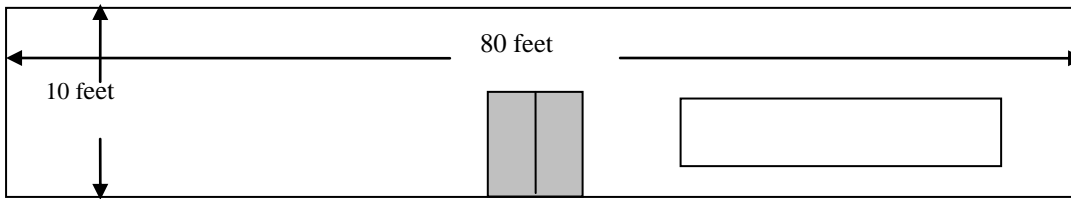
1. SIGNS PERMITTED BY ZONING DISTRICT

- a. The following tables identify the signs allowed in each zoning district, and the circumstances in which certain types of signs are permitted if those signs are not prohibited as set forth in Section 6. above, satisfy all other applicable regulations set forth in Sections B. and C. above, and satisfy the specific requirements that are identified by sign type in Sections D.2.3.4., and 5. below.

2. PERMANENT ON-PREMISE SIGNS

- a. Permanent on-premise signs that are not prohibited as defined in Section B.6. are permitted subject to the standards in this section, if those signs satisfy all other applicable regulations set forth in Section C., and standards specific to the zoning district in which they are located as set forth in Section D.1. and below.
- b. An On-Premise Sign is allowed on residential property in the Single Family Residence, Multiple Family Residence, Rural Residential, Agriculture Districts, and Recreational zoning district subject to the following additional standards:
 - 1) No permit is required.
 - 2) One sign per lot or parcel.
 - 3) Maximum area of any such sign shall be six square feet.
 - 4) Maximum height shall be six feet.
 - 5) Any such sign shall be a freestanding design.
 - 6) Any such sign shall not be illuminated.
- c. An On-Premise Sign is allowed on property used for nonresidential uses legally allowed or permitted in the Single Family Residence, Multiple Family Residence, Rural Residential, Agriculture District and Recreational zoning district subject to the following additional standards:
 - 1) A zoning permit for signage is required.
 - 2) One sign per road or highway frontage.
 - 3) Maximum area of any such sign shall be 32 square feet per sign.
 - 4) The aggregate area of all such signs shall not exceed 64 square feet.
 - 5) Maximum height shall be six feet
 - 6) Any such sign shall be a monument design.

- d. An On-Premise Sign is allowed in Commercial, Highway Interchange Marina and Industrial zoning districts subject to the following additional standards:
- 1) A zoning permit for signage is required.
 - 2) One sign per road or highway frontage, except on premises which are within 3,500 feet from the center point of a highway interchange which provides access to and from Interstate Highways 39, 90, or 94 where one additional sign is allowed on lots 2 acres and greater in size.
 - 3) Maximum area of any such sign shall be 80 square feet per sign, except on premises which are within 3,500 feet from the center point of a highway interchange which provides access to and from Interstate Highways 39, 90, or 94 where the maximum area of any such sign shall be 200 square feet per sign for a premises of $\frac{1}{2}$ acre or less and 400 square feet per sign on a premises greater than $\frac{1}{2}$ acre.
 - 4) The aggregate area of all such signs shall not exceed 120 square feet except on premises which are within 3,500 feet from the center point of a highway interchange which provides access to and from Interstate Highways 39, 90, or 94 where the aggregate area of such signs are as follows:
 - i. For lots of $\frac{1}{2}$ acre or less the aggregate area of all signs shall not exceed 200 square feet.
 - ii. For lots between $\frac{1}{2}$ acre and 2 acres in size, the aggregate area of all signs shall not exceed 400 square feet.
 - iii. For lots between 2 and 15 acres in size the aggregate area of all signs shall not exceed 800 square feet.
 - iv. For lots greater than 15 acres in size the aggregate area of all signs shall not exceed 1200 square feet.
 - 5) Any such sign shall be freestanding.
- e. An On-Premise Building Sign on a building legally used for commercial or industrial purposes is allowed subject to the following additional standards:
- 1) A zoning permit for signage is required.
 - 2) Any number of signs may be installed on a building wall or window.
 - 3) The total area of all building signs on any face shall not exceed 10 percent of the area of the façade, including wall and window, with a maximum allowable sign area of 80 square feet per face and 240 square feet in total. On a premises which is within 3,500 feet from the center point of a highway interchange which provides access to and from Interstate Highways 39, 90, or 94 the total area of all building signs on any face shall not exceed 10 percent of the area of the façade, including wall and window, with a maximum allowable sign area of 200 square feet per face and 800 square feet in total.



$$80\text{ft} \times 10\text{ft} = 800$$

$$\text{sq ft} \quad \times 10\%$$

$$80 \text{ sq ft}$$

of wall and/or
window signage

- 4) The allowable area of building signs for multi-tenant buildings with individual entrances from the outside shall be calculated based on the exterior wall/window area of the space the tenant occupies. Each tenant frontage shall be considered a separate wall/window.
 - 5) Awnings and canopies are allowed building signs based on the surface area of the awning or canopy (vertical surface below the roof line).
 - 6) Location
 - a) Building signs may be placed on not more than three walls/windows of rectangular shaped structures or not more than 75 percent of the major wall/windows on non-rectangular shaped structures.
 - b) Signs may be attached flat against or pinned away from a building wall/window, but the sign face shall not extend or protrude more than 18 inches from the wall/window.
 - c) Signs may be attached to the facade of a building, but shall not extend above the roof line.
 - d) Signs may be on a building canopy, awning or marquee. Such sign will be considered a building sign on the wall, canopy, marquee or awning on which it is attached.
- f. An Area or Neighborhood Sign on property used for residential, commercial or industrial uses is considered an On-Premise Sign under this section if it does not more than identify that area or neighborhood, and is allowed subject to the following additional standards:
- 1) A zoning permit for signage is required.
 - 2) No more than one sign is allowed for every road or highway entrance to a development.
 - 3) The maximum area of any such sign shall be 32 square feet per sign.
 - 4) Any such sign shall be set back at least 10 feet from the right-of-way, unless incorporated into a county-approved entrance design.
 - 5) The maximum height shall be 6 feet.
 - 6) Any such sign shall not be internally lighted.
 - 7) Any such sign shall be a freestanding design.

- g. A sign on property on which agricultural products are legally offered on the premises, is allowed subject to the following additional standards:
 - 1) One sign per road or highway frontage
 - 2) Maximum area of any such sign shall be 32 square feet per sign
 - 3) The aggregate area of all such signs shall not exceed 64 square feet.
 - 4) Maximum height shall be 12 feet.
 - 5) Any such sign shall not be illuminated.
 - 6) Any such sign shall be a freestanding design.
- h. A sign on property on which a Minor or Major Home Occupation within the meaning of Title 16-1-13 (g) is lawfully taking place is considered an on-premises sign under this section if it does no more than draw attention to a product or service lawfully offered on the premises, and is allowed subject to the following additional standards:
 - 1) One sign per home occupation.
 - 2) Minor Home Occupation sign maximum area shall be two square feet.
 - 3) Major Home Occupation sign maximum area shall be six square feet.
 - 4) Maximum height shall be six feet.
 - 5) Any such sign shall be a freestanding design.
 - 6) Any such sign shall not be illuminated.
- i. An On-Premise Directional Sign is allowed in any zoning district subject to the following additional standards:
 - 1) A zoning permit for signage is required.
 - 2) A maximum of two signs for each place with two driveways may be displayed. For purposes of this paragraph, one business, farm or organization shall constitute only one place.
 - 3) Maximum area of any such sign shall be two square feet per sign at a controlled intersection or on a two-lane road or highway or four square feet per sign on a multi-lane highway.
 - 4) Maximum height shall be six feet for the residence and agricultural residential zoning districts and 12 feet for any other zoning district.
 - 5) Any such sign shall be a freestanding design.
 - 6) Signs shall be placed outside the right-of-way. In no case shall any part of the sign or its structural components be located within the right-of-way.
 - 7) To ensure that the sign serves only a directional purpose, it shall contain only the name of a place and direction arrow to the place and may not also be used to advertise.

PERMANENT SIGNS PERMITTED BY ZONING DISTRICT

Sign Type								
Zoning District	On-Premise Freestanding	On-Premise Building	On-Premise Area or Neighborhood	On-Premise Agricultural	On-Premise HoHome upation	On-Premise or Off-Premise Directional	Additional Standards May Apply	
Single Family Residence	A/ZP	N	ZP	N	A	N	Yes	
Multiple Family Residence	A/ZP	N	ZP	N	A/N	ZP	Yes	
Rural Residential	A/ZP	N	ZP	N	A	N	Yes	
Agriculture	A/ZP	N	N	A	A	ZP	Yes	
Agriculture Overlay	N	N	N	N	N	N	Yes	
Agriculture No. 2	A/ZP	N	N	A	ZP	ZP	Yes	
Marina	A/ZP	ZP	ZP	N	N	ZP	Yes	
Recreational	A/ZP	N	ZP	N	A	N/ZP	Yes	
Commercial	ZP	ZP	ZP	N	N	ZP	Yes	
Highway Interchange	ZP	ZP	ZP	N	N	ZP	Yes	
Industrial	ZP	ZP	ZP	N	N	ZP	Yes	

Key: A = Allowed without permit but subject to compliance with all other applicable regulations of this section.

ZP = Zoning permit for signage required but subject to compliance with all other applicable regulations of this section.

A/ZP = Either allowed without a zoning permit or allowed with a zoning permit subject to compliance with all other applicable regulations of this section.

N/ZP = In the Recreational District On-Premise and Off-Premise are not permitted on a lot zoned or used residentially.

N = Not permitted

PERMANENT SIGN STANDARDS							
Sign Type	Maximum Number	Maximum Size	Maximum Height	Type	Permit	Additional Standards	
On-Premise Residential	1/Lot or Parcel	6 s.f.	6'	Freestanding	A	Yes	
On-Premise Nonresidential	1/Frontage	32 s.f./sign 64 s.f. total	6'	Monument	ZP*	Yes	
On-Premise Commercial, Industrial, Highway Interchange (Except fronting on Interstate Highways 39, 90, 94)	1/Frontage D(2)(d)(2)	80 s.f./sign 120 s.f. total D(2)(d)(3)(4)	20' C(2)(f)	Freestanding	ZP*	Yes	
On-Premise Building (Except fronting on Interstate Highways 39, 90, 94)	Unlimited on 3 Faces	80 s.f./face 240 s.f. total D(2)(e)(3)	N/A	Wall/Window	ZP	Yes	
On-Premise Area or Neighborhood	1/Entrance/Road	32 s.f./sign	6'	Freestanding	ZP	Yes	
On-Premise Agricultural	1/Frontage	32 s.f./sign 64 s.f. total	12'	Freestanding	A	Yes	
On-Premise Home Occupation	1/Lot or Parcel	2 s.f./ sign Minor 6 s.f./sign Major	6'	Freestanding	ZP*	Yes	
On-Premise Directional	2/Place	2 s.f.-4 s.f./sign 4 s.f. – 8 s.f. total	6'-12'	Freestanding	ZP	Yes	
Off-Premise Directional	2/Place	2 s.f.-4 s.f./sign 4 s.f.-8 s.f. total	12'	Freestanding	ZP	Yes	

Key: A = Allowed without permit but subject to compliance with all other applicable regulations of this section.

ZP = Zoning permit for signage required but subject to compliance with all other applicable regulations of this section.

ZP* = These uses may also require a Conditional Use Permit

3. Permanent Off-Premise Signs

- a. A permanent Off-Premise Directional Sign is allowed in Agriculture, Marina, Commercial, Highway Interchange, Industrial, and Recreational Districts provided the principal use of the Recreational property is not residential subject to the following additional standards:

- 1) A zoning permit for signage is required for each sign pole or support structure.

- 2) An Off-Premise Directional sign to a place is permitted on a travel route where there is an intersection or turn which requires a change in direction of travel. Off-Premises Directional signs may not duplicate an existing sign that has been approved within the right-of-way on the same segment of road where a change in direction is not required. For purposes of this paragraph one business, farm, residence, or organization shall constitute only one place.
- 3) An Off-Premise Directional sign shall only be located in proximity of intersections or a turn which requires a change in direction to a different road, but shall not be placed where it interferes with official traffic control devices or existing signs that are permitted within the right-of-way.
- 4) The size of an Off-Premise Directional sign shall be 60 inches wide with a maximum height of 18 inches. Letters, numbers and the direction arrow shall be 6 inches in height. There shall be a direction arrow, numeric distance at the appropriate end of the sign and up to 2 message lines which may have up to 10 letters or numbers per line. The message and graphics shall be optically balanced about the centerline of the sign.
- 5) The signs shall be reflective with the message being white and the background blue.
- 6) The holder of a permit for an Off-Premise Directional sign shall allow collocation for up to 4 additional signs to be placed on the same supporting structure and all signs shall be the same color.
- 7) The top of the sign and or sign structure shall be no higher than 12 feet.
- 8) Signs shall be placed outside and may abut the right-of-way. In no case shall any part of the sign or its structural components be located within the right-of-way.
- 9) To ensure that the sign serves only a directional purpose, it shall contain only the name of a place, distance and direction arrow to the place and may not also be used to advertise.
- 10) Any such sign shall be a freestanding design.

b. All signs placed off-premise shall have the property owner's permission.

4. Temporary On-Premise Signs

- a. Any sign that will exceed the permitted timeframe will require a zoning permit for signage.

- b. The following temporary signs are permitted to be placed on the lot or parcel to which they refer without a zoning permit for signage, subject to the applicable standards:
- 1) Construction: A Temporary On-Premise Sign on a construction site is allowed in any zoning district, subject to the following additional standards:
 - a) Maximum of two signs per construction site.
 - b) Any such sign area shall not exceed 80 square feet in aggregate.
 - c) Maximum height shall be 12 feet.
 - d) Any such sign shall be a freestanding design.
 - e) Any such sign shall be removed within seven days of when construction is completed.
 - 2) Development: A Temporary On-Premise Sign erected on a non-residential development project, or erected on a residential development project at the time that the development includes 10 or more dwelling units for sale or lease, is allowed in any zoning district subject to the following additional standards:
 - a) One sign per road or highway frontage for each project.
 - b) Maximum area of any such sign shall be 64 square feet.
 - c) Maximum height shall be 12 feet.
 - d) Any such sign shall be a freestanding design.
 - e) A sign shall be at least 200 feet from any pre-existing residence.
 - f) A sign shall not be installed until construction has started or the project is approved by the County.
 - g) Sign shall be removed when the project is 80 percent completed, sold or leased.
 - 3) Real Estate: A Temporary On-Premise Real Estate sign for the sale, rent or lease of property is allowed in any zoning district subject to the following additional standards:
 - a) One sign per road or highway frontage.
 - b) For residential property, the maximum sign area shall be six square feet and maximum sign height shall be six feet.
 - c) For residential property, the maximum sign area for a parcel including a model home shall be 32 square feet and the maximum sign height shall be 12 feet.
 - d) For non-residential property, the maximum sign area shall be 32 square feet and maximum sign height shall be 12 feet.
 - e) Any such sign may be a freestanding or building design.
 - f) Any such sign shall be removed within seven days following the sale or lease of the property.

- 4) Employment: A Temporary On-Premise Sign on non-residential property for which one or more positions of employment are open is allowed subject to the following additional standards:
 - a) One sign per road or highway frontage.
 - b) Maximum area of any such sign shall be six square feet.
 - c) Maximum height shall be six feet.
 - d) Any such sign shall be removed when all positions of employment on the property have been filled.
- 5) Special Event: A Temporary On-Premise Sign on property to be used for a special event is allowed in any zoning district, subject to the following additional standards:
 - a) One sign per road or highway frontage.
 - b) Maximum height shall be 12 feet in the residence and agricultural residential zoning districts and 20 feet in any other zoning districts.
 - c) Maximum area of any such sign shall be 32 square feet.
 - d) Sign(s) may be displayed for not more than 30 days per event or 45 days per calendar year.
 - e) If a sign is displayed on residential property one banner or one freestanding sign is allowed for each event.
 - f) If a sign is displayed on nonresidential property, any combination of two banners or freestanding signs, with a total sign area of 64 square feet, is allowed for each event.
 - g) Signs shall only be placed before and during event and shall be removed 24 hours after completion of the event.

5. Temporary Off-Premise Signs

- a. A Temporary Off-Premise Sign for special event is allowed in any zoning district except Agriculture Overlay, subject to the following additional standards:
 - 1) All signs placed off-premise shall have the property owner's permission.
 - 2) Maximum height shall be 6 feet in the residential, recreational, and agriculture zoning and 12 feet in the commercial, industrial and highway interchange districts.
 - 3) Maximum area of any such sign shall be 32 square feet.
 - 4) Sign(s) may be displayed for not more than 30 days per event or 45 per calendar year.
 - 5) If a sign is displayed on residential property one banner or freestanding sign is allowed for each event.
 - 6) If a sign is displayed on nonresidential property, any combination of two banners or freestanding signs, with a total sign area of 64 square feet, is allowed for each event.
 - 7) Signs shall only be placed before and during event and shall be removed 24 hours after completion of the event.

- b. A Temporary Off-Premise Directional Sign is allowed in any zoning district except Agriculture Overlay, subject to the following additional standards:
- 1) A maximum of three signs for each event or activity may be displayed.
 - 2) All signs placed off-premise shall have the property owner's permission.
 - 3) Maximum area of any such sign shall be six square feet.
 - 4) Maximum height shall be six feet.
 - 5) Signs shall be placed outside and may abut the right-of-way.
 - 6) Signs shall only be placed during the event and up to 48 hours before and 24 hours after the completion of the event.
 - 7) Any such sign shall be a freestanding design.
 - 8) To ensure that the sign serves only a directional purpose, it shall contain only the name of a place, distance and direction arrow to the place and may not also be used to advertise.

TEMPORARY SIGNS PERMITTED BY ZONING DISTRICT									
Sign Type									
Zoning District	On-Premise Construction	On-Premise Development	On-Premise Real Estate	On-Premise Employment	On-Premise Special Event	Off-Premise Special Event	Off-Premise Directional	Election Campaign	Additional standards May Apply
Single Family Residence	A	A	A	N	A	A	A	A	Yes
Multiple Family Residence	A	A	A	N	A	A	A	A	Yes
Rural Residential	A	A	A	N	A	A	A	A	Yes
Agriculture	A	A	A	A	A	A	A	A	Yes
Agriculture Overlay	N	N	N	N	N	A	N	N	Yes
Agriculture No. 2	A	A	A	N	A	A	A	A	Yes
Marina	A	A	A	A	A	A	A	N	Yes
Recreational	A	A	A	N	A	A	A	N	Yes
Commercial	A	A	A	A	A	A	A	N	Yes
Highway Industrial	A	A	A	A	A	A	A	N	Yes
Industrial	A	A	A	A	A	A	A	N	Yes

Key: A = Allowed without permit but subject to compliance with all other applicable regulations of this section.

N = Not permitted

A/N = Either allowed without a permit or not permitted subject to compliance with all other applicable regulations of this section.

TEMPORARY SIGN STANDARDS						
Sign Type	Maximum Number	Maximum Size	Maximum Height	Type	Permit	Timeframe
On-Premise Construction	2/Site	80 s.f. total	12'	Freestanding	A	Yes
On-Premise Development	1/Frontage	64 s.f.	12'	Freestanding	A	Yes
On-Premise Real Estate	1/Frontage	6 s.f./sign residential 32 s.f./sign nonresidential	6' 12'	Freestanding	A	Yes
On-Premise Employment	1/Frontage	6 s.f.	6'	Freestanding	A	Yes
On-Premise Special Event	1/Residential 2/Nonresidential	32 s.f./Freestanding 32 s.f./Banner	6'- 12'	Freestanding /Banner	A	30 Days/ Event or 45 Days/Yr
Off-Premise Special Event	1/Residential 2/Nonresidential	32 s.f./Freestanding 32 s.f./Banner	6'- 20'	Freestanding /Banner	A	30 Days/ Event or 45 Days/Yr
Off-Premise Directional	3/Activity	6 s.f. total	6'	Freestanding	A	48 hrs + event + 24 hrs

Key: A = Allowed without permit but subject to compliance with all other applicable regulations of this section.

E. ADMINISTRATION

1. Nonconforming Signs

- a. Nonconforming permanent freestanding signs lawfully existing on September 25, 2008 shall be allowed to continue in use, but shall not be altered other than to change the message, added to, or repaired in excess of 50 percent of the assessed value of the sign, without being brought into compliance with this section. Electronic changeable copy and electronic graphic display areas may not be added to any nonconforming sign.
- b. Nonconforming permanent building signs lawfully existing on September 25, 2008 shall be allowed to continue in use, and may be repaired provided the repair does not increase the nonconforming aspect of the sign, but shall not otherwise be altered other than to change the message, relocated, or added to, without being brought into compliance with this section.
- c. After a nonconforming sign has been removed, it shall not be replaced by another nonconforming sign.

- d. Nonconforming temporary signs lawfully existing on September 25, 2008 shall be removed no later than three years after September 25, 2008 or by an earlier date if so required by a regulation in place when the sign was erected. Nonconforming temporary signs shall not be rebuilt, relocated or altered other than to change a message.
- e. If a nonconforming permanent sign's use is discontinued for a period of 12 months, the nonconforming sign shall be removed or brought into compliance with this section within 60 days of notification by the Zoning Administrator.
- f. If a nonconforming temporary sign's use is discontinued for 60 consecutive days, the nonconforming sign shall be removed or brought into compliance with this section within 60 days of notification by the Zoning Administrator.

2. Permit Required

- a. A zoning permit for signage is required prior to the improvement, erection, construction, reconstruction, enlargement or alteration of any sign, structural component or mounting device unless otherwise provided by this section.

3. Zoning Permit For Signage

- a. A properly completed application for a zoning permit for signage shall be made to the Zoning Administrator upon forms furnished by the County. The following information shall be provided:
 - 1) Applicant contact information.
 - 2) Property owner contact information and signature.
 - 3) Property information, site address, legal description, tax identification number, zoning district.
 - 4) Project information including a description of the sign plan for the site and total proposed signage, including all permanent and temporary signage.
 - 5) A site plan, drawn to scale, to include:
 - a) Dimensions and area of the lot or parcel.
 - b) Location of all existing and proposed structures and signs with distances measured from the lot lines and right-of-way of all abutting roads or highways.
 - c) Location of existing or future access driveways and roads or highways.
 - 6) Conceptual drawings of all proposed signs with dimensions.
 - 7) Information on all lighting and electrical components.
 - 8) Method of construction and/or attachment to a building or in the ground shall be explained in the plans and specifications.
 - 9) Contact information for whomever will be erecting the sign(s).
 - 10) Attach all related permits or permit applications.
 - 11) Calculations for compliance with the Uniform Building Code and the Uniform Sign Code for construction.
 - 12) Additional relevant information deemed necessary by the Zoning Administrator to apply all applicable ordinance requirements and standards, such as photos, cross-section drawings, specialized engineering plans and landscaping.

- 13) If additional information is requested, the application shall not be considered a properly completed application and timeframes for processing shall not commence until the additional information is received.
 - b. When a permit of any kind is required for a sign, the Zoning Administrator shall deny, approve with conditions, or approve without conditions such permit in an expedited manner no more than 30 days from the receipt of a complete application for such a permit, including the applicable fee.
- 4. Permit Decision & Appeal Process**
 - a. A zoning permit for signage applicant or permit holder may appeal a determination or an order. Appeal procedures are established in Title 16-1-17 (c) Board of Adjustment.
- 5. Expiration**
 - a. Sign maintenance or construction authorized by a zoning permit for signage issued under this section shall be substantially completed or implemented within two years, after which time the permit expires.
 - b. Prior to expiration of a permit, applicants can request extensions of up to six months from the Zoning Administrator.
 - c. The total time granted for extensions shall not exceed one year.
- 6. Permit Revocation**
 - a. Where the terms or conditions on any zoning permit for signage are violated, the permit may be revoked by the Zoning Administrator. The Board of Adjustment may revoke a special exception permit.
- 7. Definitions**

Average Elevation: The average natural elevation of four points or corners no more than 30 feet around the perimeter of the location of the sign.

Commercial Speech: Any sign wording, logo or other representation advertising a business, profession, commodity, service or entertainment for business purposes.

Marquee Sign: Any sign attached to, in any manner, or made a part of a marquee.

Noncommercial Speech: Any message that is not commercial speech, which includes but is not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Nonconforming Sign: Any sign which was lawful prior to _____ but which does not comply with the terms of this ordinance (or its amendment).

Fence: A structure usually serving as an enclosure, barrier, or boundary, usually made up of posts, boards, wire, or rails.

Pennant: Any lightweight plastic, fabric or other material whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

Premise: A lot together with all structures thereon.

Sign: A display, illustration, structure or device that directs attention to an idea, object, product, place, activity, person, institution, organization or business.

Sign, Banner: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building at one or more edges. Flags that comply with Section B.4.a.6 shall not be considered banners.

Sign, Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Sign, Building: Any single-faced sign painted on, attached to or erected against the exterior wall of a building, structure, marquee, canopy or awning. Also including any sign placed on the interior of a window or painted on a window such that it can be read from the outside of the building.

Sign Component: Any element of a sign or its source of support (excluding a building), including but not limited to support structure, accessories, wiring, framing. Paint, vinyl, paper, fabric, lightbulbs, diodes, or plastic copy panels on a sign do not constitute components.

Sign, Electronic Changeable Copy: A sign or portion thereof that displays electronic, nonpictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs do not include official governmental, time, or temperature signs. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or other objects.

Sign, Electronic Graphic Display: A sign or portion thereof that displays electronic, nonpictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization, or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other signs.

Sign, Freestanding: Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure, including, but not limited to, a ground mounted sign, detached sign, pole sign, pylon sign or monument sign.

Sign, Incidental: A sign that is not legible to a person of ordinary eyesight with vision adequate to pass a state driver's license exam at ground level at a location on the public right-of-way or on other private property.

Sign, Monument: A freestanding sign where the base of the sign structure is on the ground.

Sign, Off-Premise: A sign, which displays a commodity, product, service, activity or any other person, place, thing or idea other than noncommercial speech, which is not located, found or sold on the premises upon which such sign is located.

Sign, On-Premise: A sign which only displays a commodity, product, service, activity or any other person, place, thing or idea, which is located, found or sold on the premises upon which such sign is located, or a noncommercial speech.

Sign, Off-Premise Directional: A sign displayed for the sole purpose of assisting wayfinding through disclosure of no more than the name of a place, its distance from the sign and one directional arrow.

Sign, On-Premise Directional: A sign at the exit or entrance of a premises that has two or more driveways.

Sign, Pornographic: Any sign that, in whole or in part, is obscene or pornographic as defined in Miller v. California and subsequent decisions, or shows specified anatomical areas or specified sexual activities.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used for transportation in the normal day-to-day operations of the business.

Sign, Projecting: Any sign with a sign face that is not parallel to the surface to which the sign is attached and extends more than six inches beyond the surface of such building or wall.

Sign, Emergency Response Number: A reflective colored sign with white lettering that identifies the property address at a minimum and may provide limited additional information such as town name and road name.

Sign, Roof: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

Sign, Special Event: A sign that is temporary in nature and is not permanently mounted or attached to the ground or sign surface, and is used for special events, such as but not limited to, institutional, non-profit community, charitable or civic events and campaigns, grand openings, promotions, seasonal sales, garage sales, craft sales, graduation or birthday parties, festivals or fairs.

Sign, Temporary: Any sign that is used for less than 30 consecutive days and is not permanently mounted.

Sign, Video Display: A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effort to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including, but not limited to, the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

Sec. 16-1-14 Zoning Permits; Certificates of Occupancy and Use.

(a) Zoning Permit Required.

- (1) No building, sign or other structure or any part thereof shall hereafter be built, enlarged, altered, or moved within the area subject to the provisions of this Ordinance until a zoning permit has been applied for in writing and obtained from the Planning and Zoning Department. Such permit shall be posted in a prominent place on the premises prior to and during the period of construction, alteration or moving. Forms for application for zoning permits shall be supplied by the Planning and Zoning Department and a record of all permits issued shall be kept in the Planning and Zoning Office.
- (2) All applications for a zoning permit shall be accompanied by a location sketch drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location of the building on the lot, the existing or intended use of the building, the number of families to be accommodated, the distances between the nearest point on the building and the center line of the highway, and such other information with regard to the proposed building and neighboring lots or buildings as may be called for on the application or may be necessary to provide for the enforcement of this Ordinance.
- (3) The term "building" as used in this Section shall include building, structure or use of land which is governed by the requirements of this Ordinance, and any substantial alteration in the heating plant, sanitary facilities or mechanical equipment of any such building which would affect a change in its use.
- (4) No zoning permit shall be required in any of the following cases:
 - a. For any accessory building of one hundred (100) square feet of floor area or less, provided such building conforms to all the District, setback, yard and open space requirements of this Ordinance.
 - b. For agricultural buildings and structures not for human habitation which are not permanently fixed to the ground and are readily removable in their entirety; when such proposed buildings are located outside of areas designated as protected shorelands; provided that this regulation shall not apply to roadside stands or permitted signs.
- (5) A zoning permit shall lapse and become void unless the operation described in the permit is commenced within two (2) years from the date of issuance of such permit.

(b) **Temporary Permit (Non-Renewable).**

- (1) A temporary permit may be issued by the Planning and Zoning Department for the parking of a trailer, to be used for human occupancy, during the construction of a home or cottage; provided that such trailer is located on the same lot or parcel where a permit has been issued for the building of a home or cottage, provided further that such permit may be issued for a period no longer than six (6) months when such proposed buildings are located outside of areas designated as protected shorelands.
- (2) If, however, the recipient of such a permit deems it necessary for an extended use of such trailers, he may appeal same to the Board of Adjustment, and if said Board deems it necessary, may grant extension of same, provided that the recipient deposits with the County Clerk of Columbia County the sum of Fifty Dollars (\$50.00) for the first month of violation; One Hundred Dollars (\$100.00) for the second month; and Two Hundred Dollars (\$200.00) for each month thereafter of violation, said monies to be placed in the general fund.

- (c) **Fees.** A fee shall be paid to the Columbia County Treasurer by each applicant for a permit required by this Section, as set by Resolution by the County Board of Supervisors. The fee shall be doubled when construction is started prior to permit issuance.

Sec. 16-1-15 Boundaries of District.

In subdivided property, unless otherwise indicated on the map, the district boundary lines are the center lines of streets, highways, railroads, section lines, quarter-section lines, quarter-quarter section lines or such lines extended. Where not otherwise indicated on the map, it is intended that the district boundary line be measured at right angles to the nearest highway right of way line and be not less than three hundred (300) feet in depth; provided, however, that wherever a Commercial District is indicated on the district map as a strip paralleling the highway, the depth of such strip shall be three hundred (300) feet 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, when such commercial District is measured from the intersection of each street or highway right of way line included in such District.

Sec. 16-1-16 Interpretation and Application.

It is not intended by this Ordinance to interfere with, abrogate or annul any existing easements, covenants or other agreements between parties, nor is it intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of law or ordinance or any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises than is imposed or required by such existing provisions of law, ordinance or by such rules, regulations, agreements, covenants, or permits, the provisions of this Ordinance shall control.

Sec. 16-1-17 Board of Adjustment.

- (a) **Composition.** There shall be a Board of Adjustment consisting of five (5) members appointed by the Chairman of the County Board with the approval of the County Board. The terms of the first three (3) members appointed shall be one (1), two (2), and three (3) years, respectively. The terms of the fourth and fifth members appointed in like manner at the expiration of each term and their terms of office shall be three (3) years in all cases, beginning July 1 in the year in which they are appointed and until their successors are appointed. The members of the Board of Adjustment shall all reside within the county and outside the limits of incorporated cities and villages; provided, however, that no two (2) members shall reside in the same town. The Board of Adjustment shall choose its own Chairman. Vacancies shall be filled for the unexpired term of any members whose term becomes vacant in the same manner as the original appointment.
- (b) **Rules.**
- (1) The Board of Adjustment will meet as needed at a fixed time and place as may be determined by the Chairman to review at a public hearing appeals referred to it.
 - (2) All meetings of the Board of Adjustment shall be open to the public.
 - (3) Any public hearing which the Board of Adjustment is required to hold under paragraph (d) "Powers and Duties" of the Board of Adjustment shall be held in a town hall or other place as convenient as may be to the location or locations to be considered at such public hearing, and a full description of the location of such place of hearing by name, address or other commonly known means of identification, shall be included in the notice given of such hearing. Other matters upon which the Board of Adjustment is required to act may also be heard at any such hearing provided that no undue hardship is created for any appellant by reason of the location of such hearing, and provided further that such matters are included in the notice given of such hearing.
 - (4) Notice of any public hearing which the Board of Adjustment is required to hold under the terms of this Ordinance shall specify the date, time and place of hearing and the matters to come before the Board of Adjustment at such hearing, and such notice shall be given in each of the following ways:
 - a. By publication in the official newspaper of the County at least once, not less than ten (10) days prior to the date of such hearing.
 - b. By certified mail to the parties having a legal interest in any of the matters to come before the Board of Adjustment at such hearing.
 - (5) The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Adjustment and shall be a public record.
 - (6) The Board of Adjustment shall have power to call on any County departments for assistance in the performance of its duties and it shall be the duty of such other departments to render all such assistance as may be reasonably required.
 - (7) The Board of Adjustment may adopt such rules as are necessary to carry into effect the regulations of the County Board.
 - (8) In case of all appeals, the Board of Adjustment shall call upon the County Zoning Committee for all information pertinent to the decision appealed from.

- (9) There shall be a fee, the sum set by Resolution by the County Board of Supervisors, deposited with the Treasurer of Columbia County, prior to the acceptance of an appeal to the Board of Adjustment.

(c) **Appeals.**

- (1) Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, Board or bureau of Columbia County affected by any decision of the Director of Planning and Zoning. Such appeal shall be taken within thirty (30) days after receiving notice of the decision appealed from, by filing with the Director of Planning and Zoning and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Director of Planning and Zoning shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Director of Planning and Zoning shall certify to the Board of Adjustment after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order by a court of record on application and notice to the Director of Planning and Zoning Director and on due cause shown.
- (2) The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney.

(d) **Powers and Duties.** The Board of Adjustment shall have the following powers:

- (1) To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Planning and Zoning Director.
- (2) Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Board of Adjustment shall have the power, in passing upon appeals, to authorize such variance from the terms of this Ordinance as will not be contrary to the public interest and so that the spirit of the Ordinance shall be observed and substantial justice done; provided, however, that no such variance shall have the affect of allowing, in any district, uses prohibited in that district.
- (3) Conditions of approval. The Board of Adjustment shall have the authority to attach conditions of approval to any action under (b), (c) or (d), in furtherance of the general purpose and intent of this Ordinance.
- (4) An application for a variance under this section may be dismissed by the Board, upon notice to the applicant, if one year has passed since the filing of the application or the last scheduled public hearing on said application, whichever is later. Dismissal under this section shall not limit the ability of the applicant to reapply.

Sec. 16-1-18 Conditional Use Permits.

- (a) **Purpose.** The development and implementation of this ordinance is based on the division of the county into zoning districts, within which the use of land and buildings, are generally compatible and uniform in relation to the land. However, there are certain uses which, because of unique characteristics, can not be properly classified as an out right permitted use in any particular zoning district or districts without some consideration of the impact the use may have on the area or the need for the use in a particular location. But, such uses may be necessary or desirable to be allowed in a particular district provided that due deliberation is given to location, development, and the operation of such uses. These uses are classified as conditional uses, and the following provisions are established to regulate conditional uses.
- (b) **Authority.** The Planning and Zoning Committee, after a public hearing, shall within a reasonable time, grant or deny any application for a conditional use permit. Prior to granting or denying a conditional use permit, the Committee shall make findings of fact based on the evidence presented and issue a determination whether the standards prescribed in the ordinance are met. No permit shall be granted when the Committee determines the standards have not been met, nor shall a permit be denied when the Committee determines that the standards are met.
- (c) **Application and Notice of Hearing.** Application for approval of a conditional use permit shall be made to the Planning and Zoning Department on forms furnished by the Department and shall include the following:
- (1) Names and addresses of the applicant, owner(s) of the property, architect, professional engineer if applicable.
 - (2) A narrative of the proposed conditional use which includes a description of the subject property by lot, block, and recorded subdivision or metes and bounds; address of the site, type of structures and proposed use(s).
 - (3) A site plan which shall include a scalable drawing showing the location of all structures and recreational facilities; the location of all drives, entrances, sidewalks, trails, and signs; the location, size, number, and screening of all parking spaces; a landscape plan; a grading and drainage plan; a detailed proposal including covenants, agreements, or other documents showing the ownership and method of assuring perpetual maintenance of land to be owned or used for common purposes.
 - (4) Public hearing shall follow an application for a conditional use permit. The Planning and Zoning Department shall fix a reasonable time and place for the public hearing on the conditional use permit and give public notice thereof pursuant to the applicable requirements of the Wisconsin Statutes. However, the Planning and Zoning Committee must act on a conditional use permit within six (6) months of the filing of a complete application.
 - (5) A copy of an application for a conditional use permit within a Shoreland Wetland District and notice of a public hearing for the development plan shall be mailed to the District Regional Office of the Department of Natural Resources at least ten (10) days prior to the public hearing.

- (d) **Review and Approval.** While it is not required, applicants are encouraged to consult with the Town prior to filing any application for a conditional use permit with the County. This consultation is to inform the Town about the conditional use and should help minimize the need to have proposals laid over by the Planning and Zoning Committee.
- (1) The Planning and Zoning Department shall mail to the chair, clerk and plan commission chair of the Town within which the conditional use is proposed, a copy of the application, all maps, plans, and other documents submitted by the applicant and notice of the time and place of the public hearing to be held on the proposed conditional use. This information shall be mailed at least ten (10) days prior to the date of the public hearing and shall be sent to the clerk by certified mail, and the chair by regular mail.
 - (2) The Town Board or its representative should at the hearing or earlier indicate its recommendation in regard to granting, denying, and granting in part or with conditions the conditional use permit. The Town can communicate its position either orally or in writing, however, all Town recommendations for approval or denial shall be accompanied by appropriate written findings of fact. Failure of the Town to submit findings of fact shall constitute their recommendation for unconditional approval of the conditional use permit. Findings shall, at a minimum, address whether the conditional use is consistent with adopted town plans, plan elements and adopted ordinances if any, compatibility or non-compatibility with adjacent land uses, specific substantiated objections (if any), plus any other specific findings that pertain to the review criteria of this section.
 - (3) Failure of the Town Board to communicate its recommendation either at the public hearing or earlier shall be taken as an approval by the Planning and Zoning Committee. If the Town Board or its representative shall at the public hearing request an extension of time within which to determine its position, the conditional use permit will be automatically laid over until the next regularly scheduled meeting of the Planning and Zoning Committee.
 - (4) A conditional use permit application may be dismissed by the Planning and Zoning Committee, upon notice to the applicant, if one year has passed since the filing of the application or the last scheduled public hearing on said application, whichever is later. Dismissal under this section shall not limit the ability of the applicant to reapply.
 - (5) The Planning and Zoning Committee shall transmit a copy of its decision, signed by the Director of Planning and Zoning to the applicant and Town within fifteen (15) days of the public hearing at which the decision is made.
 - (6) Approval of a conditional use permit does not eliminate the requirement to obtain the appropriate building and zoning permits. If the conditional use permit is not initiated by:
 - a. securing a zoning permit, or
 - b. if more than one permit is necessary, securing at least one (1) zoning permit within one (1) year of the date of the public hearing;the approval of the conditional use permit shall be considered void, and the applicant will have to reapply.

- (7) A copy of the Planning and Zoning Committee's decision on any conditional use permit within a Shoreland District area, as defined in Section 16-5-10, shall be forwarded to the District Regional Office of the Department of Natural Resources within ten (10) days after the decision is issued.
 - (8) No substantial changes can be made to a conditional use permit unless an amendment to the development plan is approved by the Planning and Zoning Committee per this Section.
- (e) **Review Criteria.** In reviewing the conditional use permit the Planning and Zoning Committee shall use the following as guides for making a decision.
- (1) The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.
 - (2) The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.
 - (3) The erosion potential of site based on topography, drainage, slope, soil type, and vegetative cover.
 - (4) The prevention and control of water pollution including sedimentation, and the potential impacts on floodplain and wetlands.
 - (5) The site has adequate utilities including, if necessary, acceptable disposal systems.
 - (6) Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
 - (7) The conditional use shall conform with the standards of the applicable district(s) in which it is located.
- (f) **Conditions Attached to Permits.** The Planning and Zoning Committee shall have the authority to attach such conditions and restrictions upon the establishment, location, maintenance and operation of the conditional use as deemed necessary to ensure the conditional use adheres to the purpose and review criteria of this Section and the Chapter. In all cases the Planning and Zoning Committee shall require evidence and guarantees as it may deem necessary as proof that the conditions are being met and will be complied with.
- (g) **Effect of Denial of Application.** No application for a conditional use permit which has been denied wholly or in part by the Planning and Zoning Committee shall be resubmitted for a period of one (1) year from the date of said denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Planning and Zoning Committee.
- (h) **Voiding a Conditional Use Permit.** In any case where a conditional use permit issued under this ordinance has not been established within eighteen (18) months of the date of approval, it shall be null and void unless an extension is granted by the Planning and Zoning Committee prior to expiration.
- (i) **Revocation of a Conditional Use Permit.** If the Planning and Zoning Committee finds that the review criteria of this Section or the conditions attached to the permit are not being complied with, the Planning and Zoning Committee, after a public hearing as provided for in this Section, may revoke the conditional use permit.

- (j) **Abandoned Conditional Uses.** Any use for which a conditional use permit has been issued, upon its cessation or abandonment for a period of one (1) year, will be deemed to have been terminated and any future use shall be in conformity with applicable ordinances.

Sec. 16-1-19 Highway Setback Lines.

- (a) **Highway Classes.** For the purpose of determining the distance buildings and other structures shall be set back from streets and highways, the streets and highways of Columbia County are divided into the following classes:
- (1) Class A Highways.
 - a. All state and federal highways are hereby designated as Class A highways; provided that this classification shall also include the entire frontage of all those highways which lie within the Highway Interchange District and which intersect at an interchange.
 - b. The setback line for Class A highways shall be one hundred ten (110) feet from the centerline of the highway or fifty (50) feet from the right of way line, whichever is greater.
 - (2) Class B Highways.
 - a. All County trunks are hereby designated as Class B Highways. For the purpose of this Ordinance, any road will be considered as a county trunk after it has been placed on the county trunk system by the County Board and approved by the State Highway Commission.
 - b. The setback for Class B Highways shall be seventy-five (75) feet from the centerline of such highway or forty-two (42) feet from the right of way line, whichever is greater.
 - (3) Class C Highways.
 - a. All town roads, streets and highways not otherwise classified, are hereby designated Class C Highways.
 - b. For all Class C highways, setback lines are hereby established parallel to and distant sixty-three (63) feet from the centerline of such highway or thirty (30) feet from the right of way line, whichever is greater.
- (b) **General Rules.** The following shall apply on any street or highway:
- (1) Vision Clearance. No obstructions, such as structures, parking, or vegetation shall be permitted in any district between the heights of two and one-half (2-1/2) feet and ten (10) feet within the triangular space formed by any two (2) existing or proposed intersecting street right of way lines and a line joining points on such lines located fifty (50) feet from their point of intersection. This regulation shall not apply to the trunks of trees over six (6) inches in diameter, posts not over six (6) inches 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) Structures Permitted Within Setback Lines.
- a. Open fences.
 - b. Telephone, telegraph and power transmission stations, repeater stations and similar necessary mechanical appurtenances and portable equipment housings that are readily removable in their entirety. Additions to and replacements of all such structures may be made, provided the owner will file, with the County Clerk of Columbia County, an agreement in writing to the effect that the owner will move or remove all new construction additions and replacements erected after the adoption of this Ordinance at his expense, when necessary for the improvement of the highway.
 - c. Underground structures not capable of being used as foundations for future prohibited overground structures; provided that this regulation shall not apply to wells and septic tanks or other means of private sanitary waste disposal.
 - d. Access or frontage roads constructed according to plans approved by the County Highway Committee.
 - e. Permitted signs and signs placed by the public authorities for the guidance or warning of traffic.
 - f. Parking lots.
 - g. This Subsection shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees, except as these may be restricted within a vision clearance triangle by the provisions of Subsection (b)(2) above.
- (3) Structures Prohibited Within Setback Lines. No new building, new sign or other new structure or part thereof shall be placed between the setback lines established by this Ordinance and the highway except as otherwise provided by this Ordinance.

Sec. 16-1-20 Changes and Amendments.

- (a) All changes and amendments are made pursuant to Chapter 59.69 of the Wisconsin Statutes.
- (b) The County Board of Supervisors shall establish by Resolution, a fee to be deposited with the Treasurer of Columbia County, to defray costs of making such changes or amendments.
- (c) A petition which seeks to amend zoning district boundaries may be dismissed by the Planning and Zoning Committee, upon notice to the applicant, if one year has passed since the filing of the petition or the last scheduled public hearing on said petition, whichever is later. Dismissal under this section shall not limit the ability of the applicant to file a new petition under (a) above.

Sec. 16-1-21 Enforcement and Penalties.

- (a) The provisions of this Ordinance shall be enforced under the direction of the County Board of Supervisors, through the County Zoning Committee, the Planning and Zoning Department and the County law enforcement officers. Any person, firm, company, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be subject to a forfeiture as listed in the Penalty Section in Title 1, Chapter 2. Each day of violation shall constitute a separate offense.
- (b) Compliance may be enforced by injunctive order at the suit of the County or the owner or owners of land within the district affected by the regulations of this Ordinance.

Sec. 16-1-22 Validity.

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Sec. 16-1-23 Definitions.

- (a) Words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number; the word "building" includes the word "structure" and the word "shall" is mandatory and not directory. For the purposes of this Ordinance, certain terms and words are defined as follows:
 - (1) Accessory Apartment. A room or suite of rooms located within a single-family dwelling, which contains separate bathroom and kitchen areas or facilities, is used or occupied as a separate housekeeping entity.
 - (2) Accessory Building or Use. A building or use that:
 - a. Is customarily and clearly incidental to the principal building or principal use.
 - b. Serves exclusively the principal building or use.
 - c. Is subordinate in area, extent, or purpose to the principal building or use served.
 - d. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served.
 - e. Is located on the same zoning lot as the principal building or principal use served, unless otherwise permitted in this Ordinance.
 - f. Is constructed or established with or after construction of the principal building or establishment of the principal use served.
 - (3) Adult Bookstore. An establishment having as a predominant portion of its stock in trade, books, magazines, and other periodicals, or video cassettes, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as defined in this Section.

- (4) Adult Motion Picture Theater/Adult Entertainment Facility. An enclosed building which is significantly or substantially used for presenting motion picture films, video cassettes, cable television, or any other such visual media, or live entertainment distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as defined in this section for observation by patrons therein.
- (5) Airport, Public. Any airport which complies with the definition contained in Section 114.003, Wisconsin Statutes, or any airport which serves or offers to serve any common carriers engaged in air transport.
- (6) Alley. A public or private way affording only secondary means of access to the abutting property.
- (7) Animal Unit. The equivalent of one (1) cow, four (4) hogs, ten (10) sheep, ten (10) goats, one hundred (100) poultry, one (1) horse, pony, or mule.
- (8) Automobile Wrecking Yard. Any premises on which any inoperable motor vehicle, not in running or operating condition, is stored in the open provided storage meets the standards of this Ordinance.
- (9) Automobile Service Station. Any building or premises which sells gasoline, oil and related products to the motoring public. This shall include repairs, washing and lubrication, but shall not include body work, painting or dismantling.
- (10) Basement. A story partly or wholly underground.
- (11) Bed and Breakfast. Establishments licensed as Bed and Breakfasts by the State of Wisconsin. Bed and breakfast establishment means any place of lodging that provides four (4) or fewer rooms for rent to tourists or other transients for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.
- (12) Block. That property abutting on one side of a street between the two (2) nearest intersecting streets, railroad right of way, or natural barriers; provided, however, that where a street curves so that any two chords thereof form an angle of one hundred twenty (120) degrees or less, measured on the lot side, such curve shall be considered as an intersecting street.
- (13) Boarding House. A building or premises where meals are served by prearrangement for definite periods of time for compensation for five (5) or more persons and not exceeding twenty (20) persons, not open to transients, in contradistinction to hotels and restaurants open to transients.
- (14) Boathouse, Private. An accessory building on the same lot with a residence, designed for the protection or storage of boats, which shall not be used for either temporary or permanent dwelling purposes. (See Title 16-5, Shoreland-Wetland Protection Ordinance).
- (15) Boat Liveries. Establishments offering the rental of boats and repairs and fishing equipment.

- (16) Building. A structure having a roof supported by columns or walls. Each portion of a building separated by division walls from the ground up, without openings in those walls, is a separate building for the purpose of this Ordinance. No part of said building shall contain in any part a trailer as defined in this Section except when the trailer is located in a licensed campground or mobile home park. Such addition to a trailer in a mobile home park shall not exceed fifty percent (50%) of the trailer's floor area.
- (17) Building, Front of. That side of a building which faces toward the principal road, street, highway or way serving the same.
- (18) Building Site. The space or area of ground upon which a building is to be erected, which it will exactly cover.
- (19) Camping Area. Shall be any park, court, campsite, lot, parcel, or tract of land designed, maintained, intended, or used for the purpose of supplying a location or accommodations for more than two (2) camp or tent sites, and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the camp or tent area and its facilities.
- (20) Camping Unit. For the purposes of this Ordinance, a camping unit shall be considered to consist of four (4) persons in a sleeping unit or part thereof, regardless of the manner in which they are housed.
- (21) Charcoal Distillation Plant. A structure in which wood is charred and from which the gases are permitted to escape during the process.
- (22) Club. An association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.
- (23) Conditional Use. A use allowed under this Ordinance provided that a permit is granted by the Planning and Zoning Committee, and certain conditions are met as specified in this Ordinance or as applied by the Planning and Zoning Committee.
- (24) Condominium. A form of ownership combining individual unit ownership with shared use of common property or facilities, established in accordance with Chapter 703 of the Wisconsin Statutes. Common areas and facilities are owned by all members of the condominium association on a proportional undivided basis. A condominium is a legal form of ownership, and not a specific land use, or building type or style.
- (25) Condominium Unit. 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 two or more noncontiguous areas.
- (26) Distribution Lines. Power towers, poles and lines whose purpose is to supply electric energy to consumers, along the route of the line.
- (27) District. A section or sections of Columbia County for which the regulations governing the use of land and buildings are uniform.
- (28) Dwelling, Single Family. A residential structure, on one (1) lot, designed to provide housing for one (1) family. Any such dwelling built or placed after September 21, 1995, shall have a minimum width of 24 feet, and if above grade shall have a roof with a minimum slope of 3:12.
- (29) Dwelling, Multiple Family. A building or portion thereof used or intended to be used by two or more families living independently of each other.

- (30) Exception. The use of property, including the use and location of buildings, the size of lots and the dimensions of required yards, otherwise not allowable under the terms of this Ordinance, which is permissible by reason of special provisions of this Ordinance, or for which a special permit may be issued by the Board of Adjustment, under conditions specified in this Ordinance.
- (31) Family. Any number of individuals related by blood, adoption, marriage, or not to exceed five (5) persons not so related, living together on the premises as a single housekeeping unit, including any domestic servants.
- (32) Farm. A parcel of land that contains thirty-five (35) or more acres, or a parcel of land less than thirty-five (35) acres that currently provides fifty-one percent (51%) of the owner's or owners' total annual income.
- (33) Floor Area. The area within the outer lines of the exterior walls of a building, at the top of the foundation or basement wall; provided that the floor area of a dwelling shall not include space not usable for living quarters such as attics, utility or unfinished basement rooms, garages, breezeways, and unenclosed porches, or terraces.
- (34) Fur Farm. Any property comprising land or building or both, used for the purpose of raising or harboring fur bearing animals including those defined in Section 29.01, Wisconsin Statutes, and also including chinchillas and other fur-bearing animals, if any, whether the animals are kept for breeding or slaughtering or pelting purposes.
- (35) Garage, Public. A building or portion thereof used for the housing or care of motor vehicles for the general public or where any such vehicles are equipped or repaired for remuneration or kept for hire or sale.
- (36) Garage, Private. An accessory building or accessory portion of the main building, used or designed or intended to be used for the storage of private motor vehicles.
- (37) Highway. See "Street".
- (38) Highway, Intersecting. A highway of any political jurisdiction which forms one or more legs of an interchange with another highway and to which access is only partially controlled.
- (39) Home Occupation. An occupation, profession or trade conducted on a regular basis within or from an approved residential dwelling and/or accessory buildings (if permitted) by one or more occupants residing in said dwelling that is clearly incidental and subordinate to the primary or principal use of the dwelling and property for residential uses.
- (40) Inoperable Motor Vehicle. Any motor vehicle not maintained in proper working condition at all times, which includes the inability to operate such motor vehicles on town, county, state or federal roadways legally and safely. The following shall be considered an inoperable vehicle: a motor vehicle with improperly operating tail and headlights, flat tires, missing battery, and any motor vehicle upon which no current license plate is displayed. A semi-trailer used exclusively for agricultural related storage on a farm shall not be classifiable as an inoperable motor vehicle.
- (41) Junk. Garbage, waste, refuse, trash, any inoperable motor vehicle, any inoperable machinery, any used tire or used motor vehicle part, and any scrap material such as metal, paper, rags, cans, or bottles.

- (42) Less Restricted. The use of land or buildings first permitted in a certain district is less restricted than other uses first permitted in districts appearing earlier in the numerical order in which such districts are numbered in this Ordinance.
- (43) Lodging House. A building other than a hotel, where lodging is provided for compensation, for five (5) or more persons not members of a family.
- (44) Lot. A parcel of land occupied or designed to be occupied by permitted or conditionally allowed uses(s) or structure(s) together with any permitted or conditionally allowed accessory structures, open spaces and parking required by this Chapter. A lot abuts a public street or other officially approved means of access. A lot may be a parcel designated in a plat or described in a conveyance recorded in the office of the Register of Deeds, or any part of a larger parcel when such part complies with the requirements of this Ordinance as to width and area for the district in which it is located. No land included in any street, highway, or railroad right of way shall be included in computing lot area.
- (45) Lot, Corner. A lot located at the intersection of two (2) streets; any two (2) corners of which have an angle of one hundred twenty (120) degrees or less, or is bounded by a curved street, any two (2) corners of which, on the inside of the curve, form an angle of one hundred twenty (120) degrees or less.
- (46) Lot, Interior. A lot which is not a corner lot.
- (47) Lot Lines. The lines bounding a lot as defined herein.
- (48) Lot Width. For the purposes of this Ordinance, the width of a lot shall be the shortest distance between the side lines at the setback line.
- (49) Mobile Home. A mobile home is that which is or was originally constructed or designed to be transported by any motor vehicle upon a public highway to a site, and designed, equipped and used primarily for permanent, long-term sleeping, eating, and living quarters for a single family, or is intended to be so used and includes any additions, attachments, annexes, foundations and appurtenances and arrives at the site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations.
- (50) Mobile Home Park. An area or premises on which is provided the required space for the accommodation of trailers or mobile homes, together with necessary accessory buildings, driveways, walks, screening and other required adjuncts.
- (51) More Restricted. The use of land or buildings first permitted in a certain district is more restricted than other uses first permitted in districts appearing later in the numerical order in which such districts are numbered in this Ordinance.
- (52) Motel. A building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of transients, and where there is not permanent occupancy of any unit except by the owner, his agent or his employees.
- (53) Motor Vehicle. Cars, trucks, busses, semi-tractors, and semi-trailers or other motorized vehicles which may be used to transport goods, materials, freight, or passengers.
- (54) Non-Conforming Use. A building or premises occupied by a use that does not conform with the regulations of the District in which it is situated.
- (55) Park, Amusement. An area, publicly or privately owned, containing amusement and recreation facilities and devices, whether operated for profit or not.

- (56) Park, Public. An area owned by the County or a municipality within the county, operated for the convenience and recreation of the public, and containing such facilities as the owning municipality shall see fit.
- (57) Parking Lot. A lot where automobiles are parked or stored temporarily, but not including the wrecking of automobiles or other vehicles or storage for the purpose of wrecking.
- (58) Permitted Use. A use listed in this Ordinance which is allowed as a matter of right, subject to the standards of the district in which it is located, and the general provisions and exceptions of this Ordinance.
- (59) Person. Except when otherwise indicated by the context, the word "person" shall include the plural, or a company, firm, corporation or partnership.
- (60) Professional Offices. See "Home Occupation".
- (61) Prohibited Use. Any use not listed in this Ordinance as a permitted use, conditional use, or special exception.
- (62) Refuse. Refuse means combustible and noncombustible rubbish including, but not limited to, paper, wood, metal, glass, cloth, plastic and products thereof, litter and street rubbish, ashes and lumber, and concrete as well as other debris resulting from the construction or demolition of structures.
- (63) Rendering Plant. A plant for reduction of dead animals, or slaughtered animals not suitable for human consumption, to by-products, such as hide, skin, grease, bones, glue and soap, and for the storage of such by-products.
- (64) Riding Stable. A building or premises used for the rent or lease of horses or animals for riding.
- (65) Roadside Stand. A structure having a ground area of not more than three hundred (300) square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm produced on the premises (or adjoining premises). There shall not be more than one (1) such roadside stand on any single premises.
- (66) Rooming House. Same as lodging house.
- (67) Salvage Area. For the purpose of this Ordinance any premise or building used for or in connection with the buying, selling, gathering and accumulation of, storing or shipping of used appliances, iron, lumber, paper, rags, tires, demolition material or other waste or salvage material commonly included within the terms junk or refuse, or the accumulating or wrecking of automobiles, trucks, tractors, snowmobiles, boats, trailers, recreational vehicles or other motor vehicles or parts thereof, shall be construed as a salvage area. Farm machinery and equipment which is used or stored on a farm shall not be subject to classification as a salvage area.
- (68) Service Station. Any building, structure or premises or other place used for the dispensing, sale or offering for sale of any motor fuel or oils, having pumps and storage tanks; also where battery, tire and similar service are rendered, but not including buildings or premises where such business is incidental to the conduct of a public garage used for the repair or storage of motor vehicles.
- (69) Slaughter House. Any building or premises used for the killing or dressing of cattle, sheep, swine, goats or horses and the storage, freezing and curing of meat and preparation of meat products.

- (70) Special Exception. A use allowed under this Ordinance provided that a permit is granted by the Board of Adjustment, and certain conditions are met as specified in this Ordinance or as applied by the Board of Adjustment.
- (71) Special Exception Permit. Shall be considered as a permit which grants a variance to this Ordinance or for any permit which requires the approval of the Board of Adjustment.
- (72) Specified Anatomical Areas. Any of the following:
- a. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola.
 - b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- (73) Specified Sexual Activities. Any of the following:
- a. Human genitals in a state of sexual stimulation or arousal, or
 - b. Acts of human masturbation, sexual intercourse, or sodomy, or
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- (74) Story. The vertical distance between the surface of any floor and the next floor above it, or if there be no floor above it, the space between such floor and ceiling above it.
- (75) Story, Half. A story under any roof except a flat roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story.
- (76) Street. A public thoroughfare which affords a primary means of access to abutting property. A driveway to a farm building shall not be considered a street for purpose of determining setback, even though such driveway may have been designated a town road for the purpose of maintenance.
- (77) Street Line. The dividing line between a street and the abutting lot.
- (78) Structural Alterations. Any change in the supporting member of a structure such as bearing walls, columns, beams or girders, footings, and piles.
- (79) Structure. Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attachment to something having a permanent location on the ground, except that no part of said structure shall contain in any part a trailer as defined in this Section.
- (80) Temporary Structure. A movable structure not designed for human occupancy which may be used for the protection of goods or chattels.
- (81) Trailer. Any vehicle, house car, camp car, or any portable or mobile vehicle on wheels, skids, rollers, or blocks, either self propelled or propelled by any other means, which is used or designed to be used for residential, living, or sleeping purposes.
- (82) Transmission Lines. Power, gas or oil towers, poles and lines, including underground transmission lines, that transmit bulk power or fuels from generating stations to sub-stations or between sub-stations or pumping stations.

- (83) Variance. A departure from the terms of this Ordinance as applied to a specific building, structure or parcel of land, which the Board of Adjustment may permit, contrary to the regulations of this Ordinance for the district in which such building structure or parcel of land is located, when the Board finds that a literal application of such regulation will affect a limitation on the use of the property which does not generally apply to other properties in the same district, and for which there is no compensating gain to the public health, safety or welfare.
- (84) Vision Clearance. An unoccupied triangular space at the intersection of highways or streets with other highways, streets or roads, or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street, road or railroad right of way lines and a setback line connecting points located on such right of way lines by measurement from their intersection as specified in this Ordinance.
- (85) Yard. An open space on a lot, on which a building is situated, unoccupied except as otherwise provided in this Ordinance, open and unobstructed from the ground to the sky by structures.
- (86) Yard, Front. A yard extending across the full width of the lot and measured between the front line of the lot and the front line of the building.
- (87) Yard, Rear. A yard extending from the rear line of the main building to the rear lot line for the entire width of the lot, excluding such projections as are permitted hereinafter.
- (88) Yard, Side. A yard on each side of the main building extending from the side wall of the building to the side lot line, and from the front yard to the rear yard. When an accessory building is constructed as part of the main building or constructed on one side of the main building, the side yard requirements shall be the same for the accessory building as required for the main building.

Sec. 16-1-24 When Effective.

- (a) This Ordinance upon passage shall be in effect in any town in Columbia County when approved by the Town Board and when a certified copy of the approving resolution is filed with the County Clerk.
NOTE: Original Zoning Ordinance adopted by Ordinance #113, passed July 25, 1961, and published October 12, 1961.
- (b) All zoning ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.
- (c) This ordinance and all amendments thereto shall be effective upon passage and publication.

- (d) The following townships have adopted this Ordinance on the dates indicated:
- | | | |
|------|------------------|--------------------|
| (1) | Arlington | September 14, 1961 |
| (2) | Caledonia | April 19, 1962 |
| (3) | Columbus | November 27, 1967 |
| (4) | Courtland | April 17, 1962 |
| (5) | Dekorra | September 20, 1961 |
| (6) | Fort Winnebago | June 28, 1962 |
| (7) | Fountain Prairie | December 6, 1961 |
| (8) | Hampden | November 14, 1961 |
| (9) | Leeds | August 31, 1961 |
| (10) | Lewiston | April 6, 1966 |
| (11) | Lodi | September 1, 1961 |
| (12) | Lowville | April 26, 1966 |
| (13) | Marcellon | August 23, 1972 |
| (14) | Newport | April 10, 1968 |
| (15) | Otsego | July 16, 1969 |
| (16) | Pacific | March 20, 1984 |
| (17) | Springvale | November 14, 1962 |
| (18) | West Point | June 7, 1962 |
| (19) | Wyocena | April 18, 1969 |