

## Chapter 12

### Planning and Zoning: Subchapter 100 – Columbia County Zoning Ordinance

#### Table of Contents

Subsection 101: Introduction .....	1
Sec. 12.101.01 Title and Continuation .....	1
Sec. 12.101.02 Statutory Authority .....	1
Sec. 12.101.03 Purpose .....	1
Sec. 12.101.04 Word Usage .....	2
Sec. 12.101.05 Minimum Requirements; Compliance with Other Applicable Regulations .....	2
Sec. 12.101.06 Separability and Non-Liability .....	3
Sec. 12.101.07 Jurisdiction .....	3
Sec. 12.101.08 Enactment of Article and Transitional Provision .....	3
Sec. 12.101.09 Relationship to Columbia County Comprehensive Plan .....	4
Sec. 12.101.10 Zoning Map and Interpretation of Zoning District Boundaries .....	4
Sec. 12.101.11 Overview of Zoning Districts .....	5
Subsection 105: Agricultural and Open Space Zoning Districts .....	1
Sec. 12.105.01 Purpose .....	1
Sec. 12.105.02 Allowed Uses.....	3
Table 12.105.02(1): Allowed Uses in Agricultural and Open Space Zoning Districts.....	3
Sec. 12.105.03 Parcel and Building Dimensional Standards. ....	8
Table 12.105.03(1): Parcel and Building Standards in Agricultural and Open Space Zoning Districts .....	8
Table 12.105.03(2): Minimum Required Setback for Front and Street Side Yards.....	9
Sec. 12.105.04 Other Regulations .....	10
Subsection 110: Residential Zoning Districts .....	1
Sec. 12.110.01 Purpose .....	1
Sec. 12.110.02 Allowed Uses.....	2
Table 12.110.02(1): Allowed Uses in Residential Zoning Districts .....	2
Sec. 12.110.03 Parcel and Building Dimensional Standards .....	5
Table 12.110.03(1): Parcel and Building Standards in Residential Zoning Districts .....	5
Table 12.110.03(2): Minimum Required Setback for Front and Street Side Yards.....	7
Sec. 12.110.04 Other Regulations .....	7
Subsection 115: Commercial Industrial Zoning Districts .....	1
Sec. 12.115.01 Purpose .....	1
Sec. 12.115.02 Allowed Uses.....	2
Table 12.115.02(1): Allowed Uses in Commercial and Industrial Districts .....	2
Sec. 12.115.03 Parcel and Building Dimensional Standards .....	6

Table 12.115.03(1): Parcel and Building Standards in Commercial and Industrial Districts .....	6
Table 12.115.03(2): Minimum Required Setback for Front and Street Side Yards.....	7
Sec. 12.115.04 Other Regulations .....	7
Subsection 120: Planned Development Overlay Zoning Districts.....	1
Sec. 12.120.01 Purpose .....	1
Sec. 12.120.02 General Standards.....	1
Sec. 12.120.03 Planned Residential District (PD-1) .....	2
Sec. 12.120.04 Planned Commercial District (PD-2).....	3
Sec. 12.120.05 Planned Industrial District (PD-3).....	3
Sec. 12.120.06 Reserved .....	4
Subsection 12.125: Use, Building, and Zoning District Specific Standards.....	1
Sec. 12.125.01 Purpose .....	1
Sec. 12.125.02 A-1 and AO-1 Preexisting Residences and Accessory Structures.....	2
Sec. 12.125.03 A-2 District Dwellings.....	3
Sec. 12.125.04 A-4 Agriculture Overlay District Uses and Lands .....	4
Sec. 12.125.05 Dwellings and Lots within RR-1 Rural Residence District.....	5
Sec. 12.125.06 Keeping of Farm Animals On Small Parcels.....	7
Table 12.125.06(1) Keeping of Farm Animals and Livestock on Small Parcel .....	7
Sec. 12.125.07 Keeping of Chickens As An Accessory Residential Use .....	8
Sec. 12.125.08 Various Agricultural Related Uses .....	8
Sec. 12.125.09 Governmental, Institutional, Religious, or Nonprofit Community Use in Agricultural and Open Space and Commercial Districts .....	9
Sec. 12.125.10 Household Living .....	10
Figure 12.125.09(1): Example Conservation Neighborhood Development Compared to Conventional Development.....	14
Sec. 12.125.11 Lodging Facility .....	15
Sec. 12.125.12 Campground .....	16
Sec. 12.125.13 Drive-In or Drive-Through Use, Including Fueling .....	19
Sec. 12.125.14 Vehicle Repair or Maintenance Service .....	20
Sec. 12.125.15 Outdoor Shooting Range .....	20
Sec. 12.125.16 Animal Services.....	21
Sec. 12.125.17 Adult Use.....	23
Sec. 12.125.18 Junkyard or Salvage Yard.....	23
Sec. 12.125.19 Airport or Landing Strip.....	24
Sec. 12.125.20 Waste Disposal Operation .....	24

Sec. 12.125.21 Composting, Recycling or Waste Transfer Operation.....	24
Sec. 12.125.22 Mobile and Radio Broadcast Services.....	24
Sec. 12.125.23 Personal Storage Facility or Mini-Warehouse.....	33
Sec. 12.125.24 Light Manufacturing.....	33
Sec. 12.125.25 Non-Metallic Mineral Extraction Use .....	34
Sec. 12.125.26 Commercial Entertainment or Recreation, Outdoor .....	36
Sec. 12.125.27 Other Transportation, Communications, Pipeline, Electric Transmission, Utility, or Drainage Use in Agricultural And Open Space Districts .....	37
Sec. 12.125.28 Home Occupations .....	38
Sec. 12.125.29 Small Wind Energy Systems .....	41
Sec. 12.125.30 Large Wind Energy Systems .....	48
Sec. 12.125.31 Small Solar Energy Generating Facility.....	58
Sec. 12.125.32 Large Solar Energy Generating Facility.....	65
Subsection 12.130: Accessory and Temporary Uses and Structures.....	1
Sec. 12.130.01 Purpose .....	1
Sec. 12.130.02 Accessory Uses and Structures, Definitions and General Standards.....	1
Sec. 12.130.03 Permits For Accessory Structures.....	3
Sec. 12.130.04 Permitted Intrusions of Accessory Structures into Minimum required Setbacks .....	4
Table 12.130.04(1): Permitted Intrusions into Minimum Setbacks for Accessory Structures.....	4
Sec. 12.130.05 Temporary Use and Structure Descriptions and Standards .....	5
Subsection 12.135: Nonconforming Uses, Structures, and Substandard Lots .....	1
Sec. 12.135.01 Purpose .....	1
Sec. 12.135.02 General .....	1
Sec. 12.135.03 Nonconforming Uses.....	1
Sec. 12.135.04 Nonconforming Structures .....	3
Sec. 12.135.05 Substandard Lots .....	3
Subsection 12.140: General Standards.....	1
Sec. 12.140.01 Purpose .....	1
Sec. 12.140.02 Miscellaneous General Building and Use Standards .....	1
Sec. 12.140.03 Measurements and Exceptions .....	3
Figure 12.140.03(1): Illustration of Lot Lines, Minimum Setbacks, and Yards as Described in this Chapter.....	5
Figure 12.140.03(2): Determination of Yard and Setback Areas Using Different Lot Configurations	6
Table 12.140.03(1): Permitted Intrusions of Building Components into Minimum Required Setbacks .....	6

Figure 12.140.03(3): Measurement of Building Height.....	9
Table 12.140.03(2): Exceptions to Side Yard Setbacks for Single Family Lots .....	9
Sec. 12.140.04 Building and Site Design Standards .....	10
Sec. 12.140.05 Parking, Loading, and Traffic Management Standards .....	10
Figure 12.140.05: Minimum Driveway Length between Off-Street Parking Lot and Public Street Pavement.....	12
Table 12.140.05(1): Parking Space Standards by Land Use.....	12
Sec. 12.140.06 Landscaping Standards .....	16
Figure 12.140.06(1): Street Frontage Landscape Concept.....	17
Figure 12.140.06(2): Building Foundations Landscape Concept .....	18
Figure 12.140.06(3): Transitional Yard Landscape Concept.....	19
Figure 12.140.06(4): General Yard Area Landscape Concept.....	20
Table 12.140.06: Landscaping Points, Minimum Installation Size, and Examples of Appropriate Species .....	21
Sec. 12.140.07 Exterior Lighting Standards.....	22
Figure 12.140.07(1): Illustration of Exterior Lighting Standards .....	23
Sec. 12.140.08 Natural and Cultural Resource Protection Standards .....	23
Sec. 12.140.09 Erosion Control and Stormwater Management Standards.....	25
Table 12.140.09(1): Maximum Pre-Development Runoff Curve Numbers (CN) .....	26
Sec. 12.140.10 Standards Associated with Overlay Zoning Districts .....	27
Subsection 12.145: Sign Regulations.....	1
Sec. 12.145.01 Purpose and Findings.....	1
Sec. 12.145.02 General Provisions.....	2
Sec. 12.145.03 Standards .....	6
Sec. 12.145.04 Sign Types .....	9
Figure 12.145.04: Calculating Maximum Allowable Size for Building Signs .....	11
Table 12.145.04(1): Permanent Signs Permitted by Zoning District.....	13
Table 12.145.04(2): Permanent Signs Standards .....	14
Table 12.145.04(3): Temporary Signs Standards .....	18
Sec. 12.145.05 Administration .....	19
Subsection 12.150: Procedures and Administration .....	1
Sec. 12.150.01 Purpose .....	1
Sec. 12.150.02 Planning and Zoning Director and Zoning Administrator—Description and Roles .....	1
Sec. 12.150.03 Planning and Zoning Committee—Description and Roles.....	2
Sec. 12.150.04 Zoning Board of Adjustment—Description and Roles.....	4

Sec. 12.150.05 Amendments to Zoning Text—Review Procedure and Standards .....	6
Sec. 12.150.06 Amendments to Official Zoning Map (Rezoning)s—Review Procedure and Standards .....	7
Sec. 12.150.07 Conditional Use Permits—Review Procedure and Standards .....	10
Sec. 12.150.08 Zoning Permits—Review Procedure and Standards.....	14
Sec. 12.150.09 Enforcement and Penalties .....	17
Subsection 12.155: Use Classifications .....	1
Sec. 12.155.01 General .....	1
Sec. 12.155.02 Agriculture and Open Space Use Group .....	2
Sec. 12.155.03 Residential Use Group.....	3
Sec. 12.155.04 Civic and Institutional Use Group .....	4
Sec. 12.155.05 Commercial Use Group .....	5
Sec. 12.155.06 Industrial Use Group .....	9
Sec. 12.155.07 Utility, Communication and Transportation Use Group .....	11
Sec. 12.155.08 Home Occupation .....	12
Subsection 12.160: Definitions .....	1
Sec. 12.160.01 Purpose .....	1
Sec. 12.160.02 Definitions .....	1
Appendix A: Development Review Process Summaries .....	1



## SUBSECTION 101: INTRODUCTION

### SECTIONS:

<a href="#">12.101.01</a>	<a href="#">Title and Continuation</a>
<a href="#">12.101.02</a>	<a href="#">Statutory Authority</a>
<a href="#">12.101.03</a>	<a href="#">Purpose</a>
<a href="#">12.101.04</a>	<a href="#">Word Usage</a>
<a href="#">12.101.05</a>	<a href="#">Minimum Requirements: Compliance with Other Applicable Regulations</a>
<a href="#">12.101.06</a>	<a href="#">Separability and Non-Liability</a>
<a href="#">12.101.07</a>	<a href="#">Jurisdiction</a>
<a href="#">12.101.08</a>	<a href="#">Enactment of Chapter and Transitional Provisions</a>
<a href="#">12.101.09</a>	<a href="#">Relationship to Columbia County Comprehensive Plan</a>
<a href="#">12.101.10</a>	<a href="#">Zoning Map and Interpretation of Zoning District Boundaries</a>
<a href="#">12.101.11</a>	<a href="#">Overview of Zoning Districts</a>

### SEC. 12.101.01 TITLE AND CONTINUATION

- (1) This chapter shall be known, cited, and referred to as the Columbia County Zoning Code, except as referred to herein, where it shall be known as “this chapter”.
- (2) The provisions of this code, so far as they are the same in substance as those of heretofore existing ordinances are continuations of such ordinances and not new enactments. Any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time of this repeal are not affected by this repeal, but may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been affected.

### SEC. 12.101.02 STATUTORY AUTHORITY

This chapter is enacted pursuant to the authority granted by the Wisconsin Statutes, including but not limited to §§ 59.69, 59.693, 59.694, 59.696, 59.697, 59.698, 66.1001, and Chapters 91, 236, and 823, as amended from time to time.

### SEC. 12.101.03 PURPOSE

- (1) This chapter is adopted under the authority granted by Wis. Stats. § 59.69(1) for the purpose of protecting the public health, safety, morals, comfort, convenience and general welfare of the residents of Columbia County. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience and general welfare, and shall be liberally construed in favor of the County and shall not be construed to be a limitation or repeal of any other power now granted by Wisconsin Statutes and possessed by the County.
- (2) This chapter is further intended to control and lessen congestion in the streets; to secure

safety from fire, panic and other danger; to promote adequate light and air; to manage growth and the impact of land development; to encourage the protection of ground and surface water and other natural resources; to preserve productive farmland; to preserve the County's rural character; to prevent the overcrowding of land; to preserve, protect and promote property value; to promote high quality and lasting community design; to clearly present land development opportunity and review process; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities.

#### **SEC. 12.101.04 WORD USAGE**

In the interpretation of words used in this chapter:

- (1) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (2) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.
- (3) The masculine gender shall include the feminine, and vice versa.
- (4) The words "shall", "must" and "will" are mandatory.
- (5) The words "may", "can", "should", and "might" are permissive.
- (6) The word "person" includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.
- (7) If there is any ambiguity between the text of this chapter and any caption, illustration, table, or appendix, then the text of this chapter shall control.

#### **SEC. 12.101.05 MINIMUM REQUIREMENTS; COMPLIANCE WITH OTHER APPLICABLE REGULATIONS**

- (1) The provisions of this Columbia County Zoning Code are the minimum requirements deemed necessary to carry out this chapter's stated purpose.
- (2) In addition to the requirements of this Columbia County Zoning Code, all land uses and development activities must comply with all other applicable town, county, state, and federal regulations.
- (3) All references in this chapter to other town, county, state, or federal regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility for the county to enforce town, state, or federal regulations.
- (4) Nothing in this chapter shall be construed to limit or prevent any other unit of government, including town, from regulating the same or similar subject matter as contained in the chapter to the fullest extent allowed by law. Where property is affected by the regulation imposed by any provision of this chapter and by other governmental regulation, the regulation which are more restrictive, or which impose higher standard or requirement shall prevail. Regardless of any other provision of this chapter, no land shall be developed or used, and no structure erected or maintained in violation of any duly



adopted local, state or federal regulation.

- (5) If any other legally adopted ordinance is more restrictive than this chapter or any amendment thereto, such other ordinance continues in all respect to the extent of the greater restriction, but not otherwise.
- (6) his chapter does not abrogate, repeal, annul, impair or interfere with any existing easement, covenant, deed restriction, agreement, or permit previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restriction, the provisions of this chapter shall prevail.
- (7) A legal use that was permitted at the time of the establishment of this Chapter, but is now allowed as a conditional use, is considered an automatic conditional use. An automatic approved conditional use may continue, but any changes are subject to the regulations of this Chapter.

#### **SEC. 12.101.06 SEPARABILITY AND NON-LIABILITY**

It is hereby declared to be the intention of the County Board that the several provisions of this chapter are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge invalid any provision of this chapter, such judgment shall not affect any other provision of this chapter not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this chapter to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.
- (3) If any requirement or limitation attached to an authorization given under this chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.

#### **SEC. 12.101.07 JURISDICTION**

- (1) This chapter is applicable to all territory located only within those portions of the unincorporated area of Columbia County in which the associated town board has adopted this chapter, pursuant to Wis. Stats. § 59.69(5).
- (2) Unless specifically exempted by law, all cities, villages, towns and counties are required to obtain all necessary permits for projects undertaken by them within this chapter's geographic jurisdiction. State agencies are required to similarly comply when Wis. Stats. § 13.48(13) applies.

#### **SEC. 12.101.08 ENACTMENT OF ARTICLE AND TRANSITIONAL PROVISION**

- (1) This chapter shall become effective per the procedure under Wis. Stats. § 59.69.
- (2) All provisions of Chapter 12, Subchapter 100 of the Columbia County Code of Ordinances

that existed prior to May 21, 2014 (i.e., the predecessor Chapter 12, Subchapter 100) and that are not included herein are hereby repealed.

- (3) This chapter, in part, carries forward some of the provisions governing zoning and related matters, being previously known collectively as the “Zoning Code”, Chapter 12, Subchapter 100 of the Columbia County Code of Ordinances, in place prior to the effective date of this recreated chapter. It is the intention of this chapter to continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced, unless explicitly surrendered by specific provisions of this chapter or altered by the Official Zoning Map.
- (4) The adoption of this chapter shall not adversely affect the County’s right to prosecute any violation of the predecessor Chapter 12, Subchapter 100 and Title 16, Chapter 100, provided that such violation first occurred while the particular predecessor chapter was in effect.
- (5) Development applications that were submitted in complete form and were pending approval on or before the effective date of this chapter in each respective town shall be reviewed wholly under the terms of the chapter as it existed at the time the complete application was submitted.

#### **SEC. 12.101.09      RELATIONSHIP TO COLUMBIA COUNTY COMPREHENSIVE PLAN**

The County Board has formally adopted a Comprehensive Plan, pursuant to Wis. Stats. § 66.1001(4)(c). The County Comprehensive Plan is intended to guide the physical development of the County over a 20-year planning period and serve as the partial basis for this chapter. The County Board may, from time to time, amend the Comprehensive Plan following the procedure included in Wis. Stats. § 66.1001. This chapter implements aspects of the Comprehensive Plan that are best addressed through zoning approaches, as enabled and in certain cases required by Wisconsin Statutes. In accordance with Wis. Stats. § 91.38(1)(f) and 66.1001(3), this chapter is consistent with the Comprehensive Plan. In accordance with Wis. Stats. § 66.1001(1)(am), consistent with means “furthers or does not contradict the objectives, goals, and policies contained in the Comprehensive Plan.” All subsequent amendments to the text of this chapter and the Official Zoning Map contained herein shall also be consistent with the Comprehensive Plan goals, objectives, and policies, in accordance with Wisconsin Statutes.

#### **SEC. 12.101.10      ZONING MAP AND INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

- (1) All lands located within the jurisdiction of this chapter are hereby divided into zoning districts of such number and character as are necessary to achieve compatibility of land uses within each district, to implement the Comprehensive Plan, and to achieve the other stated purposes of this chapter.
- (2) Base zoning districts established by this chapter are shown on the Official Zoning Map of Columbia County, which together with all explanatory materials thereon, is hereby made part of this chapter. Where the Official Zoning Map does not indicate a base zoning

district for a particular area, unless that Map is in error, that area is either within the corporate limits of a city or village, within an area subject to extraterritorial zoning or not subject to any rules associated with a base zoning district under this chapter. The Official Zoning Map of Columbia County is a digital compilation within the County's Geographic Information System; said digital compilation map shall be regulatory for purpose of enforcement of this chapter.

- (3) The following rules shall be used to determine the precise location of any base zoning district boundary shown on the Official Zoning Map of Columbia County:
  - a. Base zoning district boundaries shown as following or approximately following the limits of any city, village, town, or county boundary shall be construed as following such limits.
  - b. Base zoning district boundaries shown as following or approximately following public streets or railroad lines shall be construed as following the centerline of such street or railroad line.
  - c. Base zoning district boundaries shown as following or approximately following platted lot lines, ordinary high-water marks, or another property line as shown on the Columbia County parcel map shall be construed as following such line.
  - d. Base zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.
  - e. Base zoning district boundaries shown as separated from any of the features listed in paragraphs (a) through (d) above shall be construed to be at such distances as shown on the Official Zoning Map.
  - f. Where the exact location of a base zoning district boundary, as shown on the Official Zoning Map, is uncertain, the boundary location shall be determined by the Zoning Administrator.
- (4) No lot shall be divided into more than one base zoning district, unless that lot is legally divided so that new lot lines and new zoning district boundaries coincide. This provision shall not apply to overlay zoning districts. Minimum required building setbacks do not apply along base zoning district boundary lines that split a parcel under single ownership. If any use or structure rendered nonconforming by provisions of this Subsection (4) is accidentally damaged or destroyed it may be reestablished as long as the reestablishment does not increase the extent of nonconformity.

## **SEC. 12.101.11 OVERVIEW OF ZONING DISTRICTS**

Geographic areas within the jurisdiction of this Subchapter, and other Subchapters within Chapter 12, are divided into the base and overlay zoning districts within the following list. Also included within these lists, for certain zoning districts and within parenthesis, are parallel or nearly parallel zoning districts from the version of Chapter 12, Subchapter 100 in effect prior to May 21, 2014. This information is included for reference purposes only.

**A. Agricultural and Open Space Base and Overlay Zoning Districts:**

A-1 Agriculture District (Predecessor: Agriculture District)

AO-1 Agriculture and Open Space District (No predecessor district)

A-2 General Agriculture District (Predecessor: Agriculture No. 2)

A-3 Agriculture Business District (No predecessor district)

A-4 Agricultural Overlay District (Predecessor: Agricultural Overlay District)

RC-1 Recreation District (Predecessor: Recreation District)

**B. Residential Base Zoning Districts:**

RR-1 Rural Residence District (Predecessor: Rural Residential District)

R-1 Single-Family Residence District (Predecessor: Single Family Residence District)

R-2 Multiple-Family Residence District (Predecessor: Multiple Family Residence District)

R-3 Manufactured or Mobile Home Park District (No predecessor district)

**C. Commercial and Industrial Base Zoning Districts:**

C-1 Light Commercial District (No predecessor district)

C-2 General Commercial District (Predecessor: Commercial District)

C-3 Highway Interchange District (Predecessor: Highway Interchange District)

I-1 Light Industrial District (No predecessor district)

I-2 General Industrial District (Predecessor: Industrial District)

**D. Planned Development Overlay Zoning Districts:**

PD-1 Planned Residential Overlay District (Predecessor: Planned Residential Development Overlay District)

PD-2 Planned Commercial Overlay District (No predecessor district)

PD-3 Planned Industrial Overlay District (No predecessor district)

**E. Other Overlay Zoning Districts not described under this chapter:**

Floodplain Zoning Districts. See Chapter 12, Subchapter 400 of the Columbia County Code of Ordinances

SW Shoreland-Wetland Overlay District. See Chapter 12, Subchapter 500 of the Columbia County Code of Ordinances

## **SUBSECTION 105: AGRICULTURAL AND OPEN SPACE ZONING DISTRICTS**

### **SECTIONS:**

- [12.105.01 Purpose](#)
- [12.105.02 Allowed Uses](#)
- [12.105.03 Parcel and Building Dimensional Standards](#)
- [12.105.04 Other Regulations](#)

### **SEC. 12.105.01 PURPOSE**

#### **(1) A-1 Agriculture District.**

The A-1 district provides for the preservation, maintenance, and enhancement of agriculture, farmland, 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. New uses, structures and improvements in this district include agricultural uses and other uses consistent with agricultural uses. Further, rezonings away from A-1 will be approved only upon a finding that the requirements of Wis. Stats. § 91.48 are met, which includes consistency with the County Comprehensive Plan including its residential density policy. These policies are intended to avoid conflict which occurs when agricultural and non-agricultural uses are mixed, minimize adverse pressure upon agricultural uses caused by speculative land value, and preserve rural and agricultural character. This district is intended to be used in areas mapped in the County Comprehensive Plan for Agricultural or Other Open Space use on its Future Land Use map as Farmland Preservation Area on its Farmland Preservation map. This district is certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection to enable eligible property owners to collect farmland preservation tax credits.

#### **(2) AO-1 Agriculture and Open Space District.**

The AO-1 district provides for the preservation, maintenance, and enhancement of agriculture, farmland, forestry, natural areas, and other open spaces. New uses, structures and improvements in this district include agricultural uses and other uses consistent with agricultural uses. These policies are intended to avoid conflict which occurs when agricultural and non-agricultural uses are mixed, minimize adverse pressure upon agricultural uses caused by speculative land value, and preserve rural and agricultural character. This district is intended to preserve for an unspecified time period in agricultural and open space land use those lands generally located close to developed areas within Columbia County where future development is consistent with town, city, village, and/or county plans. Such lands are mapped as Urban Transition Area on the Farmland Preservation map in the County Comprehensive Plan. This district is also available for use in areas mapped in the County Comprehensive Plan for Agricultural or Other Open Space use on its Future Land Use map and as Farmland Preservation Areas on its Farmland Preservation map, where the County and affected town have determined that the AO-1 district is preferred to the A-1 district. The AO-1 district is not certified by

the Wisconsin Department of Agriculture, Trade and Consumer Protection for farmland preservation tax credits.

(3) **A-2 General Agriculture District.**

The A-2 district is intended for farmland and open space preservation, and for limited residential use of lands without rezoning the land to a residential zoning district, in areas of the County where such lands do not qualify for A-1 or AO-1 zoning because of smaller parcel size. This district is primarily intended to be used in areas mapped in the County Comprehensive Plan for Agricultural or Other Open Space use on its Future Land Use map and as Farmland Preservation Area on its Farmland Preservation map. The only lands which qualify to be zoned A-2 are those parcels of record as of November 1, 1984, where such parcel is not under common ownership with any contiguous land which bring the total acreage under contiguous common ownership to 35 acres or greater. The A-2 district is not certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection for farmland preservation tax credits.

(4) **A-3 Agriculture Business District.**

The A-3 district is intended to accommodate a variety of businesses that are related to or directly support agricultural production in the County; require a rural location due to extensive land area needs, impacts or proximity to resources; do not require urban services like public sanitary sewer or water service; and may not be appropriate in other agricultural, commercial, or industrial zoning districts. This district is primarily intended to be used in areas mapped in the County Comprehensive Plan for future Agricultural or Other Open Space use on its Future Land Use map and as Farmland Preservation Area in its Farmland Preservation map. The A-3 district is not certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection for farmland preservation tax credits.

(5) **A-4 Agricultural Overlay District.**

The A-4 overlay district is intended to enhance the prospect of long-term farmland and open space preservation over areas where it is mapped. The A-4 district will be mapped over an underlying base agricultural zoning district to impose regulation in addition to those required by that base agriculture district. This overlay district will generally be used in areas mapped in the County Comprehensive Plan for Agricultural or Other Open Space use on its Future Land Use map and as Farmland Preservation Area on its Farmland Preservation map. This district must be used as a means to track and maintain development density policies within County and town plans and ordinances.

(6) **RC-1 Recreation District.**

The RC-1 district is intended to accommodate land use serving the commercial and natural recreational need and interest of tourists or the local population. This district provides an environment that does not allow residential uses, commercial uses that are not recreation-based, or industrial uses, which are instead allowed in other zoning districts. The RC-1 district may be mapped in areas with pre-existing use meeting this description and in areas that are identified for recreational land use in the Comprehensive Plan.

**SEC. 12.105.02 ALLOWED USES**

- (1) [Table 12.105.02\(1\)](#) indicates permitted and conditional principal land use in the agricultural and open space zoning districts. Land uses designated with a “P” are permitted-by-right uses in the associated zoning district. Land uses designated with a “C” are conditional uses in the associated zoning district. If a cell is empty, that land use is prohibited in that zoning district. A “Yes” in the associated cell under the “Subject to Use and Building Specific Standards in Subsection 12.125” column means that [Subsection 12.125](#) include other specific performance standards that are applicable to that land use.
- (2) The land uses listed in this Subsection are described in greater detail in [Subsection 12.155](#) Use Classifications. Proposed land uses that do not appear to be encompassed by one of the land uses listed in [Table 12.105.02\(1\)](#) are not necessarily excluded from locating within any given zoning district. In accordance with the procedures and criteria in [Section 12.155.01\(4\)](#), the Zoning Administrator, with approval of the Planning & Zoning Committee, is authorized to determine that such an “unlisted” land use is similar enough to one of the land uses listed in [Table 12.105.02\(1\)](#) to have the same permitted-by-right, conditional, or prohibited status of that listed use, subject to any federal state, or county regulations that affect whether an unclassified use may be allowed, including but not limited to Chapter 91, Wisconsin Statutes and any Wisconsin Administrative Rule promulgated thereunder.
- (3) See [Subsection 12.130](#) for accessory and temporary land use regulations applicable to agricultural and open space zoning districts.

**Table 12.105.02(1): Allowed Uses in Agricultural and Open Space Zoning Districts**

<b><u>Agricultural and Open Space Zoning Districts</u></b>							
↓ LAND USES ↓ See Subsection 12.155 for detailed land use descriptions	Agriculture (A-1)	Agriculture and Open Space (AO-1)	General Agriculture (A-2)	Agriculture Business (A-3)	Agricultural Overlay (A-4)	Recreation (RC-1)	Subject to Use and Building Specific Standards in Specified Section(s)
<b>Agricultural and Open Space Use Group</b>							
Agricultural use	P	P	P		P		<a href="#">12.155.02(1)</a>
Keeping of farm animals on small parcels	P	P	P		P		<a href="#">12.125.06</a>
Agritainment/Agritourism	C	C	C	P			<a href="#">12.125.08</a> <a href="#">12.155.02</a>

### **Agricultural and Open Space Zoning Districts**

↓ LAND USES ↓ See Subsection 12.155 for detailed land use descriptions	Agriculture (A-1)	Agriculture and Open Space (AO-1)	General Agriculture (A-2)	Agriculture Business (A-3)	Agricultural Overlay (A-4)	Recreation (RC-1)	Subject to Use and Building Specific Standards in Specified Section(s)
Campground						C	<a href="#">12.125.12</a> <a href="#">12.155.02(3)</a>
Game management	P	P	P		P	P	<a href="#">12.155.02(4)</a>
Golf course, public or private						P	<a href="#">12.155.02(5)</a>
Farm animal and commodity trucking service	C	C	C	P	C		<a href="#">12.125.08</a> <a href="#">12.155.02(11)</a>
Outdoor shooting range						C	<a href="#">12.125.15</a>
Processing, preserving and sale of natural agricultural products, fruits and vegetables not produced on the farm				P			
Public park and recreation						P	<a href="#">12.155.02(7)</a>
Retreat						C	<a href="#">12.155.02(8)</a>
Road side stand	P	P	P		P		<a href="#">12.125.08</a> <a href="#">12.155.02(9)</a>
Sales, distribution, mixing, blending and storage of agricultural supplies such as feeds, seeds, propane and fertilizer	C	C		P	C		<a href="#">12.125.08</a> <a href="#">12.125.28</a>
Sales, service or repair of machinery and equipment used in agriculture	C	C		P	C		<a href="#">12.125.08</a>
Saw mill, plane mill	C	C		P			<a href="#">12.125.08</a>
Ski hill						C	<a href="#">12.155.02(10)</a>
<b>Residential Use Group</b>							
Household living (below)							
<ul style="list-style-type: none"> <li>Preexisting residence</li> </ul>	P	P	P				<a href="#">12.125.02</a> <a href="#">12.155.03(1)(c)</a>
<ul style="list-style-type: none"> <li>Single family use, general</li> </ul>			P				<a href="#">12.125.10(1)</a> <a href="#">12.155.03(1)(a)</a>



### **Agricultural and Open Space Zoning Districts**

↓ LAND USES ↓ See Subsection 12.155 for detailed land use descriptions	Agriculture (A-1)	Agriculture and Open Space (AO-1)	General Agriculture (A-2)	Agriculture Business (A-3)	Agricultural Overlay (A-4)	Recreation (RC-1)	Subject to Use and Building Specific Standards in Specified Section(s)
• Two Family Use	C	C	C				<a href="#">12.125.02(1)</a>
• Family Day Care Home (4-8 children)	P	P	P				<a href="#">12.155.03(1)(f)</a>
• Intermediate Family Day Care Home (9- 15 children)	C	C	C				<a href="#">12.155.03(1)(g)</a>
Group living (below)							
• Community Living Arrangement (1-8 residents)	P	P	P				<a href="#">12.155.03(2)(a)</a>
• Community Living Arrangement (9-15 residents)	C	C	C				<a href="#">12.155.03(2)(a)</a>
<b>Civic and Institutional Use Group</b>							
Governmental, institutional, religious, or nonprofit community use	C	C		C			<a href="#">12.125.09</a> <a href="#">12.155.04(4)</a>
<b>Commercial Use Group</b>							
Animal services							
• Animal sales and grooming				P			<a href="#">12.125.16</a> <a href="#">12.155.05(2)(a)</a>
• Commercial animal shelter, commercial boarding kennel, or commercial breeding facility				C			<a href="#">12.125.16</a> <a href="#">12.155.05(2)(b)</a>
• Residential kennel	C	C	C				<a href="#">12.125.10</a> <a href="#">12.155.05(2)(c)</a>
• Veterinary services		C		P			<a href="#">12.125.16</a> <a href="#">12.155.05(2)(d)</a>
• Veterinary services – farm animals only	P	P		P	P		<a href="#">12.125.16</a> <a href="#">12.155.05(2)(d)</a>
• Commercial stable	P	P	C		P	P	<a href="#">12.125.16</a> <a href="#">12.155.05(2)(e)</a>

### **Agricultural and Open Space Zoning Districts**

↓ LAND USES ↓ See Subsection 12.155 for detailed land use descriptions	Agriculture (A-1)	Agriculture and Open Space (AO-1)	General Agriculture (A-2)	Agriculture Business (A-3)	Agricultural Overlay (A-4)	Recreation (RC-1)	Subject to Use and Building Specific Standards in Specified Section(s)
Commercial entertainment or recreation, indoor or outdoor						C	<a href="#">12.125.26</a> <a href="#">12.155.05(3)</a>
Lodging facility (below)							
<ul style="list-style-type: none"> <li>Tourist rooming house</li> </ul>		C	C				<a href="#">12.125.11</a> <a href="#">12.155.05(12)(a)</a>
<ul style="list-style-type: none"> <li>Bed and breakfast establishment</li> </ul>	C	C	C				<a href="#">12.125.11</a> <a href="#">12.155.05(12)(c)</a>
<b>Utility, Communication, and Transportation Use Group</b>							
Airport or landing strip	C	C		C			<a href="#">12.125.19</a> <a href="#">12.155.07(1)</a>
Telephone, telegraph and power distribution tower, 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	P	P	P	P	P	P	In A-1, must also be required under state or federal law to be located in a specific place or be authorized to be located in a specific place under a law that preempts the requirement of a conditional use permit.
Radio broadcast service facilities and television transmission tower, microwave relay tower	C	C	C	C	C	C	<a href="#">12.125.22</a>
Other transportation, communications, pipeline, electric transmission, utility, or drainage use	C	C	C	C	C	C	<a href="#">12.125.27</a>
Mobile Service Tower and Facilities	P	P	P	P	P	P	<a href="#">12.125.22</a>

### **Agricultural and Open Space Zoning Districts**

↓ LAND USES ↓ See Subsection 12.155 for detailed land use descriptions	Agriculture (A-1)	Agriculture and Open Space (AO-1)	General Agriculture (A-2)	Agriculture Business (A-3)	Agricultural Overlay (A-4)	Recreation (RC-1)	Subject to Use and Building Specific Standards in Specified Section(s)
Small Wind Energy System	P	P	P	P	P	P	<a href="#">12.125.29</a>
Large Wind Energy System	P	P	P	P	P	P	<a href="#">12.125.30</a>
Small Solar Energy Generating Facility	C	C	C	C	C	C	<a href="#">12.125.31</a>
Large Solar Energy Generating Facility	P	P	P	P	P	P	<a href="#">12.125.32</a>
<b>Industrial Use Group</b>							
Contractor shop				C			<a href="#">12.155.06(4)</a>
Composting, recycling or waste transfer operation				C			<a href="#">12.125.21</a> <a href="#">12.155.07(2)</a>
Non-metallic mineral extraction use	C	C	C		C		<a href="#">12.125.25</a> <a href="#">12.155.06(10)</a>
Personal storage facility or mini-warehouse				C			<a href="#">12.155.06(12)</a>
Waste disposal operation	C	C					<a href="#">12.125.20</a> <a href="#">12.155.07(4)</a>
<b>Other Accessory &amp; Temporary Uses and Structures</b>							
Minor home occupation	P	P	P				<a href="#">12.125.28</a> <a href="#">12.155.08(1)</a>
Major home occupation	C	C	C				<a href="#">12.125.28</a> <a href="#">12.155.08(2)</a>
Agricultural accessory structure	P	P	P	C	P		<a href="#">12.125.02</a> <a href="#">12.130</a>
Non-agricultural accessory structure	P	P	P	P	P	P	<a href="#">12.125.02</a> <a href="#">12.130</a>
Accessory Solar Energy Generating System	P	P	P	P	P	P	<a href="#">12.125.02</a> <a href="#">12.130.02</a>
Temporary structure	P	P	P	P	P	P	<a href="#">12.130.05</a>

<b><u>Agricultural and Open Space Zoning Districts</u></b>							
↓ LAND USES ↓ See Subsection 12.155 for detailed land use descriptions	Agriculture (A-1)	Agriculture and Open Space (AO-1)	General Agriculture (A-2)	Agriculture Business (A-3)	Agricultural Overlay (A-4)	Recreation (RC-1)	Subject to Use and Building Specific Standards in Specified Section(s)
Temporary use	P/C	P/C	P/C	P/C	P/C	P/C	See details in Section <a href="#">12.130.05</a> for specific uses that are permitted or require a CUP

### **SEC. 12.105.03 PARCEL AND BUILDING DIMENSIONAL STANDARDS.**

Tables [12.105.03\(1\)](#) and [\(2\)](#) indicate dimensional standards, yards, and other bulk regulations for development in agricultural and open space zoning districts. For additional dimensional standards applicable to lands within the shoreland zone, see Shoreland Wetland Protection ordinance. In the event of conflict, the more restrictive standard applies.

**Table 12.105.03(1): Parcel and Building Standards in Agricultural and Open Space Zoning Districts**

<b><u>Agricultural and Open Space Zoning Districts</u></b>						
	Agriculture (A-1)	Agriculture and Open Space (AO-1)	General Agriculture (A-2)	Agriculture Business (A-3)	Agricultural Overlay (A-4)	Recreation (RC-1)
<b>Minimum Lot Specifications</b>						
Minimum Net Lot Size (acres, except where indicated)	5 acres for agriculture use and vacant land; 1 acre for preexisting residences. See Section 12.125.02	5 acres for agriculture use and vacant land; 1 acre for preexisting residences. See Section 12.125.02	1	1	n/a	20,000 sq. ft.
Maximum Lot Size (acres)	n/a	n/a	34.99	n/a	n/a	n/a
Minimum Lot Width (ft.)	200	200	200	200	n/a	100

<b><u>Agricultural and Open Space Zoning Districts</u></b>						
	Agriculture (A-1)	Agriculture and Open Space (AO-1)	General Agriculture (A-2)	Agriculture Business (A-3)	Agricultural Overlay (A-4)	Recreation (RC-1)
Minimum Lot Depth (ft.)	n/a	n/a	n/a	n/a	n/a	n/a
<b>Development Specifications</b>						
Maximum Building Coverage (% of lot area covered by all buildings)	n/a	n/a	n/a	50%	n/a	n/a
Maximum Building Height (ft.) (except agricultural & residential structures-see <a href="#">Section 12.140.03(11)</a> )	35	35	35	50	n/a	50
Minimum Floor Area (sq. ft.)	SF= 900 TF = 600/DU	SF= 900 TF = 600/DU	SF=900	n/a	n/a	n/a
<b>Minimum Required Setbacks (see also standards for accessory structures in <a href="#">Subsection 12.130</a>)</b>						
Front or Street Side Yard (ft.)	<a href="#">Table 12.105.03(2) 12.140.03 (6)(a)</a>	<a href="#">Table 12.105.03(2) 12.140.03 (6)(a)</a>	<a href="#">Table 12.105.03(2) 12.140.03 (6)(a)</a>	<a href="#">Table 12.105.03(2) 12.140.03 (6)(a)</a>	<a href="#">Table 12.105.03(2) 12.140.03 (6)(a)</a>	<a href="#">Table 12.105.03(2) 12.140.03 (6)(a)</a>
Interior Side Yard (ft.)	10	10	10	10	10	10
Rear Yard (ft.)	25	25	25	25	25	25
Impervious Surface from State Natural Areas (ft.)	75	75	75	75	75	75
Impervious Surface from Wetlands (ft.)	35	35	35	35	35	35
For new structures used for housing or feeding of farm animals, from dwelling on adjoining lot (ft.)	100	100	100	n/a	100	n/a
Residence from Railroad tracks (ft.)	75	75	75	n/a	n/a	n/a
SF = Single-Family Dwelling; TF = Two-Family Dwelling; DU = Dwelling Unit See Section 12.140.03 for Measurements and Exceptions						

**Table 12.105.03(2): Minimum Required Setback for Front and Street Side Yards**

<b>Jurisdiction of Public Road</b>	<b>Minimum Front or Street Side Setback from Closest Public Road Right-of-Way Line or Prescriptive Public Access</b>	<b>Minimum Front or Street Side Setback from Centerline of Public Road Right-of-Way or Prescriptive Public Access</b>
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	<b>Easement Line(ft.) *</b>	<b>Easement(ft.) *</b>
Town, Village, or City Road	30	63
County Trunk Highway	42	75
State Trunk or U.S. Highway	50	110
* Minimum front or street side setback shall be either the minimum required distance from the closest public road right-of-way <b>or</b> the minimum required distance from the centerline of the public road right-of-way or prescriptive easement, whichever is greater.		

## **SEC. 12.105.04 OTHER REGULATIONS**

- (1) **Accessory and Temporary Uses and Structures:** See [Subsection 12.130](#).
- (2) **General Standards:** See [Subsection 12.140](#).
- (3) **Permitted Intrusions into Minimum Required Yards.** See [Section 12.140.03\(8\)](#).
- (4) **Signs:** See [Subsection 12.145](#).
- (5) **Nonconforming Uses, Nonconforming Structures, and Substandard Lots:** See [Subsection 12.135](#).
- (6) **Other Applicable Regulations:**
  - (a) For regulations applicable when land is proposed to be divided into additional lots, see County Land Division and Subdivision ordinance.
  - (b) For regulation applicable to land within the floodplain, see County Flood Plain Zoning ordinance.
  - (c) For regulation applicable to land within the shoreland zone, as designated by Wisconsin Statutes (and generally within 1,000 feet of lakes, ponds or flowages or 300 feet of rivers or streams), see County Shoreland-Wetland Protection ordinance.
  - (d) Land mapped in the agricultural and open space zoning districts may be subject to other town, county, state, or federal regulation. It is the responsibility of the land owner to be aware of all other applicable regulation.

## SUBSECTION 110: RESIDENTIAL ZONING DISTRICTS

### SECTIONS:

- [12.110.01 Purpose](#)
- [12.110.02 Allowed Uses](#)
- [12.110.03 Parcel and Building Dimensional Standards](#)
- [12.110.04 Other Regulations](#)

### SEC. 12.110.01 PURPOSE

#### (1) **RR-1 Rural Residence District.**

The RR-1 district is intended to provide for limited rural residential development in areas that have a predominately agricultural or open space character, and on sites that are less suited for agricultural production or will have a limited impact on agricultural production. The limited application of this district is primarily intended for areas mapped within the County Comprehensive Plan for Agricultural or Other Open Space use on its Future Land Use map and as Farmland Preservation Area on its Farmland Preservation map, in accordance with density and other standards within the Comprehensive Plan or a more restrictive town plan. Residents of this district may experience conditions associated with farming they may not consider to be compatible with residential use. The RR-1 district can also be used in areas mapped within the County Comprehensive Plan for Single Family Residence on its Future Land Use map between existing residential development and agricultural and open space land uses.

#### (2) **R-1 Single-Family Residence District.**

The R-1 district is intended primarily for single-family dwellings on relatively small lots, along with compatible home occupations, small-scale institutional and recreational use, and low-intensity, pre-existing agricultural use. The district is generally designed for existing or planned residential development areas, including those near cities and villages, in crossroad hamlets or unincorporated villages, in developed or developing waterfront areas, and in conservation neighborhood developments. Minimum lot dimensions depend on the type of sanitary waste treatment method employed.

#### (3) **R-2 Multiple-Family Residence District.**

The R-2 district is intended for a mix of residential development types and densities, along with compatible home occupations, small-scale institutional and recreational uses, and pre-existing, low-intensity agricultural operations. Minimum lot dimensions depend both on the number of dwelling units and the type of sanitary waste treatment method employed.

#### (4) **R-3 Manufactured or Mobile Home Park District.**

The R-3 district is intended to provide a safe, attractive, and functional environment for mobile and manufactured home parks and subdivisions, where the characteristics of manufactured homes, if sited in such parks or subdivisions, do not allow them to be classified as single-family dwellings in accordance with Sections [12.155.03\(1\)\(a\)](#) and

[12.125.10\(1\)](#). The district shall be mapped only where the mobile or manufactured home park will be provided with public sanitary sewer service or served by a private group waste treatment system.

## SEC. 12.110.02 ALLOWED USES

- (1) [Table 12.110.02\(1\)](#) indicates permitted and conditional principal land uses in the residential zoning districts. Land uses designated with a “P” are permitted-by-right uses in the associated zoning district. Land uses designated with a “C” are conditional uses in the associated zoning district. If a cell is empty, that land use is prohibited in that zoning district. A “Yes” in the associated cell under the “Subject to Use and Building Specific Standards in Subsection 12.125” column means that [Subsection 12.125](#) includes other specific performance standards that are applicable to that land use.
- (2) The land uses listed in this Subsection are described in greater detail in [Subsection 12.155](#). Proposed land uses that do not appear to be encompassed by one of the land uses listed in [Table 12.110.02\(1\)](#) are not necessarily excluded from locating within any given zoning district. In accordance with the procedures and criteria in [Subsection 12.155.01\(4\)](#), the Zoning Administrator, with approval of the Planning and Zoning Committee, is authorized to determine that such an “unlisted” land use is similar enough to one of the land uses listed in [Table 12.110.02\(1\)](#) to have the same permitted-by-right, conditional, or prohibited status of that listed use.
- (3) See [Subsection 12.130](#) for accessory and temporary land uses regulations applicable to the residential zoning districts.

**Table 12.110.02(1): Allowed Uses in Residential Zoning Districts**

<b><u>Residential Zoning Districts</u></b>					
↓ LAND USES ↓	Rural Residence (RR-1)	Single-Family Residence (R-1)	Multiple-Family Residence (R-2)	Manufactured/ Mobile Home Park (R-3)	Subject to Use and Building Specific Standards in <a href="#">Subsection 12.125</a>
<b>Agriculture and Open Space Use Group</b>					
Agricultural use					<a href="#">12.155.02(A)</a>
<ul style="list-style-type: none"> <li>Keeping of farm animals on small parcels</li> </ul>	P				<a href="#">12.125.06</a>
Keeping of chickens as an accessory residential use	P	P			<a href="#">12.125.07</a>
Road side stand	P				<a href="#">12.125.08</a>
<b>Residential Use Group</b>					



<b><u>Residential Zoning Districts</u></b>					
↓ LAND USES ↓	Rural Residence (RR-1)	Single-Family Residence (R-1)	Multiple-Family Residence (R-2)	Manufactured/ Mobile Home Park (R-3)	Subject to Use and Building Specific Standards in <a href="#">Subsection 12.125</a>
Household Living					
• Single-family use	P	P	P		<a href="#">12.125.10</a>
• Family day care home (4-8 children)	P	P			<a href="#">12.155.03(1)(f)</a>
• Intermediate family day care home (9-15 children)	C	C			<a href="#">12.155.03(1)(g)</a>
• Two-family use	C	C	P		<a href="#">12.125.10</a>
• Multiple-family use (3-8 dwelling units)			P		
• Multiple-family use (9+ dwelling units)			C		
• Mobile home				P	<a href="#">12.125.10</a>
• Manufactured home NOT meeting all single-family use performance standards in <a href="#">Section 12.125.10(1)</a>				P	
• Manufactured home park or mobile home park				P	<a href="#">12.125.10</a>
• Conservation neighborhood development		P	P	P	<a href="#">12.125.10</a>
Group Living			C		<a href="#">12.155.03(2)</a>
• Community living arrangement (1–8 residents)	P	P	P	P	<a href="#">12.155.03(3)</a>
• Community living arrangement (9–15 residents)	C	C	P	C	<a href="#">12.155.03(3)</a>
• Community living arrangement (16+ residents)			C		<a href="#">12.155.03(3)</a>
<b>Civic and Institutional Use Group</b>					
Fraternal organization		C	C		

<b><u>Residential Zoning Districts</u></b>					
↓ LAND USES ↓	Rural Residence (RR-1)	Single-Family Residence (R-1)	Multiple-Family Residence (R-2)	Manufactured/ Mobile Home Park (R-3)	Subject to Use and Building Specific Standards in <a href="#">Subsection 12.125</a>
Library or cultural exhibit		C	C		
Municipal service, town hall, or community center		C	P		
Religious assembly		C	P		
School		C	P		
<b>Commercial Use Group</b>					
Lodging facility					
• Tourist rooming house	C	C	C		<a href="#">12.125.11</a>
• Bed and breakfast establishment	C	C	P		<a href="#">12.125.11</a>
Animal Services					
• Residential kennel	C	C	C		<a href="#">12.125.16(2)</a>
<b>Utility, Communication, and Transportation Use Group</b>					
Public utility or service	C	C	C	C	
Mobile Service Tower and Facilities	P		P	P	<a href="#">12.125.22</a>
Radio Broadcast Service Facility	C		C	C	<a href="#">12.125.22</a>
Small Wind Energy System	C	C	C	C	<a href="#">12.125.29</a>
Large Wind Energy Systems	C		C	C	<a href="#">12.215.30</a>
Small Solar Energy Generating Facility	C	C	C	C	<a href="#">12.125.31</a>
Large Solar Energy Generating Facility	P	P	P	P	<a href="#">12.125.32</a>
<b>Other Accessory &amp; Temporary Uses and Structures</b>					Also subject to standards in <a href="#">Section 12.130</a>
Minor home occupation	P	P	P	P	<a href="#">12.125.28</a>
Major home occupation	C	C	C	C	<a href="#">12.125.28</a>
Non-agricultural accessory structure	P	P	P	P	<a href="#">Section 12.130</a>
Accessory Solar Energy Generating Facility	P	P	P	P	<a href="#">Section 12.130</a>
Temporary structure	P	P	P	P	<a href="#">12.130.05</a>

<b><u>Residential Zoning Districts</u></b>					
↓ LAND USES ↓	Rural Residence (RR-1)	Single-Family Residence (R-1)	Multiple-Family Residence (R-2)	Manufactured/ Mobile Home Park (R-3)	Subject to Use and Building Specific Standards in <a href="#">Subsection 12.125</a>
Temporary use	P/C	P/C	P/C	P/C	See details in Section <a href="#">12.130.05</a> for specific uses that are permitted or require a CUP

### SEC. 12.110.03 PARCEL AND BUILDING DIMENSIONAL STANDARDS

Tables [12.110.03\(1\)](#) and [\(2\)](#) indicate dimensional standards, yards, and other bulk regulations for development in residential zoning districts. For additional dimensional standards applicable to lands within the shoreland zone, see Shoreland-Wetland Protection ordinance. In the event of conflict, the more restrictive standard applies.

**Table 12.110.03(1): Parcel and Building Standards in Residential Zoning Districts**

<b><u>Residential Zoning Districts</u></b>				
	Rural Residence (RR-1)	Single-Family Residence (R-1)	Multiple- Family Residence (R-2)	Manufactured or Mobile Home Park (R-3)
<b>Minimum Lot Specifications</b>				
Minimum Net Lot Size in Conventional Development (square feet except where indicated)	43,560	<b>POWTS:</b> 43,560 <b>PSSS/PGWTS:</b> SF = 12,000 TF/Other = 16,000	<b>POWTS:</b> 43,560 <b>PSSS:</b> SF: 12,000 TF/Other: 16,000 MF: 16,000 for first two units + 6,000 for every unit thereafter.	Min. Individual Site Size: 6,000 Min. Park Size: 10 acres
Maximum Lot Size	5 acres, except as may be allowed under Section 12.125.05	n/a	n/a	n/a

<b><u>Residential Zoning Districts</u></b>				
	<b>Rural Residence (RR-1)</b>	<b>Single-Family Residence (R-1)</b>	<b>Multiple- Family Residence (R-2)</b>	<b>Manufactured or Mobile Home Park (R-3)</b>
Minimum Net Lot Size in Conservation Neighborhood Development (square feet except where indicated)	n/a	<b>POWTS:</b> 30,000 <b>PGWTS/PSSS:</b> SF = 12,000 TF/Other = 16,000	<b>POWTS:</b> 30,000 <b>PGWTS/PSSS:</b> SF: 12,000 TF/Other: 16,000 MF: 16,000 sq. ft. for first two units + 6,000 sq. ft. for every unit thereafter.	n/a
Minimum Lot Width (ft.)	150	<b>POWTS:</b> 100 <b>PSSS/PGWTS:</b> SF = 60 TF/Other = 100	<b>POWTS:</b> 100 <b>PSSS/PGWTS:</b> SF = 60 TF/MF/Other = 100	50
Minimum Lot Depth (ft.)	200	n/a	n/a	n/a
<b>Development Specifications</b>				
Maximum Building Coverage (% of lot area covered by all buildings)	20%	20% or 8,712 sq. ft. whichever is less	30%	40%
Maximum Building Height for Principal Structure (ft.) except agricultural & residential structures – see Section 12.140.03(K)	35	35	45	35
Minimum Floor Area (sq. ft.)	SF=900	SF= 900 TF = 600/DU	SF = 900 TF/MF = 600/DU	n/a
Maximum footprint of garage and storage space attached to a single-family dwelling		150 percent of single-family dwelling floor area <sup>1</sup>		
<b>Minimum Required Setbacks (see also standards for accessory structures in <a href="#">Subsection 12.130</a>)</b>				
Front Yard or Street Side Yard (ft.)	<a href="#">Table 12.110.03(2) 12.140.03(1)(a)</a>	<a href="#">Table 12.110.03(2) 12.140.03(1)(a)</a>	<a href="#">Table 12.110.03(2) 12.140.03(1)(a)</a>	<a href="#">Table 12.110.03(2) 12.140.03(1)(a)</a> From interior roads within park: 20
Interior Side Yard (ft.)	10	10 See Sec. 12.140.03(12)	10	40
Rear Yard (ft.)	25	25	25	40
Impervious Surface from State Natural Areas (ft.)	75	75	75	75

<b><u>Residential Zoning Districts</u></b>				
	<b>Rural Residence (RR-1)</b>	<b>Single-Family Residence (R-1)</b>	<b>Multiple- Family Residence (R-2)</b>	<b>Manufactured or Mobile Home Park (R-3)</b>
Impervious Surface from Wetlands (ft.)	35	35	35	35
For structure used for housing or feeding of farm animals, from dwelling on adjoining lot (ft.)	100	n/a	n/a	n/a
Residences from Railroad tracks (ft.)	75	75	75	75
<p>SF = Single-Family Dwelling; TF = Two-family dwelling; MF=Multiple-family dwelling; Other = All other land uses allowed in district; DU = dwelling unit            See Section 12.140.03 for Measurements and Exceptions  <sup>1</sup>: See Section 12.125.10(1)(b)            POWTS: If lot is served by private on-site waste treatment system.            PSSS: If lot is served by public sanitary sewer service.            PGWTS: If lot is served by private group waste treatment system serving five or more lots.</p>				

**Table 12.110.03(2): Minimum Required Setback for Front and Street Side Yards**

<b>Jurisdiction of Public Road</b>	<b>Minimum Front or Street Side Setback from Closest Public Road Right-of-Way Line or Prescriptive Public Access Easement Line (ft.) *</b>	<b>Minimum Front or Street Side Setback from Centerline of Public Road Right-of-Way or Prescriptive Public Access Easement*</b>
Town, Village, or City Road	30	63
County Trunk Highway	42	75
State Trunk or U.S. Highway	50	110
<p>* Minimum front or street side setback shall be either the minimum required distance from the closest public road right-of-way or line <b>or</b> the minimum required distance from the centerline of the public road right-of-way or prescriptive easement, whichever is greater.</p>		

## **SEC. 12.110.04 OTHER REGULATIONS**

- (1) **Accessory and Temporary Uses and Structures:** See [Section 12.130](#).
- (2) **General Standards:** See [Section 12.140](#).

- (3) **Permitted Intrusions into Minimum Required Yards.** See [Section 12.140.03\(8\)](#).
- (4) **Signs:** See [Section 12.145](#).
- (5) **Nonconforming Uses, Nonconforming Structures, and Substandard Lots:** See [Section 12.135](#).
- (6) **Other Applicable Regulations:**
  - (a) For regulations applicable when land is proposed to be divided into additional lots, see County Land Division and Subdivision ordinance.
  - (b) For regulations applicable to lands within the floodplain, see County Flood Plain Zoning ordinance.
  - (c) For regulations applicable to lands within the shoreland zone, as designated by Wisconsin Statutes (and generally within 1,000 feet of lakes, ponds or flowages or 300 feet of rivers or streams), see Shoreland-Wetland Protection ordinance.
  - (d) Lands mapped in the residential zoning districts may be subject to other town, county, state, or federal regulations. It is the responsibility of the land owner to be aware of all other applicable regulations.

## SUBSECTION 115: COMMERCIAL INDUSTRIAL ZONING DISTRICTS

### SECTIONS:

- [12.115.01 Purpose](#)
- [12.115.02 Allowed Uses](#)
- [12.115.03 Parcel and Building Dimensional Standards](#)
- [12.115.04 Other Regulations](#)

### SEC. 12.115.01 PURPOSE

(1) **C-1 Light Commercial District.**

The C-1 district is intended to accommodate a fairly limited (compared to C-2) range of retail, office, commercial service, hospitality, residential, and institutional uses that are compatible with surrounding residential or rural environments. Development in this district should be characterized by modestly sized buildings; high-quality site, building, landscape, signage, lighting design; and other techniques to manage impacts on surrounding land uses and the rural community. This district should be generally mapped at or near road crossings that serve as gathering points for rural communities.

(2) **C-2 General Commercial District.**

The C-2 district is intended to accommodate a wide range and scale of retail, office, commercial service, hospitality, and institutional uses, with moderate attention towards site, building, landscape, signage, and lighting design and surrounding land use and community impact.

(3) **C-3 Highway Interchange District.**

The C-3 district is intended to accommodate a wide variety and scale of retail, office, commercial service, hospitality, and institutional uses in locations close to interstate and other major highway interchanges. Given the high visibility of lands zoned in the C-3 district, development within this district should positively contribute to the image and character of the County, through high-quality site, building, landscape, signage, and lighting design.

(4) **I-1 Light Industrial District.**

The I-1 district is intended to accommodate certain civic and institutional, commercial, and light manufacturing land uses. Development in this district should be characterized by high-quality and low-impact site, building, landscape, signage, and lighting design, intended to minimize impacts on surrounding land uses and the natural environment.

(5) **I-2 General Industrial District.**

The I-2 district is intended to accommodate a range of manufacturing, assembly, office, storage, utility, and other compatible but higher-impact industrial and related land uses.

**SEC. 12.115.02 ALLOWED USES**

- (1) [Table 12.115.02\(1\)](#) indicates permitted and conditional principal land use in the commercial and industrial zoning districts. Land uses designated with a “P” are permitted-by-right uses in the associated zoning district. Land uses designated with a “C” are conditional uses in the associated zoning district. If a cell is empty, that land use is prohibited in that zoning district. A “Yes” in the associated cell under the “Subject to Use and Building Specific Standards in Subsection 12.125” column means that [Section 12.125](#) includes other specific performance standards that are applicable to that land use.
- (2) The land uses listed in this Subsection are described in greater detail in [Section 12.155](#) Use Classifications. Proposed land uses that do not appear to be encompassed by one of the land uses listed in [Table 12.115.02\(1\)](#) are not necessarily excluded from locating within any given zoning district. In accordance with the procedures and criteria in [Section 12.155.01\(4\)](#), the Zoning Administrator, with approval of the Planning and Zoning Committee, is authorized to determine that such an “unlisted” land use is similar enough to one of the land uses listed in [Table 12.115.02\(1\)](#) to have the same permitted-by-right, conditional, or prohibited status of that listed use.
- (3) See [Section 12.130](#) for additional regulations related to accessory and temporary land uses in the commercial and industrial zoning districts.

**Table 12.115.02(1): Allowed Uses in Commercial and Industrial Districts**

<b><u>Commercial and Industrial Zoning Districts</u></b>						
↓ LAND USES ↓	Light Commercial (C-1)	General Commercial (C-2)	Highway Interchange (C-3)	Light Industrial (I-1)	General Industrial (I-2)	Subject to Use and Building Specific Standards in <a href="#">Subsection 12.125</a>
<b>Agriculture and Open Space Use Group</b>						
Agricultural use						<a href="#">12.155.02(A)</a>
• With no farm animals			P			
• With 1 to 500 farm animal units			C			
Campground			C			<a href="#">12.125.12</a>
Game management			P			<a href="#">12.155.02</a>
<b>Residential Use Group</b>						
Household Living (below)						
• Single-family use	C					<a href="#">12.125.10</a>
• Two-family use	C					
• Multiple-family use (3-8 units)	C					
• Multiple-family use (9-16 units)	C					



<b>Commercial and Industrial Zoning Districts</b>						
↓ LAND USES ↓	Light Commercial (C-1)	General Commercial (C-2)	Highway Interchange (C-3)	Light Industrial (I-1)	General Industrial (I-2)	Subject to Use and Building Specific Standards in <a href="#">Subsection 12.125</a>
<ul style="list-style-type: none"> <li>Manufactured home meeting all performance standards associated with single-family use in Section 12.125-100(A)</li> </ul>	C					<a href="#">12.125.10</a>
<b>Civic and Institutional Use Group</b>						
College or university		P	C	C		
Detention or correctional facility		P	C	C		
Fraternal organization	P	P	C			
Hospital		P	C	C		
Library or cultural exhibit	P	P	C			
Municipal service, town hall, or community center	P	P	C			
Outdoor institutional use	C	P	C			
Religious assembly	P	P	C			
School	P	P	C			
<b>Commercial Use Group</b>						
Adult use					C	<a href="#">12.125.17</a>
Animal services (below)						
<ul style="list-style-type: none"> <li>Animal sales and grooming</li> </ul>	P	P	C	P		<a href="#">12.125.16</a>
<ul style="list-style-type: none"> <li>Commercial animal shelter, commercial boarding kennel, or commercial breeding facility</li> </ul>	C	C	C	P	P	<a href="#">12.125.16</a>
<ul style="list-style-type: none"> <li>Residential kennel</li> </ul>	C					<a href="#">12.125.16</a>
<ul style="list-style-type: none"> <li>Veterinary services</li> </ul>	C	P		P		<a href="#">12.125.16</a>
Commercial entertainment or recreation, Indoor	C	P	C			
Commercial entertainment or recreation, Outdoor		C	C		C	<a href="#">12.125.26</a>
Commercial service	P	P	C	C		
Commercial apartment	C	C				<a href="#">12.155.05(F)</a>
Day care center	C	P	C			
Drive-in or drive-through use, including fueling	C	C	C	C	C	<a href="#">12.125.13</a>
Eating and drinking establishment (below)						
<ul style="list-style-type: none"> <li>Restaurant</li> </ul>	P	P	C	C		

<b>Commercial and Industrial Zoning Districts</b>						
↓ LAND USES ↓	Light Commercial (C-1)	General Commercial (C-2)	Highway Interchange (C-3)	Light Industrial (I-1)	General Industrial (I-2)	Subject to Use and Building Specific Standards in <a href="#">Subsection 12.125</a>
• Tavern or nightclub	C	P	C			
Financial services (below)						
• Bank	P	P	C	P		
• Check cashing or loan service	P	P	C			
• Pawn shop	P	P	C			
Funeral and internment services						
• Cemetery or columbarium or mausoleum	C	P	C			<a href="#">12.125.09</a>
• Crematory services		C	C			
• Undertaking services	P	P	C			
Lodging facility (below)						
• Tourist rooming house	C					<a href="#">12.125.11</a>
• Hotel, motel, or lodging resort	C	P	C			
• Bed and breakfast establishment	C					<a href="#">12.125.11</a>
Office (below)						
• Administrative, professional, or general office	P	P	C	P	P	
• Medical office	C	P	C	P		
Retail sales						
• Retail sales, indoor	P	P	C	C		
• Retail sales, outdoor	C	C	C	C	C	
Vehicle repair or maintenance service	C	C	C	C	C	<a href="#">12.125.14</a>
<b>Industrial Use Group</b>						
Artisan workshop	C	C	C	P	P	
Asphalt or concrete rock crushing facility or batch or ready-mix plant					C	
Brewery				C	P	
Contractor shop	C	C	C	P	P	
Distribution center				C	P	
Freight or bus terminal			C	C	C	
General manufacturing					C	
Junkyard or salvage yard					C	<a href="#">12.125.18</a>
Light manufacturing			C	P	P	<a href="#">12.125.24</a>
Non-metallic mineral extraction use					C	<a href="#">12.125.25</a>

<b>Commercial and Industrial Zoning Districts</b>						
↓ LAND USES ↓	Light Commercial (C-1)	General Commercial (C-2)	Highway Interchange (C-3)	Light Industrial (I-1)	General Industrial (I-2)	Subject to Use and Building Specific Standards in <a href="#">Subsection 12.125</a>
Outdoor storage				C	P	<a href="#">12.140.04(C)</a>
Personal storage facility or mini-warehouse	C	C	C	P	P	<a href="#">12.125.23</a>
Water Extraction				C	C	
Wholesaling			C	C	P	
<b>Utility, Communication, and Transportation</b>						
Airport or landing strip			C		P	<a href="#">12.125.19</a>
Composting, recycling or waste transfer operation			C	C	P	<a href="#">12.125.21</a>
Public utility or service	P	P	C	P	P	
Waste disposal operation					C	<a href="#">12.125.20</a>
Mobile Service Tower and Facilities	P	P	P	P	P	<a href="#">12.125.20</a>
Radio Broadcast Service Facilities	C	C	C	C	C	<a href="#">12.125.22</a>
Small Wind Energy System	P	P	P	P	P	<a href="#">12.125.29</a>
Large Wind Energy System	P	P	P	P	P	<a href="#">12.125.30</a>
Small Solar Energy Generating Facility	C	C	C	C	C	<a href="#">12.125.31</a>
Large Solar Energy Generating Facility	P	P	P	P	P	<a href="#">12.125.32</a>
<b>Other Accessory &amp; Temporary Uses and Structures</b>						<b>Section 12.130</b>
Minor home occupation	P					<a href="#">12.125.28</a>
Major home occupation	C					<a href="#">12.125.28</a>
Agricultural accessory structure			C			<a href="#">12.125.02</a> <a href="#">12.130</a>
Non-agricultural accessory structure	P	P	P	P	P	<a href="#">12.130</a>
Accessory Solar Energy Generating System	P	P	P	P	P	<a href="#">12.130.02</a>
Temporary structure	P	P	P	P	P	<a href="#">12.130.05</a>
Temporary use	P/C	P/C	P/C	P/C	P/C	See details in Section <a href="#">12.130.05</a> for specific uses that are permitted or require a CUP

**SEC. 12.115.03 PARCEL AND BUILDING DIMENSIONAL STANDARDS**

Tables [12.115.03\(1\)](#) and [\(2\)](#) indicate dimensional standards, yards, and other bulk regulations for development in commercial and industrial districts. For additional dimensional standards applicable to lands within the shoreland zone, see Shoreland-Wetland Protection ordinance. In the event of conflict, the more restrictive standard applies.

**Table 12.115.03(1): Parcel and Building Standards in Commercial and Industrial Districts**

	Light Commercial (C-1)	General Commercial (C-2)	Highway Interchange (C-3)	Light Industrial (I-1)	General Industrial (I-2)
<b>Minimum Lot Specifications</b>					
Minimum Net Lot Size (sq. ft.)	POWTS: 43,560 PSSS/PGWTS : 12,000	POWTS: 43,560 PSSS/PGWTS : 20,000	POWTS: 43,560 PSSS/PGWTS : 20,000	POWTS: 43,560 PSSS/PGWTS : 20,000	POWTS: 43,560 PSSS/PGWTS : 20,000
Minimum Lot Width (ft.)	POWTS: 80 PSSS/PGWTS : 60	POWTS: 130 PSSS/PGWTS : 100	POWTS: 130 PSSS/PGWTS : 100	POWTS: 130 PSSS/PGWTS : 100	POWTS: 130 PSSS/PGWTS : 100
<b>Development Specifications</b>					
Maximum Building Coverage (% of lot area covered by all buildings)	40%	50%	50%	40%	50%
Minimum Landscaped Area (% of lot area)	n/a	n/a	15%	n/a	n/a
Maximum Building Height (ft.)	35	50	50	50	80
<b>Minimum Required Setbacks (see also standards for accessory structures in <a href="#">Section 12.130</a>)</b>					
Front Yard or Street Side Yard (ft.)	<a href="#">Table 12.115.03 (2)</a>	<a href="#">Table 12.115.03 (2)</a>	<a href="#">Table 12.115.03 (2)</a>	<a href="#">Table 12.115.03 (2)</a>	<a href="#">Table 12.115.03 (2)</a>
Interior Side Yard (ft.)	10	10	10	10	10
Rear Yard (ft.)	25	15	15	15	15
Impervious Surface from State Natural Areas (ft.)	75	75	75	75	75
Impervious Surface from Wetlands (ft.)	35	35	35	35	35
POWTS: If lot is served by private on-site <u>w</u> aste <u>t</u> reatment <u>s</u> ystem. PSSS: If lot is served by public <u>s</u> anitary <u>s</u> ewer <u>s</u> ervice. PGWTS: If lot is served by private <u>g</u> roup <u>w</u> aste <u>t</u> reatment <u>s</u> ystem serving five or more lots.					

**Table 12.115.03(2): Minimum Required Setback for Front and Street Side Yards**

<b>Jurisdiction of Public Road</b>	<b>Minimum Front or Street Side Setback from Closest Public Road Right-of-Way Line or Prescriptive Public Access Easement *</b>	<b>Minimum Front or Street Side Setback from Centerline of Public Road Right-of-Way or Prescriptive Public Access Easement*</b>
Town, Village, or City Road	30	63
County Trunk Highway	42	75
State Trunk or U.S. Highway	50	110
* Minimum front or street side setback shall be either the minimum required distance from the closest public road right-of-way or line <u>or</u> the minimum required distance from the centerline of the public road right-of-way or prescriptive easement, whichever is greater.		

**SEC. 12.115.04 OTHER REGULATIONS**

- (1) **Accessory and Temporary Uses and Structures:** See [Section 12.130](#).
- (2) **General Standards:** See [Section 12.140](#).
- (3) **Permitted Intrusions into Minimum Required Yards.** See [Section 12.140.03\(8\)](#).
- (4) **Signs:** See [Section 12.145](#).
- (5) **Nonconforming Uses, Nonconforming Structures, and Substandard Lots:** See [Section 12.135](#).
- (6) **Other Applicable Regulations:**
  - (a) For regulations applicable when land is proposed to be divided into additional lots, see County Land Division and Subdivision ordinance.
  - (b) For regulations applicable to lands within the floodplain, see County Flood Plain Zoning ordinance.
  - (c) For regulations applicable to lands within the shoreland zone, as designated by Wisconsin Statutes (and generally within 1,000 feet of lakes, ponds or flowages or 300 feet of rivers or streams), see County Shoreland-Wetland Protection ordinance.
  - (d) Land mapped in the commercial and industrial zoning districts may be subject to other town, county, state, or federal regulations. It is the responsibility of the landowner to be aware of all other applicable regulations.



## **SUBSECTION 120: PLANNED DEVELOPMENT OVERLAY ZONING DISTRICTS**

### **SECTIONS:**

<a href="#">12.120.01</a>	<a href="#">Purpose</a>
<a href="#">12.120.02</a>	<a href="#">General Standards</a>
<a href="#">12.120.03</a>	<a href="#">Planned Residential District (PD-1)</a>
<a href="#">12.120.04</a>	<a href="#">Planned Commercial District (PD-2)</a>
<a href="#">12.120.05</a>	<a href="#">Planned Industrial District (PD-3)</a>
<a href="#">12.120.06</a>	<a href="#">Reserved</a>

### **SEC. 12.120.01 PURPOSE**

The Planned Residential, Commercial, and Industrial Development overlay districts (PD-1, PD-2 and PD-3 respectively) are intended to promote improved design and innovative land uses in the County in accordance with the County Comprehensive Plan. These overlay districts allow variation in the relationship of uses, structures, and open spaces in developments that are conceived and implemented as cohesive, unified projects. These unified projects must be developed in accordance with detailed site plans approved only following a careful review process. In exchange for this detailed planning, these overlay districts offer flexibility from standards required in the underlying base zoning district. Areas that may be deemed appropriate for one of the Planned Development overlay districts include: land use transitional areas, areas where a mix of land uses already exists, infill or redevelopment areas, established or planned commercial areas, and areas designated as “special areas” within a town or the County’s Comprehensive Plan.

### **SEC. 12.120.02 GENERAL STANDARDS**

- (1) In the Planned Development overlay districts, 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 and [Section 12.150.07](#).
- (2) Each Planned Development overlay district shall have a minimum area of 1 acre.
- (3) Where the application (or attached documents to the application) for rezoning to a Planned Development) overlay district is silent on particular zoning regulations that may affect the development characteristic of individual building sites within the Planned Development area, the Zoning Administrator shall apply applicable standards of this chapter, including but not limited to the standards applicable within the underlying base zoning district, landscape standards; lighting standards; and off-street parking, access, loading standards.
- (4) In its review and action on an application for a Planned Development Overlay District, and a development plan or amendment to a development plan, the Planning and Zoning Committee shall find that the proposed development meets each of the following standards:

- (a) The proposed rezone shall meet all relevant criteria listed in [Section 12.150.06\(6\)](#) for rezonings.
- (b) The proposed project design reflects the county and affected town's development and planning policies for areas in which the overlay district is to be located, as set forth in the county's and affected Town's Comprehensive Plans.
- (c) The proposed project will incorporate appropriate and adequate buffers and transitions between areas of different land uses and development densities or intensities.
- (d) The proposed project design does not detract from the natural beauty of surrounding properties.
- (e) The proposed architecture and character of the project shall be compatible with adjacent or nearby development.
- (f) The proposed project will positively contribute to the physical appearance and functional arrangement of development in the area.
- (g) The proposed project will produce significant benefits in terms of environmental design, and significant alternative approaches to addressing development performance, which relate to and more than compensate for any requested waiver or modification of any normal standard of this chapter.
- (h) For projects proposed to be developed in phases, the applicant shall provide a clear timeline for development and can demonstrate that the project would be successful even if all phases were not or could not be completed.

### **SEC. 12.120.03 PLANNED RESIDENTIAL DISTRICT (PD-1)**

#### **(1) Permitted Uses.**

- (a) Any uses allowed in the underlying base residential zoning district, including any accessory uses or structures allowed in that district, except as specifically excluded under the approved development plan.
- (b) Any additional residential use specifically approved as part of the Planned Development process, within the following use categories: Household Living and Group Living. This overlay district may provide for the combination of single family, two-family, and multi-family residential uses on one or more lots.
- (c) Any commercial uses permitted in the C-1 Light Commercial District, provided that the land or floor area occupied by such uses does not comprise more than 20% of the total area of the Planned Development project.

#### **(2) Standards.**

- (a) Such development shall create an attractive residential development of sustained desirability and stability.
- (b) The total residential density and design shall be consistent with the recommendations of the Comprehensive Plan and with the density and design of the surrounding



neighborhood.

- (c) The population density shall not have an adverse effect on local and county government capacity to provide needed services and facilities.
- (d) The development shall provide for the recreation and open space needs of its residents. Adequate guarantee shall be provided for the permanent availability of recreation and open space, either by private reservation and maintenance or by public dedication.

#### **SEC. 12.120.04 PLANNED COMMERCIAL DISTRICT (PD-2)**

(1) Permitted Uses.

- (a) Any uses allowed in the underlying base commercial zoning district, including any accessory uses or structures allowed in that district, except as specifically excluded under the approved development plan.
- (b) Any additional commercial use approved as part of the Planned Development process, within the following use categories: Lodging Facilities; Golf Course, Public or Private; Office; Financial Services; Commercial Services; Retail Sales, Indoor; Retail Sales, Outdoor; Drive-In or Drive-Through Use, Including Fueling; Vehicle Repair or Maintenance Service; Eating and Drinking Establishments; Commercial Entertainment or Recreation, Indoor; Commercial Entertainment or Recreation, Outdoor; Day Care Center; Animal Services; Commercial Apartment.
- (c) Such commercial uses may be combined with one, but not both, of the following:
  - 1. Any uses allowed in the R-1 Single Family Residence and R-2 Multiple Family Residence districts, provided that the land or floor area occupied by uses do not comprise more than 30% of the total area of the development within the Planned Development project, or
  - 2. Any uses allowed in the I-1 Light Industrial district, provided that the land or floor area occupied by such uses does not comprise more than 30% of the total area of the Planned Development project.

(2) Standards.

- (a) The architectural, landscaping, lighting, signage, and other aspects of site development shall result in an attractive and harmonious commercial or mixed-use environment, compatible with the surrounding neighborhood.

#### **SEC. 12.120.05 PLANNED INDUSTRIAL DISTRICT (PD-3)**

(1) Permitted Uses.

- (a) Any uses permitted by right or allowed with a conditional use permit in the underlying base industrial zoning district, including any accessory uses or structures allowed in that district, except as specifically excluded under the approved development plan.

- (b) Any additional industrial use approved as part of the Planned Development process, within the following use categories: Artisan Workshop, Brewery, Wholesaling, Distribution Center, Contractor Shop, and Light Manufacturing.
  - (c) Appropriate and compatible commercial uses, as determined by the Planning and Zoning Committee, provided that the land or floor area occupied by such uses do not comprise more than 30% of the total area of the development within the Planned Industrial Overlay District.
- (2) Standards.
  - (a) The architectural, landscaping, lighting, signage, and other aspects of site development shall result in an attractive and harmonious commercial or mixed-use environment, compatible with the surrounding neighborhood.

**SEC. 12.120.06      RESERVED**

## **SUBSECTION 12.125: USE, BUILDING, AND ZONING DISTRICT SPECIFIC STANDARDS**

### **SECTIONS:**

<a href="#">12.125.01</a>	<a href="#">Purpose</a>
<a href="#">12.125.02</a>	<a href="#">A-1 and AO-1 Preexisting Residences and Accessory Structures</a>
<a href="#">12.125.03</a>	<a href="#">A-2 District Dwellings</a>
<a href="#">12.125.04</a>	<a href="#">A-4 Agriculture Overlay District Uses and Lands</a>
<a href="#">12.125.05</a>	<a href="#">Dwellings and Lots within RR-1 Rural Residence District</a>
<a href="#">12.125.06</a>	<a href="#">Keeping of Animals on Small Parcels</a>
<a href="#">12.125.07</a>	<a href="#">Keeping of Chickens as an Accessory Residential Use</a>
<a href="#">12.125.08</a>	<a href="#">Various Agricultural Related Uses</a>
<a href="#">12.125.09</a>	<a href="#">Governmental, Institutional, Religious, or Nonprofit Community Use in Agricultural and Open Space Districts</a>
<a href="#">12.125.10</a>	<a href="#">Household Living</a>
<a href="#">12.125.11</a>	<a href="#">Lodging Facility</a>
<a href="#">12.125.12</a>	<a href="#">Campground</a>
<a href="#">12.125.13</a>	<a href="#">Drive-In or Drive-Through Use, Including Fueling</a>
<a href="#">12.125.14</a>	<a href="#">Vehicle Repair or Maintenance Service</a>
<a href="#">12.125.15</a>	<a href="#">Outdoor Shooting Range</a>
<a href="#">12.125.16</a>	<a href="#">Animal Services</a>
<a href="#">12.125.17</a>	<a href="#">Adult Use</a>
<a href="#">12.125.18</a>	<a href="#">Junkyard or Salvage Yard</a>
<a href="#">12.125.19</a>	<a href="#">Airport or Landing Strip</a>
<a href="#">12.125.20</a>	<a href="#">Waste Disposal Operation</a>
<a href="#">12.125.21</a>	<a href="#">Composting, Recycling or Waste Transfer Operation</a>
<a href="#">12.125.22</a>	<a href="#">Mobile and Radio Broadcast Services</a>
<a href="#">12.125.23</a>	<a href="#">Personal Storage Facility or Mini-Warehouse</a>
<a href="#">12.125.24</a>	<a href="#">Light Manufacturing</a>
<a href="#">12.125.25</a>	<a href="#">Non-Metallic Mineral Extraction Use</a>
<a href="#">12.125.26</a>	<a href="#">Commercial Entertainment or Recreation, Outdoor</a>
<a href="#">12.125.27</a>	<a href="#">Other Transportation, Communications, Pipeline, Electric Transmission, Utility, or Drainage Use in Agricultural and Open Space Districts</a>
<a href="#">12.125.28</a>	<a href="#">Home Occupations</a>
<a href="#">12.125.29</a>	<a href="#">Small Wind Energy Systems</a>
<a href="#">12.125.30</a>	<a href="#">Large Wind Energy Systems</a>
<a href="#">12.125.31</a>	<a href="#">Small Solar Energy Generating Facility</a>
<a href="#">12.125.32</a>	<a href="#">Large Solar Energy Generating Facility</a>

### **SEC. 12.125.01 PURPOSE**

This Subsection provides specific performance standards associated with those particular land uses (and their associated buildings) described in [Section 12.155](#), along with a variety of uses in certain zoning districts. Unless otherwise expressly stated, compliance with the performance

standards is required regardless of whether the use is permitted-by-right or a conditional use. In addition to the performance standards specific to each land use, all development shall comply with the applicable standards in [Section 12.140](#) and any other standards applied as part of a conditional use permit or other land use approval. Compliance with all required performance standards does not guarantee approval of a proposed development.

## **SEC. 12.125.02      A-1 AND AO-1 PREEXISTING RESIDENCES AND ACCESSORY STRUCTURES**

- (1) Preexisting residences in the A-1 or AO-1 Districts.
  - (a) Preexisting residences may be replaced as long as the replacement is within 200 feet of the current location unless otherwise approved by the Planning and Zoning Committee (except that mobile homes as indicated below may not be replaced).
  - (b) If a preexisting residence resulted from a farm consolidation that was allowed under previous ordinances and the residence has been removed it can be replaced subject to 1. above, so long as the residence was removed after the farm consolidation certified survey map was recorded.
  - (c) A two-family use may be allowed in a preexisting residence by a Conditional Use Permit.
- (2) Land divisions are allowed for pre-existing residences subject to the following:
  - (a) The lot to be created that includes the residence and accessory or agriculture buildings shall be as small as practical, but no smaller than 1 acre.
  - (b) If the parcel, including any contiguously owned parcels, is less than 35 acres the balance of the parcel(s) that doesn't include the residence shall be restricted by application of the A-4 district as described under [Section 12.125.04](#).
  - (c) For parcels 35 acres or larger, land that doesn't include the residence shall be restricted by the application of the A-4 district as described under [Section 12.125.04](#). and the total acreage of the new residential lot and the land restricted by the A-4 district must total at least 35 acres.
  - (d) If the rezoning only involves the restriction of the land a rezoning application must be filed and fee for public hearing paid.
- (3) A mobile home or manufactured home for farm labor approved prior to March 21, 2012, where the occupant or head of the occupant household of such mobile home or manufactured home is employed in connection with the farm operation, shall also be considered a preexisting farm residence if it meets the characteristics of (1) and the following:
  - (a) Is the only residential use located on a farm; or is occupied by either an owner or operator of the farm, a parent or child of an owner or operator of the farm, or an individual who earns more than 50 percent of his or her gross income from the farm.
  - (b) Shall obtain and hold a temporary occupancy permit from the Planning and Zoning Department. Such permit will expire one year from the date of issuance and may be

renewed on an annual basis.

- (c) Farm operator shall provide to the County a current, sworn written statement that the occupants of the mobile home is employed in the farm operation and earns more than 50 percent of his or her gross income from the farm, before the County will issue or renew a permit.
  - (d) Associated town board shall verify to the County that there is a need for the mobile home on the farm to provide housing for farm labor.
  - (e) Any mobile or manufactured home in the A-1 or AO-1 district found to be in violation of the provisions herein listed, shall be removed from the farm within 90 days after receiving notice of such violation from the Planning and Zoning Department.
- (4) On each vacant lot or parcel within the A-1 or AO-1 district, the construction of an agricultural accessory structure is permitted, provided that associated standards within this Chapter are met and the associated town board or its designee has first verified, in writing, that the use of the structure and its location on the lot or parcel will be consistent with agricultural use.
  - (5) On a lot or parcel that already contains one or more agricultural accessory structures, the construction, reconstruction, replacement, or expansion of an agricultural accessory structure is permitted without additional review, provided that the associated standards within this Chapter are met. Town siting approval may be required if the associated town has an ordinance which requires siting approval for such structures.
  - (6) On an A-1 or AO-1 parcel that contains a legal dwelling, non-agricultural accessory structures associated with the residential use, including but not limited to garages, workshops, and personal storage, are permitted provided that the associated standards within this Chapter are met. Town siting approval may be required if the associated town has an ordinance which requires siting approval for such structures.

### **SEC. 12.125.03     A-2 DISTRICT DWELLINGS**

- (1) Qualifying Lands
  - (a) The only lands which qualify to be placed in this district are those vacant A-1 Agriculture or AO-1 Agriculture and Open Space lands which were parcels of record as of November 1, 1984, or approved portions of such parcels. Such parcels of record shall not be under common ownership with any other vacant contiguous A-1 Agriculture or AO-1 Agriculture and Open Space lands that bring the total acreage under contiguous common ownership to 35 acres or greater. If the total acreage under contiguous common ownership is 35 acres or greater [Section 12.125.05](#) is applicable.
  - (b) In order to be rezoned to A-2 General Agriculture District, the County shall require that contiguous vacant individual parcels of record under common ownership that total less than 35 acres be combined to allow only one new dwelling. The parcel(s) combination is not required if the contiguous parcel(s) which will not be used for a residence are restricted by applying the A-4 Agriculture Overlay District.

- (2) The location of any new dwelling permitted in the A-2 district shall be approved by the affected town board in accordance with siting standards within adopted Comprehensive Plans, or if the town board elects not to execute this option, the location shall be approved by the Planning and Zoning Committee in accordance with the siting standards within the County Comprehensive Plan.
  - (a) On each vacant lot or parcel within the A-2, the construction of an agricultural accessory structure is permitted, provided that associated standards within this Chapter are met and the associated town board of its designee has first verified, in writing, that the use of the structure and its location on the lot or parcel will be consistent with agricultural use.
  - (b) On a lot or parcel that already contains one or more agricultural accessory structures, the construction, reconstruction, replacement or expansion of an agricultural accessory structure is permitted without additional review, provided that the associated standards within this Chapter are met. Town siting approval may be required if the associated town has an ordinance which requires siting approval for such structures.
  - (c) On an A-2 parcel that contains a legal dwelling, non-agricultural accessory structures associated with the residential use, including but not limited to garages, workshops, and personal storage, are permitted provided that the associated standards within this Chapter are met. Town siting approval may be required if the associated town has an ordinance which requires siting approval for such structures.
- (3) Land divisions are allowed subject to the following:
  - (a) The lot to be created that includes or will be for a residence and accessory or agriculture buildings shall be as small as practical, but no smaller than 1 acre.
  - (b) If the parcel, including any contiguously owned parcels, is less than 35 acres the balance of the parcel out of which the division is to be made and the parcel(s) that will not include a residence shall be rezoned to or remain A-1 or AO-1 and be restricted by application of the A-4 district as described under [Section 12.125.04](#).
  - (c) Any new lot 5 acres or less that either contains a residence or will be used for a residence must be zoned RR-1 Rural Residence.

#### **SEC. 12.125.04     A-4 AGRICULTURE OVERLAY DISTRICT USES AND LANDS**

- (1) In all cases where the A-4 overlay district is used, the underlying zoning district shall be and remain an agricultural and open space base zoning district.
- (2) Agricultural accessory structures are permitted in the A-4 district. No non-agricultural principal or accessory structures are allowed in the A-4 district, except as may be allowed for certain types of signs under [Section 12.145](#).
- (3) The proposed use, location, and size of each mapped A-4 district shall be consistent with any development density and siting criteria in approved County and town plans and ordinances.

- (4) The mapping of the A-4 district shall occur when a dwelling(s) allowed on other lands mapped within the County Comprehensive Plan for Agricultural, or Other Open Space Use within its Future Land Use map and as a Farmland Preservation Area on its Farmland Preservation Map, in order to provide a regulatory mechanism to track and maintain residential density policies within that plan.
- (5) The A-4 zoning district need not be applied to lands that are contiguous to the lot(s) on which a dwelling(s) will be constructed under policies established in subsection (4), provided that such A-4 lands are in the same town as the lot(s) on which a dwelling(s) will be constructed.
- (6) Land in this A-4 district cannot be used together with other land not in the A-4 district to achieve the acreage necessary to build a dwelling in the A-1 or AO-1 district or under the density policies of the County Comprehensive Plan.
- (7) Land in this A-4 district may be sold and exchanged between owners of adjoining lands if additional lots are not thereby created and the minimum agricultural lot size in the underlying agricultural base zoning district is not violated.
- (8) A description of lands mapped within each A-4 district shall be of sufficient detail that it can be accurately mapped and that the total acreage of the area to be rezoned to A-4 can be determined. If deemed necessary, a metes and bounds description, plat of survey, or certified survey map may be required by the Zoning Administrator.
- (9) Where the A-4 district is required in conjunction with the rezoning of lands for residential purposes in conjunction with the County Comprehensive Plan density policy, there shall not be a separate application fee associated with the A-4 rezoning.
- (10) The A-4 district may be used to indicate areas from which development rights have been transferred or retired within any duly adopted transfer or purchase of development rights program, and provide one mechanism to notify the public and property owners of the restrictions placed on such lands under such a program.

#### **SEC. 12.125.05 DWELLINGS AND LOTS WITHIN RR-1 RURAL RESIDENCE DISTRICT**

- (1) Subject to all other applicable regulations, the owner(s) of at least 35 contiguous acres of land in the A-1 Agriculture District and AO-1 Agriculture and Open Space District, more if required by an applicable town Comprehensive Plan, may separate one or more lots by certified survey map and rezone such lot(s) to RR-1. RR-1 is the preferred residential district option for limited portions of areas planned for Agricultural and Other Open Space use and as a Farmland Preservation Area in the County Comprehensive Plan.
  - (a) That part of the acreage in common ownership not rezoned to RR-1 and necessary to maintain the minimum density policy consistent with the County Comprehensive Plan and the applicable Comprehensive Plan of the town in which the lot is located shall be restricted by application of the A-4 district, as described under [Section 12.125.04](#), following the procedures under Section 12.150.06.
- (2) Subject to all other applicable regulations, the owner(s) of at least one (1) acre of land in

the A-1 Agriculture District and AO-1 Agriculture and Open Space District, more if required by an applicable town Comprehensive Plan, may rezone such lot(s) to RR-1 in accordance with the County Comprehensive Plan and the applicable Comprehensive Plan of the town in which the lot is located. RR-1 is the preferred residential district option for limited portions of areas planned for Agricultural and other Open Space use, and as a Farmland Preservation Area in the County Comprehensive Plan.

- (a) Acreage of agricultural lands necessary to maintain the minimum density policy in the town in which the lot is located shall be restricted by the application of the A-4 district, as described under Section 12.125.04, following the procedures under Section 12.150.06.
- (3) Unless authorized by the Planning and Zoning Committee in accordance with the County Comprehensive Plan, once a RR-1 zoned lot is created or RR-1 zoning is applied to an existing lot, such lot shall not be further divided into two or more lots.
- (4) Per [Table 12.110.03\(1\)](#), the normal maximum lot size for each lot zoned RR-1 shall be 5 acres. Larger than 5 acre lots may be permitted where all policies in the County Comprehensive Plan are met and where an additional ten acres in contiguous common ownership are restricted via A-4 zoning for every one acre (or fraction thereof) greater than the 5-acre normal maximum lot size. In such cases where the affected town has a base density policy that is stricter than the density policy in the County Comprehensive Plan, the requirement for additional restricted land may be waived or modified.
- (5) An applicant may cluster residential lots within the RR-1 zoning district, which confers certain potential benefits to the applicant under the County Comprehensive Plan, provided that:
  - (a) The lots within each cluster are contiguous to one another.
  - (b) The maximum size of any clustered lot is 3 acres.
  - (c) The cluster must include between 3 or 4 new lots, not including any previously divided lots.
  - (d) All lots in each cluster must be divided at the time of rezoning to RR-1.
  - (e) An appropriate area of A-4 zoning must apply to remaining lands in common ownership before the land division is recorded, per the County Comprehensive Plan density policy.
- (6) A portion of a parcel of record as of November 1, 1984 may be rezoned to the RR-1 district, with the balance remaining in the A-1 or AO-1 district with an A-4 overlay, provided that such portion is subdivided from the balance of the November 1, 1984 parcel of record by certified survey map and that the density policy and other policies of the County Comprehensive Plan and associated town comprehensive plan are met.
- (7) Where RR-1 zoning is applied over existing developed lots upon which maximum building coverage in [Table 12.105.03\(1\)](#) is already exceeded by existing buildings, such lots shall be exempt from the maximum building coverage requirements indicated in such table, but the building coverage cannot be further increased beyond the building coverage that existed at the time of rezoning.



- (8) The keeping of farm animals shall be allowed within the RR-1 district but limited per the standards in [Section 12.125.06](#). Any structure used to house or contain farm animals that are permitted in the RR-1 district shall be permitted as a “non-agricultural accessory structure” in that district, provided that applicable parcel and building dimensional standards in [Table 12.110.03\(1\)](#) are met.

## **SEC. 12.125.06 KEEPING OF FARM ANIMALS ON SMALL PARCELS**

The standards in this section shall apply to properties zoned A-1 Agriculture, AO-1 Agriculture and Open Space, A-2 General Agriculture and RR-1 Rural Residence. This use classification and the associated standards shall apply regardless of whether the use functions as an accessory use or a principal use. The intent of the performance standards in this Subsection is to allow for hobby and recreational farming in appropriate zoning districts; avoid nuisances, excessive undesirable odor, and other negative impact on neighboring properties; protect human and animal health; satisfy the needs of farm animals for exercise space; and protect water quality and the environment. Table 12.125.06(1) indicates when farm animals are allowed on a property and in what quantities animals are permitted.

Uses designated with a “U” are permitted an unlimited number of farm animals and/or livestock. Uses designated “P” are permitted subject to the following performance standards:

**Table 12.125.06(1) Keeping of Farm Animals and Livestock on Small Parcel**

<b>Zoning District</b>	<b>Farm Animals</b>	<b>Livestock</b>
A-1 (35 Acres +)	U	U
A-1 ( $\leq$ 35 Acres)	P	U
AO-1	P	P
A-2	P	P
RR-1	P	P

- (1) The raising or keeping of farm animals shall be permitted at a density not to exceed 1 animal unit per every 2 acres owned, not considering fractional amounts of acreage. Parcels under 2 acres may not raise or keep any farm animals, aside from the limited keeping of chickens as a residential accessory use (see separate standards below).
- (2) The Zoning Administrator may approve modifications and exceptions to the animal unit density standard under subsection (1) through the granting of a zoning permit, if the land owner provides a conservation compliance documentation from the Columbia County Land and Water Conservation Department signifying that the keeping of a higher density of animal units is in compliance with all NR 151 Agricultural Runoff Performance Standards and Prohibitions, including conditions set forth in Chapter 11 Columbia Code of Ordinances.
- (3) In no case shall there be more than 100 farm animals as an accessory use on any single

parcel to which these standards are applicable, where the principal use on that parcel is residential.

- (4) See [Table 12.105.03\(1\)](#) for applicable setback standards for structures used to house or feed farm animals from dwelling on adjoining lots.
- (5) A 35-foot-wide vegetative buffer strip shall be provided and maintained between (a) a navigable waterway or wetland and (b) any area used for the keeping, feeding, or pasturing of farm animals. In addition to compliance with Chapter 12, Subchapter 500, 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.
- (6) Such land uses are subject to the standards in Chapter 11 of the Columbia County Code of Ordinances (Agricultural Performance Standards and Agricultural Waste Management), and may be subject to state and federal rules.

#### **SEC. 12.125.07 KEEPING OF CHICKENS AS AN ACCESSORY RESIDENTIAL USE**

- (1) There shall be not more than four chickens per lot.
- (2) The keeping of roosters is prohibited on site.
- (3) Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
- (4) The chicken closure shall be subject to setback standards normally applicable to principal buildings.

#### **SEC. 12.125.08 VARIOUS AGRICULTURAL RELATED USES**

- (1) This section shall apply to the following land uses, which are allowed as either permitted or conditional uses in certain agricultural and open space zoning districts.
  - (a) Road side stands.
  - (b) Agritainment/agritourism.
  - (c) Farm animal and commodity trucking service uses.
  - (d) Sales, distribution, mixing, blending and storage of agricultural supplies such as feeds, seeds, propane and fertilizer.
  - (e) Sales, service or repair of machinery and equipment used in agriculture.
  - (f) Saw mill, plane mill.
- (2) There shall not be more than one road side stand on any contiguous lands in common ownership.
- (3) Only agricultural products may be sold in a road side stand.
- (4) Display and storage of materials shall not obstruct pedestrian or vehicular circulation,

including vehicular sight distances.

- (5) Structures associated with each road side stand shall be subject to the following limitations:
  - (a) Total floor area of all structures shall not exceed 300 square feet.
  - (b) Structures may not be permanently affixed to the ground and shall be readily removable in their entirety.
  - (c) Structures shall not meet the definition of a building in [Section 12.160.02](#).
- (6) Within the RR-1 District, the road side stand shall be operated by a permanent member of the resident family.
- (7) Within the A-1 district, such uses shall also:
  - (a) Be conducted by the owner or operator of the farm;
  - (b) Employ not more than four persons total.
  - (c) Not impair the current or future agricultural use of the farm or of other farmland that is within the A-1 district, legally protected from nonagricultural development, or both.

**SEC. 12.125.09      GOVERNMENTAL, INSTITUTIONAL, RELIGIOUS, OR NONPROFIT  
COMMUNITY USE IN AGRICULTURAL AND OPEN SPACE AND  
COMMERCIAL DISTRICTS**

- (1) A cemetery authority shall cause to be surveyed and mapped by a professional land surveyor those portions of the lands that are to be used as a cemetery into lots, drives, and walks, and record the map.
  - (a) The location of the lands shall be indicated on the map by bearing and distance from a boundary line of a government lot, quarter section, recorded private claim, or federal reservation in which the map is located. The monumentation at the ends of the boundary line shall be described and the bearing and distance between them shown, and the map shall show a small-scale drawing of the section or government subdivision of the section in which the cemetery is located, with the cemetery map indicated. The map shall include the certificate of the professional land surveyor containing the name of the cemetery authority, the date of the survey, the professional land surveyor's stamp or seal and signature, and the professional land surveyor's statement that the survey is true and correct to the professional land surveyor's best knowledge and belief.
  - (b) The map shall be made on a durable white media that is 22 inches wide by 30 inches long, or on any other media that is acceptable to the Register of Deeds, with a permanent nonfading black image. Seals or signatures that are reproduced on images that comply with this Subsection have the force and effect of original seals and signatures. When more than one sheet is used for any one map, they shall be numbered consecutively and each sheet shall contain a notation showing the whole

- number of sheets in the map, and its relation to the other sheets. The sheets may be provided by the County through the Register of Deeds on terms determined by the County Board. The professional land surveyor shall leave a binding margin of one inch on all sides.
- (c) The cemetery authority shall cause the map to be recorded. For failure to do so, the map and any permit approved for the cemetery shall be void, and no sale of a cemetery lot or mausoleum space may be made before the map is recorded.
- (2) Expansions to existing cemeteries shall not require a new or amended conditional use permit provided that the expansion does not increase the size of the cemetery as of March 21, 2012 by over 100 percent, but subsection (1) above is applicable.
  - (3) Within the Agricultural and Open Space zoning districts, such a use shall be permitted only where the Planning and Zoning Committee, following a public hearing and a view of the proposed site(s), determines that:
    - (a) The use and its location in the district are consistent with the purposes of the zoning district per Section 12.105.01.
    - (b) The use and its location in the district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
    - (c) The use is reasonable designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
    - (d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
    - (e) Construction damage to land remaining in agricultural use is minimized and will be repaired, to the extent feasible.

## **SEC. 12.125.10     HOUSEHOLD LIVING**

- (1) **Single- and two-family uses and dwellings.**
  - (a) Narrowest horizontal dimension of the main body of the building shall be not less than 24 feet.
  - (b) Minimum floor area shall be 600 square feet per dwelling unit, excluding any attached garage, carport, or open deck.
  - (c) Roof pitch on the main body of the building shall be at least three feet in rise for every 12 feet in run. Roof pitches less than 3 feet in rise and 12 feet in run may be permitted with plans stamped by a licensed architect or engineer.
  - (d) The dwelling must be attached to a finished, permanent foundation with any wheels, axles, transportation lights, and other related towing apparatuses are removed.
  - (e) Manufactured homes shall be considered the equivalent of single-family dwellings, but only if manufactured home meets all the above requirements for a single-family dwelling.
- (2) **Manufactured home park or mobile home park.**

- (a) The applicant for rezoning to the R-3 Manufactured or Mobile Home Park district shall submit the following information with the application to the Zoning Administrator:
1. A written description of the proposed mobile or manufactured home park, such as proposed terms of sale or lease of sites; park rules; a maintenance program and responsibilities; types of homes to be constructed or allowed; other ancillary uses for the site; and assurances including bylaws and deed restrictions that the site will be developed and operated in accordance with all approved plans.
  2. A site plan map(s), drawn to scale, and including information listed in [Section 12.150.08\(4\)\(h\)1](#), plus the proposed mobile or manufactured home park layout; location of home sites, roads, parking areas, and site boundaries; existing topography lines; existing natural features including waterways, wetlands, floodplains, woodlands, and shoreland areas; minimum required yards for the perimeter of the park and home spacing; existing and proposed buildings and other structures; water supply well and lines; sanitary waste disposal lines and system; grading and stormwater management plan; covered or screened refuse storage areas; proposed types and locations of landscape plantings and recreation areas; proposed development phasing if any; and any other information the Zoning Administrator shall deem necessary.
  3. All other information normally required for the rezoning land under [Section 12.150.06\(2\)](#).
- (b) Shall provide an acceptable sewage treatment or disposal system meeting the requirements of all applicable state regulations and Chapter 12, Subchapter 300 of the Columbia County Code of Ordinances.
- (c) Shall conform to all dimensional requirements of the R-3 Manufactured or Mobile Home Park district, in accordance with [Section 12.110.03](#).
- (d) Shall have direct access to a public road and a circulation plan that facilitates the safe and efficient movement of emergency vehicles.
- (e) All access interior park roads shall be a minimum of 20 feet in width. All interior park roads, driveways to individual home sites, and parking areas shall be hard surfaced, and maintained in a dust-free condition. Where driveways to individual home sites are located on opposite sides of the road, they shall be offset to avoid collisions when backing out.
- (f) Lighting meeting the standards in [Section 12.140.07](#) shall be provided at all intersections of interior park roads with one another and with public roads, and at common areas such as mailbox locations, dumpsters, and playgrounds.
- (g) All dumpsters shall be fully screened from view from lands within and beyond the boundaries of the manufactured or mobile home park.
- (h) Home sites and access drives shall be located, graded, and maintained to provide each site with positive site drainage and for each site to be free from flooding. All sites shall be provided with anchor points for securing mobile or manufactured homes.

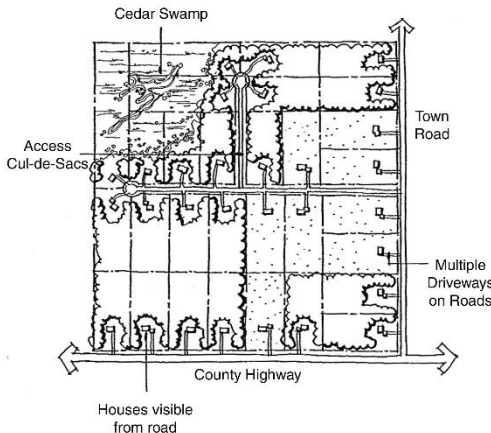
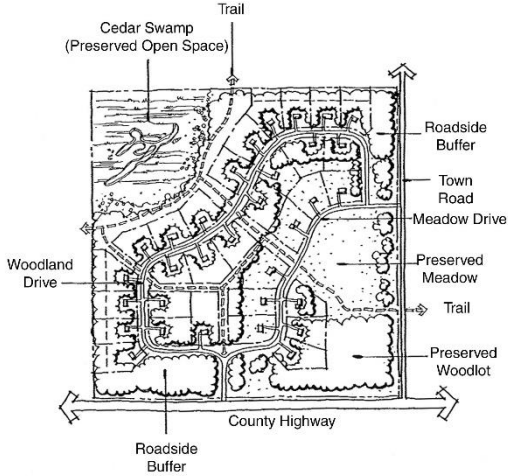
- (i) A minimum of one acre of common recreation open space, plus an additional 500 square feet for each home site or lot in the park, shall be provided. The minimum required yards around the perimeter of the park and individual home sites shall be included in the gross site area, but not in the calculation of common recreation open space. Such common open space shall be regular in shape and shall not be subject to flooding or lengthy periods of wet conditions. Common recreation open space shall be maintained in perpetuity by the mobile or manufactured park owner.
  - (j) No accessory structure, as defined in [Section 12.130.02\(2\)](#) may be located closer than 10 feet from any other accessory structure or mobile or manufactured home.
  - (k) There shall be a minimum 40-foot landscaped transitional yard between all interior side and rear lot lines of the mobile or manufactured home park to all home sites, roads, parking areas, recreation areas, wells, and private sewage disposal systems. Roads and utility crossings of the transitional yards shall be minimized and shall occur at right angles whenever possible.
  - (l) All mobile or manufactured homes shall be used for dwelling purposes. No mobile or manufactured home site shall be rented for a period of less than 30 days. All mobile homes or manufactured homes must have skirts.
  - (m) The mobile or manufactured home park shall be owned by a single individual, trust, partnership, public or private association, or corporation, except for a mobile or manufactured home subdivision, where a Homeowners Association shall be established for the management and maintenance of all common areas not in public ownership.
  - (n) Each operator of a mobile or manufactured home park shall provide Columbia County with an annual fee to enable the County to confirm compliance with the standards of this chapter and fulfill state reporting requirements.
  - (o) Any manufactured home or mobile home park developed after May 21, 2014 or increase the number of units by more than 50% of the number of units on May 21, 2014 shall construct an emergency shelter approved by County Emergency Management.
- (3) **Conservation neighborhood development.**
- (a) Conservation neighborhood developments are a type of single-family residential subdivision intended to preserve open space, farmland or natural features that define, sustain, and connect rural neighborhoods and enhance Columbia County's rural character; hide or buffer development from public roads through placement, topography, vegetation or setbacks; and encourage housing on moderately sized rural lots clustered in portions of the property best suited for development.
  - (b) As permitted in certain residential zoning districts (see [Section 12.110.02](#)), the conservation neighborhood development option allows for reductions from normal minimum lot size standards. The reduced minimum lot sizes for conservation neighborhood developments are included in [Table 12.110.03\(1\)](#).
  - (c) In exchange for reductions from normal minimum lot size requirements in certain residential zoning districts, the development shall either meet the standards included

- in the remainder of this Subsection C or alternative conservation neighborhood development standards included within a Comprehensive Plan or ordinance adopted by the affected town, if the Planning and Zoning Committee finds that such alternative standards meet the intent under subsection 1 above.
- (d) A minimum of 35 percent of the gross site area of the development shall be located within any combination of permanently preserved natural resource areas, farmland, and common recreational areas, not including any lands normally required for public dedication under Chapter 12, Subchapter 200 of the Columbia County Code of Ordinances or any lands within lots platted as home sites. This minimum open space standard may increase if advised by town plan or ordinance.
  - (e) Natural resources shall be integrated into the development design as aesthetic and conservation landscape elements. The development shall identify and provide for the permanent preservation of environmentally sensitive areas, including wetlands, hydric soils, floodplains, slopes of 20 percent or greater, areas of rare or endangered plant or animal species, the majority of the land area occupied by a mature woodland, and historic and archaeological sites. Permanent preservation shall be achieved through the implementation of techniques such as conservation easements, restrictive covenants, deed restrictions, dedication to the public or an appropriate non-profit organization or establishment of buildable or “no build” areas on the subdivision plat.
  - (f) Where the development area includes prime farmland soils as represented in the County Comprehensive Plan, and such soils have been cultivated within the previous five years, the developer shall identify and provide for the preservation of such farmland to the extent practical, as determined by the Planning and Zoning Committee.
  - (g) The developer shall provide for the recreational needs of its future residents through trails, parks, dog runs, or other passive recreational space or facilities geared and accessible to residents. Where an adopted Town or County Comprehensive Plan, land use plan, or outdoor recreation plan recommends a park, trail, or other recreational facility for the proposed plat area, the developer shall make reasonable accommodation for the recommended facility. Common open space shall be protected by legal arrangements satisfactory to the Planning and Zoning Committee.
  - (h) Lots, dwellings, and internal roads shall be placed to minimize their visibility from existing public roads and to conform to the landscape. This shall be accomplished by adhering to the following guidelines:
    - 1. Clustering lots within logical groupings, often including several lots per grouping, working around the natural resource areas, prime farmland, and recreational areas within the development.
    - 2. Designing those lots that will abut a federal, state, or county highway so the dwellings will face away from the highway, with deep lots and a landscaped transitional yard along the highway meeting the standards of [Section 12.110.03](#).
    - 3. Designing roads and lot layouts to applicable government standards and to blend with the natural land contours.



4. Using topography and vegetation to screen dwellings to the extent practical.
  5. Minimizing the number of dwellings located in open fields or on exposed hilltops and ridgelines.
  6. Preserving tree lines, fence lines, stone rows, existing farm roads, barns, cabins, and other features of the pre-development rural landscape to the extent practical.
- (i) The subdivision shall include stormwater management systems that focus on Best Management Practices (“BMPs”). BMPs may include overland water transfer, natural landscape planting and restoration to increase infiltration and reduce runoff, bio-infiltration systems, natural stormwater basin design, residential roof runoff directed to yard areas, and rain gardens. Such techniques shall be integrated in stormwater management and erosion control plans, as specified in [Section 12.140.09](#).

**Figure 12.125.09(1): Example Conservation Neighborhood Development Compared to Conventional Development**

	
<p><b>Conventional Development Option</b></p> <p>40-acre site, zoned R-1</p> <p>1+ acre lots</p>	<p><b>Conservation Development Option</b></p> <p>40-acre site, zoned R-1</p> <p>30,000+ acre lots</p> <p>14 acres undeveloped or preserved</p>

**(4) Family day care home; intermediate day care home.**

Within the A-1 district, such uses shall be subject to the following additional limitations:

- (a) Be conducted by the owners or operators of the farm, and employ no other persons.
- (b) Require no buildings, structures, or improvements other than a preexisting farm residence, an agricultural accessory structure, or both.



- (c) Not impair the current or future agricultural use of the farm or of other farmland that is with the A-1 district, legally protected from nonagricultural development, or both.

## **SEC. 12.125.11 LODGING FACILITY**

### **(1) Tourist rooming house.**

- (a) Occupancy shall be presumptively limited to two persons per bedroom. The number of bedrooms cannot exceed the number of bedrooms used to calculate the septic system permit. As part of the conditional use application, an applicant may request an alternative occupancy limit if they can provide substantial evidence that the requested alternative occupancy limit will not adversely affect public health, safety and welfare. An alternative occupancy limit request must also have the recommendation or approval by the town board of the affected town.
- (b) The number of guest vehicles allowed on site is limited to the number of bedrooms in the tourist rooming house. On-street parking is prohibited. No recreational vehicle or tent may be used for living or sleeping purposes.
- (c) Must meet all requirements associated with a single-family dwelling in [Section 12.125.10\(1\)](#). A legally constructed single-family dwelling with less square feet than the current requirement can be considered for a tourist rooming house. The appearance or use of the tourist rooming house shall not be altered 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.
- (d) The availability of the tourist rooming house to the public shall not be advertised on site.
- (e) Must be licensed by the State of Wisconsin.
- (f) Must hold liability insurance covering the use as a short-term rental.
- (g) In addition to any state required license fee, each operator of a tourist rooming house approved under this Code or determined to be a legal nonconforming use shall provide Columbia County with an annual fee and an annual report on a form furnished by the County to enable the County to confirm compliance with any conditions of approval, the standards of this chapter and any state reporting requirements.
- (h) The Conditional Use Permit shall not be transferable to another owner.
- (i) Conditional use permit may be subject to revocation or alteration if the Planning and Zoning Committee finds that these standards or the standards for all conditional use permits in [Section 12.150.07\(4\)](#) are not being met.

### **(2) Bed and breakfast establishment.**

- (a) No premises shall be utilized for a bed and breakfast unless there are at least two exits to the outdoors from such premises.

- (b) The dwelling unit in which the bed and breakfast takes place shall be the principal dwelling of the operator or owner and said operator or owner shall live on the premises when the bed and breakfast is active, as required under the Wisconsin Administrative Code.
- (c) The Conditional Use Permit shall not be transferable to another owner.
- (d) The maximum stay for any occupants of a bed and breakfast establishment shall be 31 consecutive days.
- (e) All such facilities shall be required to obtain a license to serve liquor, if applicable.
- (f) In addition to any state required license fee, each operator of a bed and breakfast establishment approved under this or previous County codes or ordinances shall provide Columbia County with an annual fee to enable the County to confirm compliance with the standards of this chapter and fulfill state reporting requirements.
- (g) Within the A-1 district, such use shall also be subject to the following additional limitations:
  - 1. Be conducted by the owners or operators of the farm, and employ no other persons.
  - 2. Require no buildings, structures, or improvements other than a preexisting farm residence, an agricultural accessory structure, or both.
  - 3. Not impair the current or future agricultural use of the farm or of other farmland that is within the A-1 district legally protected from nonagricultural development, or both.

## **SEC. 12.125.12 CAMPGROUND**

- (1) For the purpose of this section, the following terms and phrases shall be defined as:
  - (a) Service facility: A facility, indoor or outdoor, providing direct services to only those persons camping on site, registered as guests or visitors or persons making a bona fide visit to check out the campground, or otherwise paying for the use of the campground. Examples of a service facility may include, but are not limited to, a restaurant, store, office, sanitary facility, or an area providing storage services to persons camping on site.
  - (b) Recreational facility: A facility, indoor or outdoor, providing recreational activities to only those persons camping on site, registered as guests or visitors or persons making a bona fide visit to check out the campground, or otherwise paying for the use of the campground. Examples of a recreational facility may include, but are not limited to, picnic areas, pools and swimming beach areas, game rooms, or play courts and fields. A recreational facility may be passive or active.
  - (c) Active recreational facility: A recreational facility providing recreational activities that are moderate to high in intensity. Examples of an active recreational facility include but are not limited to pools, swimming beach areas, playgrounds, or play court and fields.

- (d) Passive recreational facility: A recreational facility providing recreational activities that are low in intensity. Examples of a passive recreational facility include but are not limited to walking trails, natural areas, or wildlife areas.
  - (e) Approved area: One or more approved recreational/service areas delineated by the Department based on an initial or amended approved plan.
- (2) The application for a conditional use permit shall include the following information:
- (a) A written description of the proposed operation, including proposed months of operation; desired types of camping units; other ancillary uses proposed for the site; and assurances that the campground will be developed and operated in accordance with all approved plans.
  - (b) A campground plan map(s), drawn to scale, and including the proposed layout; location of camp sites, roads, parking areas, site boundaries; topography lines; minimum required yards; existing and proposed buildings and other structures; common recreational/service facilities; water supplies; sanitary waste disposal systems; grading plan and stormwater management system meeting the requirements of this Chapter; covered refuse storage areas; existing natural features including waterways, wetlands, floodplains, and shoreland areas; existing and proposed vegetation and recreation areas, and any other information the Zoning Administrator shall deem necessary. Professional engineering assistance is encouraged in such design, especially of access roadways, camping unit siting, site grading and stormwater management, and utility placement.
- (3) Within 90 days of the adoption of this Code by a town each campground in that town shall submit for the Planning and Zoning Committees consideration and approval the following information which when approved shall serve as the campgrounds initial plan approval:
- (a) A written description of the operation, including months of operation; desired percentage of different desired types of camping units; and other ancillary uses proposed for the site.
  - (b) A campground plan map(s), drawn to scale, and including the proposed layout; location of camp sites and types(s) of units each site will accommodate, roads, parking areas, active camping area, site boundaries; existing and proposed buildings and other structures; common recreational/service facilities and areas; water supplies; sanitary waste disposal systems; and covered refuse storage areas.
  - (c) A preexisting camping unit that exceeds 400 square feet that is identified in the initial plan shall be considered a legal nonconforming structure.
- (4) Creation, modification or expansion of recreational/service facilities.
- (a) Modification of recreational/service facilities within an approved area is allowed provided a zoning permit is obtained.
  - (b) Expansion of existing or creation of new recreational/service facilities outside of an approved area is allowed provided the following conditions are met:
    - 1. The total combined area of new or expanded facilities cannot exceed 15% of the

approved area.

2. The boundary of the new or expanded facility is at least 40 feet from exterior campground lot lines, or 100 feet from the nearest residence, whichever is greater.
  3. A zoning permit is obtained for the new recreation/service area.
- (c) Expansion or creation of passive recreational facilities shall not require approval.
- (5) Modification of an approved plan which only moves sites or units shall require plan approval by the Planning and Zoning Committee.
  - (6) A new Conditional Use Permit shall be required for any of the following:
    - (a) Expansion of the number or density of sites or units.
    - (b) Creation of new or expansion of existing recreational/service facilities greater than 15% of the current approved area.
  - (7) Maintenance and storage structures required for the operation of the campground shall only require a zoning permit.
  - (8) No single camping unit shall be occupied by the same party for a period of time longer than six continuous months in any 12-month period, except as may be further limited by State Statutes or Administrative Rules.
  - (9) Campground shall have direct access to a public road, with no more than two camp road access points to each abutting public road for the first 100 camp sites, plus one additional access for each 100 sites thereafter.
  - (10) Camp sites and access roads shall be located, graded, and maintained so as to provide each site with positive site drainage.
  - (11) Minimum lot size for any campground established after March 21, 2012 shall be 10 acres.
  - (12) Maximum gross density shall be eight individual camp sites or camping units per acre of active camping area, unless modified by a conditional use permit. Active camping area consists of camp sites and land supporting the camp sites including access roads, recreational facilities, and other permanent campground infrastructure. No more than 10 percent of the area used in the calculation of maximum density shall include navigable water, wetlands, or woodlands in which there are no camp sites or units.
  - (13) Individual camp sites shall be at least 1,200 square feet in area. Each camp site shall be clearly marked with an alpha or numeric symbol on a sign which is clearly visible from an access road. Annually a map shall be available to the campground occupants and the County indicating active camping area and the layout of the camp sites and their location in that area.
  - (14) There shall be a minimum separation of 10 feet between camping units. Any accessory structure on the campsite, such as but not limited to, a deck, porch, awning, or storage structure shall be considered part of the camping unit for purposes of this separation requirement. The total footprint of these accessory structures shall not exceed 400 square feet. Any pre-existing accessory structures that exceed this standard shall be considered a legal nonconforming structure.

- (15) Separate areas may be designated as a campground for group camping in tents. Within each group camping area, no more than 20 tents containing no more than 80 persons per acre shall be permitted. The group camping area must be provided with proper sanitary service as required by State Statutes.
- (16) Each campground may have two single-family dwellings for the private use and occupation of the owners and caretakers of the campground.
- (17) Each campground may, for only those persons camping on site, registered as guests or visitors or persons making a bona fide visit to check out the campground, or otherwise paying for the use of the campground, provide for purchases of sundry supplies, cooked meals, and drinks including alcoholic beverages, if so licensed by the town.
- (18) Each campground may accommodate common recreational/service facilities and amenities such as swimming pools, tennis courts, and other similar facilities. These facilities shall be considered a part of the active camping area.
- (19) New or expanded campgrounds may be required to provide a landscaped transitional yard (see [Section 12.140.06\(2\)\(d\)](#)) along all exterior lot lines and public roads adjacent to the campground.
- (20) Each campground established after March 21, 2012 shall provide a minimum of 200 square feet per camping unit or one continuous acre of common recreation open space, whichever is greater. Yard areas within minimum required setbacks around the perimeter of the campground and land within landscaped transitional yards may not be counted towards meeting this requirement.
- (21) Each campground shall be maintained under a single management so that responsibility can be easily placed for cleaning of common facilities such as water supply, sewage disposal station, toilet, laundry, and washrooms, and refuse areas, and for enforcement of camp site cleanliness.
- (22) For mobile/manufactured homes, camping cabins, resort cabins, park models, yurts, or other permanent or semi-permanent structures or units there shall be a minimum 40-foot landscaped transitional yard between the exterior boundaries of such structures or units and any adjacent properties and public roads.
- (23) The number of resort cabins within a campground shall not exceed 15 percent of the total number of camping units in the campground.
- (24) Each campground shall comply with all state regulations applicable to campgrounds, except as may be permitted through other licenses or approvals from the state.
- (25) In addition to any state required license fee, each operator of a campground shall pay an annual permit, on a form provided by Columbia County to enable the County to confirm compliance with the standards of this chapter and fulfill state reporting requirements. All permits must be obtained by April 31<sup>st</sup> of each year, at which time the management shall provide a map indicating the active camping area and the layout of the campsites and units and their location in the active area.

### **SEC. 12.125.13 DRIVE-IN OR DRIVE-THROUGH USE, INCLUDING FUELING**

- (1) Any drive-through facility shall be designed to not impede or impair vehicular and pedestrian movement and safety. This requires unimpeded stacking space for a minimum of four vehicles behind all stations where transactions occur.
- (2) All overhead canopies, menu boards, or similar structures shall be set back from all property lines and roads a distance equal to the minimum required yards for principal buildings and shall not be located within any required landscaped transitional yard. Menu boards and signage on canopies shall meet sign regulations in [Section 12.145](#).
- (3) All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material designed to meet the requirements of a four-ton axle load.
- (4) Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of six inches high and be of a non-mountable design.
- (5) The appropriate County approval authority may require a landscaped transitional yard, per the standards in [Section 12.140.06\(2\)\(d\)](#).

#### **SEC. 12.125.14 VEHICLE REPAIR OR MAINTENANCE SERVICE**

- (1) All major repairs, maintenance, service, painting and other operations (except vehicle storage) shall occur within an enclosed building.
- (2) Shall only include the storage of vehicles of customers and employees of the vehicle repair or maintenance service business.
- (3) Shall not include the storage of three or more vehicles that do not have a valid current state registration, license plate, or both.
- (4) The appropriate County approval authority may require a landscaped transitional yard, in accordance with the standards in [Section 12.140.06\(2\)\(d\)](#).
- (5) Sound shall not exceed 65 dBA at any property line.
- (6) The resale of vehicles on site will require appropriate permits,

#### **SEC. 12.125.15 OUTDOOR SHOOTING RANGE**

- (1) The shooting area of a shooting range shall be fenced with a legal fence, except for one point of entrance not more than 12 feet wide. The shooting area for skeet and trap shooting shall be defined as an area extending 500 feet from the shooting stand in the direction of normal shooting and 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 500 feet beyond the target area in the direction of normal shooting and 100 feet from the rear firing line and 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 100 feet apart and fastened at the level of the top of fence, but not more than six feet above the ground. Such warning sign shall not be less than two 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 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 target-grade 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 1,500 feet from any residential building in line with the normal shooting direction and not less than 500 feet from any residential building in directions other than that of the normal shooting direction, except that dwelling of the owner of the premises, his agent or employee.
- (6) On each rifle or pistol range, and any other range where ball and slug ammunition is used, there shall be established within six months after issue of a zoning permit, a landscaped transitional yard, in accordance with the standards in [Section 12.140.06\(2\)\(d\)](#).
- (7) Ranges for rifle and pistol shooting with ball and slug 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 15 feet in height, measured from the base of the targets, and shall extend horizontally not less than 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 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, which shall hear the action after notice of a public hearing.

## **SEC. 12.125.16 ANIMAL SERVICES**

- (1) Commercial animal shelter, commercial boarding kennel, or commercial breeding facility; Veterinary services; Commercial stable.
  - (a) Use shall be enclosed by a fence or other suitable enclosure to prevent animals from leaving the site.
  - (b) Each animal shall be provided with an indoor containment area if the use is located in or adjacent to a subdivision.
  - (c) Each animal shall be provided with adequate exercise space.
  - (d) The appropriate County approval authority may require a landscaped transitional yard, in accordance with the standards in [Section 12.140.06\(2\)\(d\)](#).
  - (e) Outdoor dog runs or exercise pens shall be located at least 200 feet from a residential use or district.

- (f) Within the A-1 district, such uses except for veterinary services for farm animals (if allowed per [Table 12.105.02\(1\)](#)) shall also be subject to the following additional limitations:
  - 1. Be conducted by the owners or operators of the farm and employ not more than four additional persons.
  - 2. Require no buildings, structures, or improvements other than a preexisting farm residence, an agricultural accessory structure, or both.
  - 3. Not impair the current or future agricultural use of the farm or of other farmland that is within the A-1 district, legally protected from nonagricultural development, or both.
- (2) Residential Kennel.
  - (a) With the application for a conditional use permit for such a use, the applicant shall submit to the Zoning Administrator a site and building plan that shows the location of all structures, fences, or other outdoor enclosures where the animals would be kept.
  - (b) All dogs and cats must be licensed by the appropriate town if the town maintains a licensing requirement, and regardless the use shall be subject to all applicable town, county, and state regulations, including but not limited to sanitation and animal cruelty laws.
  - (c) The number of dogs or cats over 6 months of age be kept on a single residential property; may be limited by conditional use permit.
  - (d) Any outdoor areas where the animals are to be kept at any time shall be enclosed by a fence or other suitable enclosure to prevent animals from leaving the property. Any such outdoor areas shall be located a minimum of 100 feet from any other residential property or zoning district.
  - (e) The appropriate County approval authority may require a landscaped transitional yard, in accordance with the standards in [Section 12.140.06\(2\)\(d\)](#).
  - (f) No excessive barking, cries, howling, or other noise shall be permitted. The term “excessive barking, cries, howling or other noise” includes but is not limited to the creation of any noise by a dog or cat that can be heard at a property line by any person and that occurs continuously or incessantly for a period of 10 continuous minutes or intermittently for 30 minutes or more, except in instances where it can be demonstrated that such noise was associated with a person trespassing or threatening to trespass upon the private property upon where the kennel is situated or in instances where the animals are being teased or provoked.
  - (g) There shall be no advertising of dogs or cats for sale on the premises.
  - (h) Non-compliance with any of the above performance standards may result in revocation of the conditional use permit or other enforcement actions as allowed under this chapter.
  - (i) Within the A-1 district, such uses shall also be subject to the following additional limitations:



1. Be conducted by the owners or operators of the farm, and employ no other persons.
2. Require no buildings, structures, or improvements other than a preexisting farm residence, an agricultural accessory structure, or both.
3. Not impair the current or future agricultural use of the farm or of other farmland that is within the A-1 district, legally protected from nonagricultural development, or both.

#### **SEC. 12.125.17 ADULT USE**

- (1) Shall not be located within 1,000 feet of any residential zoning district, school, religious institution, outdoor public recreation use, or any other adult use. Distances shall be measured in a straight line without regard to intervening structures or objects from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult use to the nearest point of the lot of the other referenced land use.

#### **SEC. 12.125.18 JUNKYARD OR SALVAGE YARD**

- (1) In addition to the information required for conditional use permit applications, the conditional use permit application shall include the following information:
  - (a) A written description of the proposed operation, including the types and quantities of the materials that would be stored or salvaged; where materials would be hauled to and from and over what roads; proposed hours and days of operation; and any special measures that will be used for spill prevention and control and environmental protection; and assurances that the site will be developed and operated in accordance with all approved plans.
  - (b) A site plan, drawn to scale, and including site boundaries; existing roads, driveways, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland setback areas; location of the proposed storage yard; proposed location and surfacing of roads, driveways, and site access points; proposed fencing of property and gating of access points; proposed location and types of screening berms and landscaping; and existing and proposed temporary and permanent structures.
- (2) Shall comply with all applicable town, county, state and federal regulations.
- (3) The appropriate County approval authority may require a landscaped transitional yard, in accordance with the standards in [Section 12.140.06\(2\)\(d\)](#).
- (4) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 50 feet from all lot lines.
- (5) Sound shall not exceed 65 dBA at any property line.
- (6) The resale of vehicles on site will require appropriate permits.

**SEC. 12.125.19 AIRPORT OR LANDING STRIP**

- (1) Within the A-1 district, any airport or landing strip owned and operated by a private entity shall also be subject to the following standards:
  - (a) Be conducted by the owner or operator of the farm and employ no more than four persons total.
  - (b) Require no buildings, structures, or improvements other than a preexisting farm residence, an agricultural accessory structure, or both.
  - (c) Not impair the current or future agricultural use of the farm or of other farmland that is within the A-1 district, legally protected from nonagricultural development, or both.
- (2) Within the A-1 district, any airport or landing strip owned and operated by a public entity shall also be subject to the standards in Section 12.125.09(2).

**SEC. 12.125.20 WASTE DISPOSAL OPERATION**

- (1) Shall comply with all county, state and federal regulations, including the issuance of a Department of Natural Resources permit under State Statutes.
- (2) The appropriate County approval authority may require a landscaped transitional yard, in accordance with the standards in [Section 12.140.06\(2\)\(d\)](#).
- (3) All buildings, structures, and activity areas on waste disposal sites shall be located a minimum of 100 feet from all pre-existing dwellings on adjoining properties.
- (4) Within the A-1 district, such use shall also be subject to the limitations in Section 12.125.09(2).

**SEC. 12.125.21 COMPOSTING, RECYCLING OR WASTE TRANSFER OPERATION**

- (1) Shall comply with all county, state and federal regulations, including the issuance of a Department of Natural Resources permit under State Statutes.
- (2) The appropriate County approval authority may require a landscaped transitional yard, in accordance with the standards in [Section 12.140.06\(2\)\(d\)](#).
- (3) All buildings, structures, and activity areas on composting operation sites shall be located a minimum of 100 feet from all pre-existing dwellings on adjoining properties.
- (4) Composting and recycling operations shall not involve on-site holding, storage or disposal of food scraps, other vermin-attracting materials, or hazardous wastes defined by State Statutes, unless they are licensed by the State.

**SEC. 12.125.22 MOBILE AND RADIO BROADCAST SERVICES**

- (1) **PURPOSE AND INTENT.** The purpose of this section is to regulate by zoning permit (1) the siting and construction of any new mobile service support structure and facilities;

(2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure and mobile service facilities; and (4) radio broadcast facilities.

(a) It is intended that the County shall apply these regulations to accomplish to the greatest degree possible the following:

1. Minimize adverse effects of mobile service facilities and mobile service support structures.
2. Maintain and ensure that a non-discriminatory, competitive and broad range of mobile services and high-quality mobile service infrastructure consistent with the Federal Telecommunications Act of 1996 and provided to serve the community, as well as serve as an important and effective part of Columbia County's police, fire, and emergency response network.
3. Provide a process of obtaining necessary permits for mobile service facilities and support structures while at the same time protecting the legitimate interests of Columbia County citizens.
4. Encourage the use of alternative support structures, co-location of new antennas on existing support structures, camouflaged mobile service support structures, and construction of support structures with the ability to locate three (3) or more providers.
5. Furthermore, this section is not intended to regulate residential satellite dishes or residential television antennas that are used privately. Additionally, it is not intended to regulate satellite dishes/antennas whose regulation is prohibited by Wis. Stats. § 59.69(4d), or its successor sections, of the Wisconsin Statutes or as permitted by Federal Law.

## (2) **DEFINITIONS**

(a) All definitions contained in Wis. Stats. § 66.0404(1), are hereby incorporated by reference.

(b) For the purpose of this section, the following terms and phrases shall be defined as:

1. **Camouflaged Mobile Service Support Structure:** Any mobile service support structure that due to design or appearance hides, obscures, or conceals the presence of the mobile service support structure.
2. **Satellite Dish:** A device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

## (3) **EXEMPT FROM PERMITTING** The following shall be exempt from the requirement to obtain a zoning permit, unless otherwise noted.

- (a) The use of all receive-only television antenna and satellite dishes.
  - (b) Amateur Radio and/or Receive-Only Antennas. This ordinance shall not govern the installation of any antenna that is owned and/or operated by a federally licensed amateur radio operator and is used for amateur radio purposes or is used exclusively for receive-only purposes.
  - (c) Mobile services providing public information coverage of news events of a temporary or emergency nature.
- (4) **SITING AND CONSTRUCTION OF ANY NEW MOBILE SERVICE SUPPORT STRUCTURE AND FACILITIES AND CLASS 1 COLLOCATION**
- (a) **Application Process.**
- 1. A zoning permit is required for the siting and construction of any new mobile service support structure and facilities and for Class 1 Collocation.
  - 2. A written permit application must be completed by any applicant and submitted to the Planning and Zoning Department. The application must contain the following information:
    - a. The name and business address of, and the contact individual for, the applicant.
    - b. The location of the proposed or affected support structure.
    - c. The location of the proposed mobile service facility.
    - d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
    - e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
    - f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
  - 3. A permit application will be provided by the Planning and Zoning Department upon request to any applicant.
- (b) **Completed Applications.** If an applicant submits to the Planning and Zoning

Department an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Planning and Zoning Department shall consider the application complete. If the Planning and Zoning Department does not believe that the application is complete, the Planning and Zoning Department shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

- (c) **County Responsibilities.** Within 90 days of its receipt of a complete application, the Planning and Zoning Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Planning and Zoning Department may agree in writing to an extension of the 90-day period:
  - 1. Review the application to determine whether it complies with all applicable aspects of the county's building code and, subject to the limitations in this section, zoning ordinances.
  - 2. Make a final decision whether to approve or disapprove the application.
  - 3. Notify the applicant, in writing, of its final decision.
  - 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (d) **Disapproval.** The Planning and Department may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under sub. (4)(a)2.6.
- (e) **Application of Set Back/Fall Zone.** If an applicant provides the Planning and Zoning Department with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, the zoning ordinance does not apply to such structure unless the Planning and Zoning Department provides the applicant with substantial evidence that the engineering certification is flawed.
- (f) **Fees.** See Section 7.13 of the Columbia County Code of Ordinance.
- (g) **Limitations.** Zoning Permits for Siting and Construction of any new mobile service support structure and facilities and land use permits for Class 1 Collocations shall only be granted provided the following conditions exist:
  - 1. If the location of the proposed mobile service support structure or mobile service facility is on leased land, the lease agreement does not preclude the lessee from entering into leases on the site with other provider(s) and there is no other lease provision operating as a bar to collocation of other providers.
  - 2. The applicant has obtained Federal Communications Commission (FCC) license numbers and registration numbers if applicable.
  - 3. The applicant and/or agent have copies of Findings of No Significant Impacts (FONI) statement from the Federal Communications Commission (FCC) or

Environmental Assessment or Environmental Impact Study (EIS), if applicable.

4. The applicant and/or agent have copies of the determination of no hazard from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings, if applicable.
5. The applicant and/or agent have plans indicating security measures (i.e. access, fencing, lighting, etc.).
6. For new mobile service support structures, the applicant has obtained a report prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate additional antennas.
7. The applicant and/or agent have proof of liability coverage.
8. The applicant and/or agent have copies of an Affidavit of Notification indicating that all operators and owners of airports located within five (5) miles of the proposed site have been notified via certified mail.
9. The Facility or collocation is designed to promote site sharing, such that space is reasonably available to collocators and such that telecommunication towers and necessary appurtenances, including but not limited to parking areas, access road, and utilities, are shared by site users whenever possible.

(5) **CLASS 2 COLLOCATION**

(a) Application Process.

1. A zoning permit is required for a class 2 collocation. A class 2 collocation is a permitted use, but still requires the issuance of the permit.
2. A written permit application must be complete by any applicant and submitted to the Planning and Zoning Department. The application must contain the following information:
  - a. The name and business address of, and the contact individual for, the applicant.
  - b. The location of the proposed or affected mobile service support structure.
  - c. The location of the proposed mobile service facility.
3. A permit application will be provided by the Planning and Zoning Department upon request to any applicant.

(b) **Requirements.** A class 2 collocation is subject to the same requirements for the issuance of a zoning subject to the same requirements for the issuance of a zoning permit to which any other type of commercial development or land use development is subject, except that the maximum fee for a zoning permit shall be \$500. See Section 7.13 of the Columbia County Code of Ordinances.

(c) **Completed Applications.** If an applicant submits to the Planning and Zoning Department an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Planning and Zoning Department shall consider the application complete. If any of

- the required information is not in the application, the Planning and Zoning Department shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (d) **County Requirements.** Within 45 days of its receipt of a complete application, the Planning and Zoning Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Planning and Zoning Department may agree in writing to an extension of the 45-day period:
1. Make a final decision whether to approve or disapprove the application.
  2. Notify the applicant, in writing, of its final decision.
  3. If the application is approved, issue the applicant the relevant permit.
  4. If the decision is to approve the application, include with the written notification substantial evidence which supports the decision.
- (e) **Fees.** The fee for the permit is as set forth in Columbia County Code of Ordinances Section 7.13, except that the maximum fee for the Zoning permit shall be \$500.
- (6) **INFORMATION REPORT.** The purpose of the report under this Subsection is to provide the County with accurate and current information concerning the mobile service facility owners and providers who offer or provide mobile services within the County, or that own or operate mobile service facilities within the County, to assist the County in enforcement of this Subsection, and to assist the County in monitoring compliance with local, state and federal laws.
- (a) **Information Report.** Every year beginning in 2015 every owner of any mobile service support structure shall submit to the Planning and Zoning Department a Telecommunications Facility Information Report (the “Report”) on or before January 31, or within forty-five (45) days of receipt of a written request from the Planning and Zoning Department. The Report shall include the mobile service support structure owner’s name(s), address(es), phone number(s), contact person(s), and proof of liability insurance and bonding as security for removal. The support structure owner shall also supply the mobile service support structure height or current occupancy, if applicable, the number of collocation positions designated, occupied or vacant. This information shall be submitted on the County form provided and designated for such use, and shall become evidence of compliance.
- (7) **REMOVAL/SECURITY OF REMOVAL**
- (a) It is the express policy of Columbia County and this code that mobile service support structures be removed once they are no longer in use and not a functional part of providing mobile service and that it is the mobile service support structure owner’s responsibility to remove such mobile service support structures and restore the site to its original condition or a condition approved by the Columbia County Planning and Zoning Department. This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the mobile service support structure down to 5 feet below the surface. After a mobile service support

structure is no longer being used for mobile service that is in operation, the mobile service support structure owner shall have one hundred eighty (180) days to effect removal and restoration unless weather prohibits such efforts. Permittee shall record a document with the Columbia County Register of Deeds showing the existence of any subsurface structure remaining below grade. Such recording shall accurately set forth the location and describe the remaining structure.

- (b) **Security for Removal.** The owner of any mobile service support structure other than a municipality or other unit of government shall provide to Columbia County, prior to the issuance of the zoning permit, a performance bond in an amount based on a written estimate of a qualified remover of said types of structures, or Twenty Thousand Dollars (\$20,000), whichever is less, to guarantee that the mobile service support structure will be removed when no longer in operation. Columbia County will be named as obligee in the bond and must approve the bonding company. The County may require an increase in the bond amount after five (5) year intervals to reflect increases in the Consumer Price Index, but at no point shall the bond amount exceed Twenty Thousand Dollars (\$20,000). The provider shall supply any increased bond within a reasonable time, not exceeding sixty (60) days, after the County's request. A permittee may submit a letter of credit in the amount set forth above, or, in the alternative, a permittee with several sites in the County may submit a master bond to cover all of said sites. A master bond or a letter of credit may, in the Committee's discretion, be in an amount sufficient to secure removal from one site if the master bond or letter of credit provides for replenishing any amount used as the master bond or letter of credit covers any other site in the County.

(8) **STRUCTURAL, DESIGN AND ENVIRONMENTAL STANDARDS**

- (a) **Mobile Service Support Structure, Antenna and Facilities Requirements.** All mobile service facilities and mobile service support structures, except exempt facilities as defined in subsection (c), shall be designed to reduce the negative impact on the surrounding environment by implementing the measures set forth below:
1. Mobile Service support structures shall be constructed of metal or other nonflammable material, unless specifically permitted by the County to be otherwise.
  2. Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their functions.
  3. Equipment compounds shall be constructed of nonreflective materials (visible exterior surfaces only). Equipment compounds shall be designed to blend with existing architecture in the area or shall be screened from sight by mature landscaping, and shall be located or designed to minimize their visibility.
  4. Mobile service facilities, support structures and antennas shall be designed and constructed in accordance with the State of Wisconsin Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, Columbia County Subdivision Ordinance, Columbia County Sanitation Ordinance, Electronic Industries Association (EIA), American National Steel Institute Standards (ANSI), and American National Standards



Institute (ANSI) in effect at the time of manufacture.

5. Mobile service facilities and support structures shall not interfere with or obstruct existing or proposed public safety, fire protection or Supervisory Controlled Automated Data Acquisition (SCADA) operation telecommunication facilities. Any actual interference and/or obstruction shall be corrected by the applicant at no cost to the County.
- (b) Site Development. A leased parcel intended for the location of new mobile service facilities, mobile service support structures, and equipment compounds shall be located so as to permit expansion for mobile service facilities to serve all potential collocators.
- (c) Vegetation protection and facility screening.
  1. Except exempt facilities as defined in subsection C, all mobile service facilities shall be installed in a manner to as to minimize disturbance to existing native vegetation and shall include suitable mature landscaping to screen the facility, where necessary by the Department. For purposes of this section, “mature landscaping” shall mean trees, shrubs or other vegetation of a minimum initial height of five (5) feet that will provide the appropriate level of visual screening immediately upon installation.
  2. Upon project completion, the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping as long as a telecommunication facility is maintained on the site.
- (d) Fire prevention. All mobile service facilities shall be designed and operated in accordance with all applicable codes regarding fire prevention.
- (e) Noise and Traffic. All mobile service facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end the following measures shall be implemented for all mobile service facilities, except exempt facilities as defined in subsection (c):
  1. Noise producing construction activities shall take place only on weekdays (Monday through Saturday, non-holiday) between the hours of 6:00 am and 6:00 pm, except in times of emergency repair and,
  2. Backup generators, if present, shall be operated only during power outages and for testing and maintenance purposes.
- (f) Separation Requirements. Mobile service support structures shall be separated by a minimum of 2640 feet, except that:
  1. Two (2) mobile service support structures may be permitted to be located within 100 feet of each other subject to approval of the Columbia County Planning and Zoning Committee.
  2. Camouflaged mobile service support structures are exempt from the separation between mobile service support structures requirement listed above.
- (g) Radio and television transmission and relay tower, cellular and digital communication

towers (mobile service support structures as defined in Wis. Stats. § 66.0404(1)(n)), and aerials provided, however, that said structures shall not exceed in height their distance from the nearest lot line unless designed to collapse within a smaller area as evidence by an engineering certification submitted to Planning & Zoning.

**(9) COMPLIANCE/PENALTIES**

- (a) Abandonment. Any antenna, mobile service facility, or mobile service support structure that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Upon application, the Committee may extend the time limit to abandon once for an additional twelve-month period. Such extension shall be based on the finding that the owner or permit holder is actively seeking tenants for the site. After the expiration of the time periods established above, the following shall apply:
1. The owner of such antenna, mobile service facility or mobile service support structure shall remove said antenna, mobile service facility or mobile service support structure, including all supporting equipment, building(s) and foundations to the depth as otherwise herein required within ninety (90) days of receipt of notice from the Planning and Zoning Department notifying the owner of such abandonment. If removal to the satisfaction of the Planning and Zoning Department does not occur within said ninety (90) days, the Columbia County Director of Planning and Zoning may order removal utilizing the established bond as provided under subsection (g) and salvage said antenna, mobile service facility or mobile service support structure, including all supporting equipment and building(s). If there are two or more users of a single mobile service support structure, then this provision shall not become effective until all operations of the mobile service support structure cease.
  2. The recipient of a zoning permit allowing a mobile service support structure and facility under this section, or the current owner or operator, shall notify the Columbia County Planning and Zoning Department within 45 days of the date when the mobile service facility is no longer in operation.
- (b) Penalties. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall be subject to the penalty provisions set forth in [Section 12.150.08](#) of this Code.

**(10) RADIO BROADCAST SERVICES FACILITIES AND STRUCTURES**

**(a) Application Procedure**

1. Zoning Permit is required for:
  - a. The modification of a pre-existing facility or structure if the modification is inconsistent with the original zoning permit
  - b. The construction of any new radio broadcast service facility or structure.
2. The department will provide an applicant with a zoning permit application form and a zoning permit application form upon request.
3. An applicant's zoning permit application will be processed as provided for in Section 12.155.08.

4. An applicant must submit a written application for a zoning permit to the department. The application must contain the following information:
  - a. The name and business address of the applicant, along with the name of a contact person.
  - b. The location of the proposed facility and structure.
  - c. A construction plan describing the existing or proposed facility and structure and the equipment and network components, including antennas, base stations, cabling, power supplies, receivers, transmitters, and related equipment to be placed on or around the new facility and structure.
5. An application that contains all of the information required under this ordinance will be considered to be complete. If the department does not believe that the application is complete, it shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification must specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
6. Within 90 days of receipt of a complete application, the department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the department may agree in writing to an extension of the 90-day period:
  - a. Review the application determine whether it complies with all applicable aspects of the county's zoning ordinances, subject to the limitations in Wis. Stats. § 66.0404.
  - b. Make a final decision whether to approve or disapprove the application.
  - c. Notify the applicant, in writing, of its final decision.
  - d. If the decision is to disapprove the application, the written notification must set forth the substantial evidence that supports the decision.
7. A party who is aggrieved by the department's final decision may appeal the action to the Board of Adjustment.

### **SEC. 12.125.23      PERSONAL STORAGE FACILITY OR MINI-WAREHOUSE**

- (1) The appropriate County approval authority shall require a landscaped transitional yard, in accordance with the standards in [Section 12.140.06\(2\)\(d\)](#).
- (2) Shall not involve the on-site holding, storage or disposal of hazardous wastes as defined by State Statutes.
- (3) Aside from storage, no business activity shall be operated from or outside of any partitioned area within a mini-warehouse.

### **SEC. 12.125.24      LIGHT MANUFACTURING**

- (1) All light manufacturing activities, aside from parking, loading, and outdoor storage, shall take place inside of an enclosed building,
- (2) All loading docks and outdoor storage areas shall be completely screened so as not to be visible from public streets and any nearby residentially zoned property.
- (3) No one can create or release any emissions with odors that can be considered objectionable by the Department of Natural Resources under applicable State of Wisconsin rules. Except for vehicles entering and leaving the property, the noise level generated by the light manufacturing facility or equipment shall not exceed 65 decibels at the property line.
- (4) The appropriate County approval authority may require a landscaped transitional yard, in accordance with the standards in [Section 12.140.06\(2\)\(d\)](#).

### **SEC. 12.125.25 NON-METALLIC MINERAL EXTRACTION USE**

- (1) In addition to the information normally required for conditional use permit applications, the application shall include the following information:
  - (a) A written description of the proposed operation, including the types and quantities of the materials that would be extracted; proposed dates to begin extraction, end extraction, and complete reclamation; geologic composition and depth and thickness of the mineral deposit; existing use of the land and proposed use after reclamation; existing natural and archaeological features on and adjacent to the site; where extracted materials would be hauled and over what roads; types, quantities, and frequency of use of equipment to extract, process, and haul; whether and how frequently blasting, drilling, mining, crushing, screening, washing, refueling, fuel storage, asphalt batching, or concrete mixing would be performed on site; whether excavation will occur below the water table and, if so, how ground water quality will be protected; description and elevations of all temporary or permanent structures; proposed hours and days of operation; any special measures that will be used for spill prevention and control, dust control, or environmental protection; if within the A-1 district, justification that the use meets all standards associated with such district; and assurances that the site will be developed, operated, and reclaimed in accordance with all approved plans and all county, state, and federal regulations, including a listing of all applicable regulations.
  - (b) A site or operations plan map, drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roads, driveways, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; all dwellings and private and municipal wells within 1,000 feet; location of the proposed extraction, staging areas, fueling, fuel storage, and equipment storage areas; proposed location and surfacing of roads, driveways, and site access points; proposed phasing plan, if any; proposed fencing of property and gating of access points; proposed locations of stockpiles; proposed location and types of screening berms and landscaping; and proposed temporary and permanent structures, including scales and offices.

- (c) An erosion control plan, drawn to scale by a professional engineer, meeting all applicable state and county requirements.
- (d) A reclamation plan prepared in accordance with the Wisconsin Administrative Code and the Columbia County non-metallic mining reclamation ordinance.
- (2) The appropriate County approval authority may require a landscaped transitional yard, in accordance with the standards in [Section 12.140.06\(2\)\(d\)](#).
- (3) The appropriate County approval authority may place limits on the amount of time the non-metallic mineral extraction use shall remain in operation.
- (4) The nearest edge of all buildings, structures, and surface activity areas, including pit edges, shall be located a minimum of 200 feet from all dwellings on adjacent properties, and no less than 50 feet from any lot line.
- (5) To prevent tracking of mud onto public roads, access driveways shall be paved within one 100 feet of public roads, unless the adjacent road is unpaved.
- (6) All public roads shall be kept free of all mud, debris, and dust by sweeping or other means as necessary, or as requested by the applicable town.
- (7) Access to the site shall only be through points designated as entrances on the site or operations plan; such access points shall be secured when the site is not in operation.
- (8) Provisions for the upgrade, repair, and maintenance of town and county roads shall depend on the intensity of the operation and the existing condition and capacity of such roads. A bond or other performance guarantee for such work may be required provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance. If any town or county road is damaged or destroyed as a result of owners operations, the owner shall restore or pay for the restoration of the same to an acceptable condition and value. The owner shall have the right to show and bear the burden of proof in showing that the indicated damage was not the result of its operations.
- (9) The site and driveway shall be sprayed to control dust, except when the temperature is below freezing. Spraying may also be required in and around the excavation pit to further reduce dust.
- (10) On-site bulk fuel storage areas and areas for fueling of equipment (e.g., above the water table) shall be located to minimize the potential for groundwater contamination and in accordance with the Wisconsin Administrative Code and State Statutes.
- (11) Hours or days of operation may be limited.
- (12) Hours for blasting, drilling, screening, and asphalt batching shall be established. The conditional use permit may restrict such activities from occurring if the conditional use permit standards cannot be met.
- (13) If blasting or drilling is requested, additional standards or conditions may be applied with relation to frequency, noise and vibration levels, notice to neighbors, pre-inspection of neighboring basements and wells, and claims procedures in accordance with the Wisconsin Administrative Code.

- (14) All trucks, excavation, and processing equipment shall have exhaust systems that meet or exceed current industry standards to ensure that noise levels are kept at or below allowable limits. The level of noise generated by the facility or equipment shall not exceed 65 decibels at the property line.
- (15) Unless the extraction site is inaccessible, the area of extraction shall be completely enclosed by a safety fence or maintained at a slope not to exceed 3:1.
- (16) The applicant shall furnish a certificate of insurance before operations commence.
- (17) Approval shall be subject to amendment or revocation if non-compliance with approved plans, this section, or approval conditions is identified.
- (18) Approval shall be subject to periodic review of the operation to ensure compliance with the conditional use permit, and to specific limitations over the portion of the lot or parcel where extraction may occur.
- (19) Within the A-1 district, such use shall also be subject to the following additional limitations:
  - (a) The operation complies with Chapter I of Wisconsin Statutes Chapter 295 and rules promulgated under that chapter, with applicable provisions of the local ordinance under Wis. Stats. §§ 295.13 or 295.14 and with any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites.
  - (b) The operation and its location in the A-1 district are consistent with the purposes of that district in Section 12.105.01(1).
  - (c) The operation and its location in the A-1 district are reasonable and appropriate, considering alternative locations outside the A-1 district, or are specifically approved under state or federal law.
  - (d) The operation is reasonable designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
  - (e) The operation does not substantially impair or limit the current or future agricultural use or surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - (f) The owner shall be required to restore the land to agricultural use, consistent with the County approved reclamation plan, when extraction is completed.

## **SEC. 12.125.26      COMMERCIAL ENTERTAINMENT OR RECREATION, OUTDOOR**

- (1) All outdoor entertainment areas, including all structures such as buildings and fencing, different activity areas, sanitary and waste disposal facilities, means of access, and screening, shall be clearly indicated on a site plan included with an application for a conditional use permit.
- (2) No outdoor entertainment area shall be open later than 10:00 p.m. unless modified as part of a conditional use permit.

- (3) No outdoor entertainment use, or any portion of such use, shall be located on public property, except with the written consent of the entity with control over such public property.
- (4) If alcoholic beverages will be served in the outdoor entertainment area, proof that an applicable liquor license covering that area must be submitted to the Zoning Administrator prior of the issuance of a zoning permit.
- (5) Provisions for safe, ample parking and sanitary and other waste disposal shall be specified in the conditional use permit application and required by the conditional use permit. The location of the outdoor entertainment area shall not reduce the number of parking spaces below the minimum number of spaces required by this chapter, for all principal and accessory uses combined.
- (6) Any race track facilities shall be located a minimum of 200 feet from any residential zoning district.
- (7) The appropriate County approval authority may require a transitional yard in accordance with the requirements of [Section 12.140.06\(2\)\(d\)](#).
- (8) All outdoor entertainment areas shall be physically separated from vehicle circulation areas by a fence, raised curb, planters, or other barrier.
- (9) Amplification devices may be placed within or directed toward the outdoor entertainment area for the purposes of playing music or spoken words, subject to the following standards:
  - (a) No amplified music may be played between the hours of 10:00 p.m. and 10:00 a.m.
  - (b) Amplification devices and live music staging areas shall be located within 50 feet of the principal structure and shall be a minimum of 50 feet from any property lines.
  - (c) Except for occasional events not occurring more than three times in any calendar year, sound from amplified music shall not exceed 65 dBA at any property line. If a town has sound and time restrictions that are less restrictive that regulation shall be applicable so long as the town enforces their regulations.
  - (d) At the discretion of the Zoning Administrator, the property owner may be required to install sound containment barriers.
- (10) Through its review of individual conditional use permits, the Planning and Zoning Committee may place temporal limits on the use, time of day, hours of operation, number of occurrences per year.

**SEC. 12.125.27      OTHER TRANSPORTATION, COMMUNICATIONS, PIPELINE,  
ELECTRIC TRANSMISSION, UTILITY, OR DRAINAGE USE IN  
AGRICULTURAL AND OPEN SPACE DISTRICTS**

- (1) Within the Agricultural and Open Space zoning districts, such a use shall be permitted only where the Planning and Zoning Committee, following a public hearing determines that:



- (a) The use and its location in the district are consistent with the purposes of that district per Section 12.105.01(1).
- (b) The use and its location in the district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
- (c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
- (d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- (e) Construction damage to land remaining in agricultural use is minimized and will be repaired, to the extent feasible.

## **SEC. 12.125.28 HOME OCCUPATIONS**

- (1) **Minor home occupation.** To be classified as a legal minor home occupation, such uses shall be subject to the following performance standards:
  - (a) The use shall be conducted entirely within the confines of the principal residential structure or accessory residential structure.
  - (b) The use shall occupy no more than 25 percent of the floor area on the floor(s) of the principal structure where the use takes place, or more than 400 square feet of no more than one accessory residential structure if located therein. Within the A-1 and AO-1 districts the accessory structures used for the sale and storage of feeds, seeds and fertilizer may exceed 400 square feet.
  - (c) The appearance of the structure(s) that contain the minor home occupation 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. There shall be no advertising, display, or other indications of a home occupation on the premises.
  - (d) No person other than a permanent member of the resident family shall be employed on the premises by the minor home occupation.
  - (e) There shall not be conducted on the premises the selling of stocks of merchandise, supplies, or products other than those produced by the minor home occupation to fill customer orders placed via mail, telephone, or internet. That is, the direct retail sale of products is not allowed, but a customer may pick up an order that had been placed. Other types of wholesale or retail sales from within the dwelling or accessory structure as the primary activity or function of the minor home occupation are prohibited, except within the A-1 and AO-1 districts where the sale and storage of feeds, seeds and fertilizer is considered integral to the agriculture community.
  - (f) The display, storage, or parking of materials, goods, supplies, or equipment outside of the dwelling or an accessory building is prohibited.
  - (g) Uses of material and equipment not recognized as being part of the normal practices



of owning and maintaining a dwelling shall be prohibited.

- (h) No minor home occupation may involve the on-site sale, resale, repair, including body repair, salvage or wrecking of automobiles, trucks, boats, trailers, recreational vehicles, or other motorized vehicles.
- (i) The minor home occupation shall not involve the use of commercial vehicles for more than the weekly delivery of materials to or from the premises.
- (j) Within the A-1 district, such uses shall also be subject to the following additional limitations:
  - 1. Be conducted by the owner or operator of the farm.
  - 2. Require no buildings, structures, or improvements other than a preexisting farm residence, an agricultural accessory structure, or both.
  - 3. Not impair the current or future agricultural use of the farm or of other farmland that is within the A-1 district, legally protected from the nonagricultural development, or both.
- (2) **Major home occupation.** To be classified as a legal major home occupation, such uses shall be subject to the following performance standards.
  - (a) The use shall be conducted entirely within the confines of the principal residential structure or accessory structure.
  - (b) The use shall occupy no more than 50 percent of the gross floor area on the floor(s) of the principal structure where the use takes place, not more than one accessory structure if located therein, or a combination of these two locations.
  - (c) 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.
  - (d) A total of no more than four persons shall be employed by the major home occupation. This total excludes those members of the family that are permanent residents of the premises shall be employed by the major home occupation, aside from in the A-1 District where the limitations under Subsection 11 shall apply.
  - (e) There shall not be conducted on the premises the selling of stocks of merchandise, supplies, or products other than those produced by the major home occupation to fill customer orders placed via mail, telephone, or internet. That is, the direct retail sale of products is not allowed, but a customer may pick up an order that had been placed. Other types of wholesale or retail sales from within the dwelling or accessory structure as the primary activity or function of the major home occupation are prohibited.
  - (f) The display, storage, or parking of materials, goods, supplies, or equipment outside of the dwelling is permitted in an enclosed accessory building. Within the A-1 Agriculture, AO-1 Agriculture and Open Space, A-2 General Agriculture, RR-1 Rural Residence, and C-1 Light Commercial districts, the display, storage, or parking of

materials, goods, supplies, or equipment is also allowed 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 a landscaped transitional yard as specified in [Section 12.140.06\(2\)\(d\)](#) and such activity does not occur within a minimum required setback area. The total outdoor storage area shall not exceed one-half acre in size.

1. Within the R-1 Single-Family Residence, R-2 Multiple-Family Residence, and R-3 Mobile or Manufactured Home Park zoning districts, only one commercial vehicle may be associated with the major home occupation. The commercial vehicle must meet the following conditions:
  - a. Current on registration and license;
  - b. The gross vehicle weight rating shall not exceed seventeen thousand five hundred (17,500) pounds, including load;
  - c. The height shall not exceed nine feet as measured from the ground level, excluding antennas, air vents, and roof-mounted air conditioning units, but including any load, bed or box;
  - d. The total vehicle length shall not exceed twenty-six feet, including attachments thereto, such as plows, trailers, etc.
- (g) There shall be no advertising, display, or other indications of a home occupation on the premises other than as specified by the terms of this Chapter.
- (h) No major home occupation may involve the on-site sale, resale, repair, including body repair, salvage or wrecking of automobiles, trucks, boats, trailers, recreational vehicles, or other motorized vehicles.
- (i) Conditional use permits granted for major home occupations shall be assigned only to a designated person who, at the time of conditional use permit issuance, resided at the residential address. Such permits do not run with the land, are not transferable from person to person, or from address to address.
- (j) The Planning and Zoning Committee may restrict the number and types of machinery and equipment, limit hours of operation, or establish other conditions on the approval to meet the standards for granting a conditional use permit in [Section 12.150.07](#).
- (k) Within the A-1 district, such uses shall also be subject to the following additional limitations:
  1. Be conducted by the owner or operator of the farm.
  2. In the A-1 district, all owners and operators of the farm that are engaged in the major home occupation shall be included among the maximum of four employees engaged in the major home occupation, unless otherwise allowed through changes to the Wisconsin administrative rules or statute adopted after January 1, 2014.
  3. Require no buildings, structures, or improvements other than a preexisting farm residence, an agricultural accessory structure, or both.
  4. Not impair the current or future agricultural use of the farm or of other farmland

that is within the A-1 district, legally protected from nonagricultural development, or both.

## **SEC. 12.125.29      SMALL WIND ENERGY SYSTEMS**

- (1) **Purpose.** The purpose of this section is to adopt and incorporate the requirements of Wis. Stats. § 66.0401 and Wisconsin Admin. Code Ch. PSC 128 as a local ordinance and to establish local regulations on the installation and use of small wind energy systems that are authorized by, compliant with, and no more restrictive than the rules promulgated by the Wisconsin Public Service Commission and that serve to preserve or protect the public health or safety, do not significantly increase the cost of the system or significantly decrease its efficiency, or allow for an alternative system of comparable cost or efficiency.
  - (a) Statutes, Regulations and Rules
    1. This section is subject to the provisions of the Wisconsin Statutes and all regulations and rules promulgated thereunder.
    2. Wis. Stats. § 66.0401 and Wis. Admin. Code Ch. PSC 128 are adopted and incorporated by reference.
- (2) **Definitions.** Besides the definitions in PS 128.01, in this Section:
  - (a) “Department” means the Columbia County Planning and Zoning Department.
  - (b) “Department Director” or “Director” means the Director of the Columbia County Planning and Zoning Department or the Department Director’s Designee.
  - (c) “Permit” means a zoning permit issued by the Columbia County Planning and Zoning Department pursuant to this code.
  - (d) “PSC 128” means Wis. Admin Code Ch. PSC 128, Wind Energy Systems.
  - (e) “Small Wind Energy System” means a wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.
- (3) **Zoning Permit Requirements.**
  - (a) Permit Requirement. The owner must apply for and receive a zoning permit from the department before installing, constructing, or expanding any small wind energy system.
  - (b) Permit Fee. The owner must pay an application fee at the time the application for a small wind energy system is filed with the department.
  - (c) Permit Expiration. A zoning permit issued by the department expires if construction of the small wind energy system is not commenced within 24 months from the date of the permit or if the small wind energy system is not installed and functioning within 12 months from the date construction begins.
- (4) **Application Requirement.**

- (a) The owner must file an application that contains the information specified in PSC 128.30, except as amended by PSC 128.61(6).
  - (b) A plan must be submitted that includes information specified in Section 12.150.08(4). The owner must also provide the following additional information on the plan or as part of the permit application:
    - 1. Location of any overhead utility lines on or adjacent to the property.
    - 2. Description and specifications of the components of the small wind energy system, including the manufacturer, model, capacity, blade length, and total height of the small wind energy system; and
    - 3. Blueprints or drawings which have been approved by a registered professional engineer for any tower and tower foundation.
- (5) **Filing Requirements.**
  - (a) Any document or paper required to be filed with the county pursuant to PSC 128 or this ordinance must be filed at or delivered to the department's office.
  - (b) Any document, paper, or other material submitted to the county that relates to an application must be delivered to the department's office.
  - (c) Any document or paper filed or otherwise submitted by an owner or any other interested party that relates to an application must be 8-1/2 x 11 inches in size. A person who wishes to submit a paper that is larger than 8-1/2 x 11 inches in size shall also submit reduced copy that is 8-1/2 x 11 inches in size.
- (6) **Conditions Required for Approval.**
  - (a) An owner shall provide information showing that it has complied with the notification requirements of PSC 128.105(1), as amended by PSC 128.61(1).
  - (b) An owner shall provide information showing that it has complied with the notification requirements specified in PSC 128.14(6)(b), as amended by PSC 128.61(4).
  - (c) An owner shall provide information showing that it has complied with the notification requirements specified in PSC 128.15(5)(b).
- (7) **Abandonment and Decommissioning.**
  - (a) A small wind energy system that does not generate electricity for a continuous period of 540 days will be deemed abandoned and the department may issue a Notice of Abandonment to the owner.
  - (b) If, within 30 days of receipt of a Notice of Abandonment, the owner provides the department with information showing that the small wind energy system has not been abandoned, the department will withdraw the Notice.
  - (c) Unless the department withdraws the Notice of Abandonment, a small wind energy system tower must be decommissioned as prescribed by PSC 128.19. If the owner fails to remove a small wind energy system and reclaim the site, the county may remove or cause the removal of the small wind energy system and arrange for the reclamation of the site. The cost of removal and reclamation will become a lien upon

the property and may be collected in the same manner as property taxes.

- (8) **Code Compliance.** A small wind energy system must comply with the National Electrical Code and all applicable state construction and electrical codes. The owner must provide certification from a state licensed inspector showing that the small wind energy system complies with all applicable codes before placing the small wind energy system into operation.
- (9) **Electrical Wires.** All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, must be located underground.
- (10) **Emergency Communications Corridors.**
  - (a) An owner may not construct wind energy systems facilities within an emergency communication corridor, which is defined as the area within an existing line-of-sight communication path that is used by a government or military entity to provide services essential to protect public safety.
  - (b) An owner shall provide information showing that wind energy systems facilities will be in compliance with sub. (a).
  - (c) Columbia County will provide the locations of emergency communication services and line-of-site corridors that are essential to protect public safety.
- (11) **Equipment Access.** All ground-mounted electrical and control equipment must be labeled and secure to prevent unauthorized access.
- (12) **Lighting.**
  - (a) A small wind energy system may be artificially lighted only if lighting is required by the Federal Aviation Administration.
  - (b) An owner shall use shielding or control systems approved by the federal aviation administration to reduce visibility of light to individuals on the ground.
- (13) **Noise.**
  - (a) The noise generated by the operation of a small wind energy system may not exceed 50 db(A) during the daytime hours and 45 db(A) during the nighttime hours as measured at the outside wall of a nonparticipating residence or occupied community building that existed when the owner gave notice pursuant to PSC 128.105(1) or for which complete publicly available plans for construction were on file with a political subdivision within 30 days of the date when the owner gave notice pursuant to PSC 128.105(1).
  - (b) The owner of an adjacent nonparticipating residence or adjacent occupied community building may relieve the owner of the small wind energy system of the requirement to meet any of the noise limits in this section by written contract as provided in PSC 128.14(5) and (6).
  - (c) The owner shall provide the notice as prescribed by PSC 128.61(4).
  - (d) If an owner receives a complaint of a violation of the noise standards contained in PSC 128.14 and the owner has not provided the department with the results of an

- accurate test conducted within 2 years of the date of the complaint showing that the small wind energy system is in compliance with the noise standard at the location relating to the complaint, the owner shall promptly conduct a noise study to evaluate compliance with the noise standards at that location using the most current version of the noise measurement protocol as described in PSC 128.50(2).
- (14) **Ownership Change.** An owner shall provide the county with notice of any change in ownership of the small wind energy system on or before the effective date of the change.
- (15) **Permits.** An owner shall submit a copy of all necessary state and federal permits and approvals to the department.
- (16) **Setbacks.**
- (a) A small wind energy system must be set back at least 1.0 times the maximum blade tip height from any nonparticipating property line, nonparticipating residence, occupied community building or overhead communication and electrical transmission line, not including utility service lines to individual houses or outbuildings.
  - (b) The owner of an adjacent nonparticipating residence or adjacent occupied community building may waive the required setback distance.
- (17) **Signal Interference.**
- (a) An owner shall use reasonable and commercially available technology to mitigate interference with personal communications that were not in use when the small wind energy system began operation if the small wind energy system is causing the interference and the interference occurs at a location at least one-half mile from a wind turbine. Except as provided in sub. (4), an owner shall mitigate personal communications interference caused by the small wind energy system by making the affected party's preferred reasonable mitigation solution effective until either the small wind energy system is decommissioned or the communication is no longer in use, whichever is earlier.
  - (b) An owner shall, under a protocol established by PSC 128.50(2), implement a new technology solution that becomes commercially available before the small wind energy system is decommissioned to address interference for which mitigation is required under PSC § 128.16(2) and (3) and for which the original mitigation solution is only partially effective.
- (18) **Utility Interconnection.** A small wind energy system that connects to the electric utility must comply with Wis. Admin. Code § PSC 119, Rules for Interconnecting Distributed Generation Facilities.
- (19) **Application Processing.**
- (a) The application for a zoning permit will be processed following the procedures set forth in Section 12.150.08.
  - (b) An owner shall, on the same day that it files an application for a small wind energy system, use commercially reasonable methods to provide written notice of the filing of the application to property owners and residents located adjacent to the small wind energy system. The notice shall contain the information specified in PSC 128.30(5).

- (c) Upon receipt of an application, the department shall publish the notice required by Wis. Stats. § 66.0401(4)(a)(1) and PSC 128.30(5)(b).
- (d) The department will accept written comments on the application for a period of 10 days following the date of the published notice.
- (e) If the permit application is denied, the department will notify the owner in writing and provide a written statement of the reason why the application was denied. The owner may appeal the department's decision to the Board of Adjustment as provided by Section 12.150.04(5).

**(20) Completeness Review.**

- (a) An application is complete if it complies with the filing requirements of this ordinance and of PSC 128.30(2) and 128.50(1).
- (b) An application is considered filed the day the owner notifies the department in writing that all the application materials have been filed.
- (c) The department shall determine the completeness of an application and shall notify the owner in writing of the completeness determination no later than 45 days after the day the application is filed.
- (d) If the department determines that the application is incomplete, it shall provide the owner with written notice stating the reasons for the determination. The owner shall provide additional information specified in the notice, and an additional 45-day completeness review period will begin the day after the department receives responses to all items identified in the notice.
- (e) If the owner fails to provide additional information specified in the notice of an incomplete application within 90 days, the application will be deemed abandoned. The owner may refile the application at a later date, subject to payment of a new application fee. There is no limit to the number of times that an owner may refile an application.
- (f) If the county does not make a completeness determination within the applicable review period, the application is considered to be complete.

**(21) Requests for Additional Information.**

- (a) The department may request additional information necessary to understand the small wind energy system after determining that an application is complete.
- (b) An owner shall provide additional information in response to all reasonable requests.
- (c) An owner shall respond to all inquiries made subsequent to a determination of completeness in a timely, complete and accurate manner.
- (d) If the owner fails to provide additional information requested within 90 days, the application will be deemed abandoned. The owner may refile the application at a later date, subject to the payment of a new application fee. There is no limit to the number of times that an owner may refile an application.

**(22) Approval Review.**

- (a) The department shall have 90 days from the date that it notifies the owner that the application is complete in which to approve or disapprove the application.
- (b) The review period may be extended upon written notice to the applicant for one or more of the following reasons; but the total time for all extensions may not exceed 90 days:
  - 1. Up to 45 days if additional information is needed.
  - 2. Up to 90 days if the applicant makes a material modification to the application.
  - 3. Up to 90 days for other good cause specified in writing.
- (c) If the department fails to act within the 90 days, or within any extended time period, the application will be considered approved.

**(23) Written Decision.**

- (a) The department shall issue a written decision to grant or deny an application for a small wind energy system. The written decision must include findings of fact supported by evidence in the record. If an application is denied, the decision must specify the reason for the denial.
- (b) The department shall provide a duplicate original of its written decision to the owner and the commission.
- (c) The owner shall record the duplicate original of a decision approving an application with the register of deeds.

**(24) Modifications.**

- (a) An owner shall comply with PSC 128.35 before making any material change to a small wind energy system.
- (b) The department will conduct a review of any application for a material change in a small wind energy system as provided for in PSC 128.35(2).

**(25) Postconstruction Filing Requirement.**

- (a) Within 90 days of the date a small wind energy system commences operation, the owner shall file with the department and the commission an as-built description of the small wind energy system, an accurate map of the small wind energy system showing the location of all small wind energy system facilities, geographic information system information showing the location of all small wind energy system facilities, and current information identifying the owner of the small wind energy system.
- (b) An owner shall label each wind turbine location described in its filing and shown on the map of the small wind energy system with a unique identifier consistent with the information posted at the wind turbine location under PSC 128.18(1).

**(26) Decommissioning Review.**

- (a) An owner shall file a notice of decommissioning completion with the county and any political subdivision within which its small wind energy systems facilities are located when a small wind energy system approved by the county has been decommissioned and removed.



- (b) The department shall conduct a decommissioning review to determine whether the owner has decommissioned and removed the small wind energy system as required by PSC 128.29(1)(a) and whether the owner has complied with its site restoration obligation under PSC 128.29(4).
- (c) The owner shall cooperate with the county by participating in the decommissioning review process.

(27) **Appeals.**

- (a) A decision by the department that the application is incomplete, to approve or disapprove the application, or to impose a restriction on a small wind energy system may be appealed to the commission.
- (b) Any action by the county to enforce a restriction on a small wind energy system may be appealed to the commission.
- (c) An appeal must be filed with the commission within 30 days after the date of the decision or the start of the enforcement action that is being appealed.

(28) **Complaint Process.**

- (a) An aggrieved person who has made a complaint to an owner in accordance with PSC 128.40 may petition the county for review of the complaint if it has been resolved within 45 days of the day the owner received the original complaint.
- (b) The petition for review must be filed with the department within 90 days of the date of the original complaint.
- (c) The petition must include the following:
  - 1. Name, address, and telephone number of the person filing the petition.
  - 2. Copy of the original complaint to the owner
  - 3. Copy of the owner's initial response
  - 4. Statement describing the unresolved complaint
  - 5. Statement describing the desired remedy
  - 6. Any other information the complainant deems relevant to the complaint.
  - 7. Notarized signature of the person filing the petition.
- (d) The department shall forward a copy of the petition to the owner by certified mail within 10 days of the department's receipt of the petition.
- (e) The owner shall file an answer to the petition with the department and provide a copy of its answer to the complainant within 30 days of its receipt of the petition.
- (f) The answer must include the following:
  - 1. Name, address and telephone number of the person filing the answer
  - 2. Statement describing the actions taken by the owner in response to the complaint
  - 3. Statement of the reasons why the owner believes that the complaint has been

resolved or why the complaint remains unresolved.

4. Statement describing any additional action the owner plans or is willing to take to resolve the complaint.
  5. Any other information the owner deems relevant to the complaint.
  6. Notarized signature of the person filing the answer.
- (g) The complainant and the owner may, within 30 days following the owner's filing of its answer, file such additional information with the department as each deems appropriate.
- (h) The department may request such additional information from the complainant and the owner as it deems necessary to complete its review.
- (i) The department may retain such consultants or experts as it deems necessary to complete its review.
- (j) The department shall issue a written decision and may take such enforcement action as it deems appropriate with respect to the complaint.
- (k) The department's decision and enforcement action is subject to review under Wis. Stats. § 66.0401(5).

### **SEC. 12.125.30      LARGE WIND ENERGY SYSTEMS**

- (1) **Purpose.** The purpose of this section is to adopt and incorporate the requirements of Wis. Stats. § 66.0401 and Wis. Admin. Code Ch. PSC 128 as a local ordinance and to establish local regulations on the installation and use of large wind energy systems that are authorized by, compliant with, and no more restrictive than the rules promulgated by the Wisconsin Public Service Commission and that serve to preserve or protect the public health or safety, do not significantly increase the cost of the system or significantly decrease its efficiency, or allow for an alternative system of comparable cost and efficiency. Local regulations on the installation and use of small wind energy systems are contained in Section 12.125.25.
- (a) Statutes, Regulations and Rules.
1. This section is subject to the provisions of the Wisconsin Statutes and all regulations and rules promulgated thereunder.
  2. Wis. Stats. § 66.0401 and Wis. Admin. Code Ch. PSC 128 are adopted and incorporated by reference.
- (2) **Definitions.** Besides the definitions in PSC 128.01, in this Section:
- (a) "Department" means the Columbia County Planning and Zoning Department.
- (b) "Department Director" or "Director" means the Director of the Columbia County Planning and Zoning Department or the Department Director's Designee.
- (c) "Permit" means a zoning permit issued by the Columbia County Planning and Zoning Department pursuant to this ordinance.

- (d) “PSC 128” means Wis. Admin. Code Ch. PSC 128, Wind Energy Systems.
- (e) “Large Wind System” has a capacity of less than 100 megawatts but more than a wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.

(3) **Application Requirements.**

- (a) An owner shall file an original application which contains the information required by PSC 128.30(2) with the department.
- (b) The owner shall submit 11 copies of the application to the department and one copy of the application to the clerk of each town in which any wind energy system facility is located.
- (c) The owner shall submit 1 digital copy of the application to the department in a format that is acceptable to the department.
- (d) Each copy of the application shall include all documents, drawings, maps, worksheets, and other materials that are included in the original application.

(4) **Filing Requirements.**

- (a) Any document or paper required to be filed with the county pursuant to PSC 128 or this ordinance must be filed at or delivered to the department’s office.
- (b) Any document, paper, or other material submitted to the county that relates to an application must be delivered to the department’s office or submitted to the department on the record at a public hearing.
- (c) Any document or paper filed or otherwise submitted by an owner or any other interested party that relates to an application must be 8-1/2 x 11 inches in size. A person who wishes to submit a paper that is larger than 8-1/2 x 11 inches in size shall also submit a reduced copy that is 8-1/2 x 11 inches in size.

(5) **Approval and Permit Requirement.**

- (a) An owner must obtain the county’s approval before constructing a wind energy system or expanding an existing or previously approved wind energy system, and no wind turbine may be installed, constructed, or expanded without a zoning permit issued for a principal commercial structure by the department under Section 12.150.08.
- (b) Permit Fee. The owner must pay an application fee at the time the application for a wind energy system is filed with the department.
- (c) A zoning permit issued by the department expires if construction of the wind energy system is not commenced within 24 months from the date of the permit.

(6) **Conditions Required for Approval.**

- (a) An owner shall provide information about whether it has consulted with and received any non-binding recommendations for construction, operating, or decommissioning the wind energy system from any federal or state agency and whether the owner has

- incorporated the non-binding recommendation into the design of the wind energy system.
- (b) An owner shall cooperate with any study of the effects of wind energy systems that is coordinated by a state agency.
  - (c) An owner shall submit a copy of all necessary state and federal permits and approvals to the county.
  - (d) An owner shall provide information showing that it has complied with the notification requirements specified in PSC 128.14(6)(b).
  - (e) An owner shall provide information showing that it has complied with the notification requirements specified in PSC 128.15(5)(b).
  - (f) An owner shall provide information showing that it has complied with the financial responsibility requirements specified in sec. 24.17(2) and (3).
- (7) **Aerial Spraying.** An owner shall offer an agreement that includes monetary compensation to a farm operator farming on a nonparticipating property located within one-half mile of a constructed wind turbine if the farm operator demonstrates all of the following:
- (a) Substantial evidence of a history, before the wind energy system owner gives notice under PSC 128.105(1), of using aerial spraying for pest control or disease prevention for growing potatoes, peas, snap beans, or sweet corn on all or part of the farm field located within one-half mile of a constructed wind turbine.
  - (b) A material reduction in potato, pea, snap bean, or sweet corn production or a material increase in application costs on all or part of a farm field located within one-half mile of a constructed wind turbine as a result of the wind energy system's effect on aerial spraying practices.
- (8) **Annual Reports.** An owner shall, on or before January 31 of each year, file an annual report with the department documenting the operation and maintenance of the wind energy system during the previous calendar year.
- (9) **Emergency Procedures.**
- (a) An owner shall establish and maintain a liaison with each political subdivision within which its wind energy systems facilities are located and with fire, police, and other appropriate first responders serving the area in which the wind energy systems facilities are located in order to create effective emergency plans as required by PSC 128.18(4)(b).
  - (b) An owner shall distribute a copy of its emergency plans to the following:
    - 1. Columbia County Office of Emergency Management  
Attn: Emergency Management Director  
711 Cook Street  
Portage, WI 53901
    - 2. Columbia County Sheriff's Department

Attention: Columbia County Sheriff

711 Cook Street

Portage, WI 53901

3. Clerk for any town or village within which its wind energy systems facilities are located or that are within one-half mile of any of its wind energy systems facilities.
  4. Clerk for any city within one-half mile of any of its wind energy systems facilities
  5. Any fire, police, or other first responder identified by the county's emergency management director or the clerk of any city, village, or town who has received a copy of the owner's emergency plans pursuant to pars. 3. and 4.
- (c) An owner shall provide annual training for the county's emergency management department, sheriff's department, and any other fire, police, or other first responder identified in the owner's emergency plans. An owner shall provide at least 8 hours of training during each calendar year and is responsible for all direct training costs.
- (d) If an owner is required to implement its emergency plans as the result of a wind energy system emergency, it shall conduct a review of employee activities to determine whether the procedures were effectively followed. The owner shall provide the county's emergency management director with a copy of its review. If the review results in any changes to its emergency plans, the owner shall distribute the revised emergency plans as provided in sub. (b).
- (10) **Financial Responsibility.**
- (a) An owner with a nameplate capacity of one megawatt or larger shall provide the county with financial assurance of the owner's ability to pay the actual and necessary cost to decommission the wind energy system before commencing major civil construction activities.
- (b) An owner shall provide the county with 3 estimates of the actual and necessary cost to decommission the wind energy system. The cost estimates shall be prepared by third parties agreeable to the owner and the county. The amount of financial assurance required by the county will be the average of the 3 estimates.
- (c) An owner shall establish financial assurance that is acceptable to the county and that places the county in a secured position. The financial assurance must provide that the secured funds may only be used for decommissioning the wind energy system until such time as the county determines that the wind energy system has been decommissioned, as provided for in PSC 128.30(5)(b), or the county approves the release of the funds, whichever occurs first. The financial assurance must also provide that the county may access the funds for the purpose of decommissioning the wind energy system if the owner does not decommission the system when decommissioning is required.
- (d) The county may periodically request information from the owner regarding industry costs for decommissioning the wind energy system. If the county finds that the future anticipated cost to decommission the wind energy system is at least 10 percent more

or less than the amount of financial assurance provided under this section, the county may correspondingly increase or decrease the amount of financial assurance required.

- (e) The county may require an owner to submit a substitute financial insurance of the owner's choosing if an event occurs that raises material concern regarding the viability of the existing financial assurance.

(11) **Information.**

- (a) An owner shall, within 30 days of consulting with any federal or state agency about the construction, operation, or decommissioning of the wind energy system, provide the county with information about the reason for the consultation.
- (b) An owner shall, within 30 days of receiving any non-binding recommendation for the construction, operation, or decommissioning of the wind energy system from any federal or state agency, provide the county with information about the consultation and recommendation and whether the owner has incorporated the non-binding recommendation into the design of the wind energy system.

- (12) **Lighting.** An owner shall use shielding or control systems approved by the federal aviation administration to reduce visibility of light to individuals on the ground.

(13) **Monetary Compensation for Nonparticipating Residences.**

- (a) An owner shall offer an agreement to the owner of a nonparticipating residence, if the residence is located within one-half mile of a constructed wind turbine, that includes the following initial annual monetary compensation of \$600 for 1 turbine located within one-half mile of a nonparticipating residence, \$800 for two turbines located within one-half mile of a nonparticipating residence, and \$1,000 for 3 or more turbines located within one-half mile of a nonparticipating residence.
- (b) The initial annual monetary compensation under this Subsection shall apply to agreements entered into in 2014. For agreements entered into in 2015 and thereafter, the initial annual amounts shall increase each year by the greater of two percent or the increase in the Consumer Price Index, as described in Wis. Stats. § 196.374(5)(bm)2 from the previous year.
- (c) An agreement offered under this Subsection shall specify in writing any waiver of a requirement or right under this ordinance or PSC 128 and whether the landowner's acceptance of payment establishes the landowner's property as a participating property under this ordinance or PSC 128.

- (14) **Noise.** If an owner receives a complaint of a violation of the noise standards contained in PSC 128.14 and the owner has not provided the department with the results of an accurate test conducted within 2 years of the date of the complaint showing that the wind energy system is in compliance with the noise standard at the location relating to the complaint, the owner shall promptly conduct a noise study to evaluate compliance with the noise standards at that location using the most current version of the noise measurement protocol as described in PSC 128.50(2).

(15) **Ownership Change.**

- (a) An owner shall provide the county with notice of any change in ownership of the

wind energy system on or before the effective date of the change.

- (b) A notice of change in ownership of the wind energy system shall include information showing that the financial responsibility requirements specified in secs. 24.17(2) and (3) will be met following the change in ownership.
- (16) **Permits.** An owner shall submit a copy of all necessary state and federal permits and approvals to the county within 30 days of the owner's receipt of any permit or approval that was not provided with the owner's application.
- (17) **Signal Interference.**
  - (a) An owner shall use reasonable and commercially available technology to mitigate interference with personal communications that were not in use when the wind energy system began commercial operations if the wind energy system is causing the interference and the interference occurs at a location at least one-half mile from a wind turbine. Except as provided in sub. (4), an owner shall mitigate personal communications interference caused by the wind energy system by making the affected party's preferred reasonable mitigation solution effective until either the wind energy system is decommissioned or the communication is no longer in use, whichever is earlier.
  - (b) An owner shall, under a protocol established by PSC 128.50(2), implement a new technology solution that becomes commercially available before the wind energy system is decommissioned to address interference for which mitigation is required under PSC § 128.16(2) and (3) and for which the original mitigation solution is only partially effective.
- (18) **Emergency Communications Corridors.**
  - (a) A tower may not be located within an emergency communication corridor, which is defined as the area within an existing line-of-sight communication path that is used by a government or military entity to provide services essential to protect public safety.
  - (b) Columbia County will provide the locations of emergency communication services and line-of-site corridors that are essential to protect public safety.
- (19) **Soil and Drainage System Protection.**
  - (a) An owner shall utilize all applicable best practices in the placement, construction, operation, and maintenance of its wind energy facilities in order to minimize soil compaction, protect the topsoil, prevent topsoil mixing, and avoid and repair any damage to drainage systems on agricultural land.
  - (b) An owner shall describe the applicable best practices that it intends to use in the placement, construction, operation, and maintenance of its wind energy facilities in its application.
- (20) **Studies.** An owner shall cooperate with any study of the effects of wind energy systems that is coordinated by a state agency.
- (21) **Costs and Fees.**

- (a) An applicant shall pay an application fee to the county at the time that it files its application. The fee will be applied to the cost of reviewing the application.
- (b) An applicant is responsible for paying all costs incurred by the county in connection with the review and processing of the application, including the cost for services provided by outside attorneys, engineers, environmental specialists, planners, and other consultants and experts.
- (c) An owner is responsible for paying all costs incurred by the county in connection with monitoring compliance during construction and assessing when wind energy facilities are not maintained in good repair and operation condition.
- (d) The county shall invoice the applicant or owner for the actual and necessary costs incurred pursuant to this ordinance. The applicant or owner shall reimburse the county for those costs within 15 days of the date of invoice.

(22) **Consultants.**

- (a) The department is authorized to contract with one or more engineers, environmental specialists, planners, and other consultants and experts to perform necessary services in connection with this ordinance.
- (b) The corporation counsel is authorized to contract with outside attorneys to perform necessary services in connection with this ordinance.

(23) **Completeness Review.**

- (a) An application is complete if it complies with the filing requirements of this ordinance and of PSC 128.30(2) and 128.50(1).
- (b) An application is considered filed the day the owner notifies the department in writing that all the application materials have been filed.
- (c) The department shall determine the completeness of an application and shall notify the owner in writing of the completeness determination no later than 45 days after the day the application is filed.
- (d) If the department determines that the application is incomplete, it shall provide the owner with written notice stating the reasons for the determination. The owner shall provide additional information specified in the notice, and an additional 45-day completeness review period will begin the day after the department receives responses to all items identified in the notice.
- (e) If the owner fails to provide additional information specified in the notice of an incomplete application within 90 days, the application will be deemed abandoned. The owner may refile the application at a later date, subject to payment of a new application fee. There is no limit to the number of times that an owner may refile an application.
- (f) If the county does not make a completeness determination within the applicable review period, the application is considered to be complete.

(24) **Requests for Additional Information.**

- (a) The department may request additional information necessary to understand the wind



energy system after determining that an application is complete.

- (b) An owner shall provide additional information in response to all reasonable requests.
- (c) An owner shall respond to all inquiries made subsequent to a determination of completeness in a timely, complete, and accurate manner.
- (d) If the owner fails to provide additional information requested within 90 days, the application will be deemed abandoned. The owner may refile the application at a later date, subject to the payment of a new application fee. There is no limit to the number of times that an owner may refile an application.

(25) **Approval Review.**

- (a) The department shall have 90 days from the date that it notifies the owner that the application is complete in which to approve or disapprove the application.
- (b) The review period may be extended upon written notice to the applicant for one or more of the following reasons; but the total time for all extensions may not exceed 90 days:
  - 1. Up to 45 days if additional information is needed.
  - 2. Up to 90 days if the applicant makes a material modification to the application.
  - 3. Up to 90 days for other good cause specified in writing.
- (c) If the department fails to act within the 90 days, or within any extended time period, the application will be considered approved.
- (d) The Planning and Zoning Committee shall hold one public hearing during the initial 90-day application review period for the purpose of receiving public comments on the application. A hearing notice will be published and the hearing will normally be held at the first commission meeting following notice to the applicant that the application is complete.
- (e) Written comments will be accepted for 10 days following the close of the hearing.

(26) **Written Decision.**

- (a) The department shall issue a written decision to grant or deny an application for a wind energy system. The written decision must include findings of fact supported by evidence in the record. If an application is denied, the decision must specify the reason for the denial.
- (b) The department shall provide a duplicate original of its written decision to the owner and the commission.
- (c) The owner shall record the duplicate original of a decision approving an application with the register of deeds.

(27) **Modifications.**

- (a) An owner shall comply with PSC 128.35 before making any material change to a wind energy system.
- (b) The department will conduct a review of any application for a material change in a

wind energy system as provided for in PSC 128.35(2).

(28) **Third-Party Construction Inspector.**

- (a) The department may contract with a third-party inspector to monitor and report to the department regarding the owner's compliance with permit requirements during construction.
- (b) The inspector monitoring compliance under this section shall also report to a state permitting authority upon the state permitting authority's request.
- (c) The inspector shall make monthly written reports to the department.
- (d) The owner shall reimburse the county for the actual and necessary cost of the inspector.

(29) **Postconstruction Filing Requirement.**

- (a) Within 90 days of the date a wind energy system commences operation, the owner shall file with the department and the commission an as built description of the wind energy system, an accurate map of the wind energy system showing the location of all wind energy system facilities, geographic information system information showing the location of all wind energy system facilities, and current information identifying the owner of the wind energy system.
- (b) An owner shall label each wind turbine location described in its filing and shown on the map of the wind energy system with a unique identifier consistent with the information posted at the wind turbine location under PSC 128.18 (1).

(30) **Compliance Monitoring.**

- (a) An owner shall maintain a maintenance log for each wind turbine. The log must contain the following information regarding any maintenance performed on the wind turbine:
  - 1. Date and time maintenance was performed.
  - 2. Nature of the maintenance performed.
  - 3. Reason for the maintenance.
- (b) An owner shall, at the owner's expense, provide the department with a copy of the maintenance log for each wind turbine for each month within 5 calendar days after the end of the month.
- (c) The department may retain such consultants or experts as it deems necessary to assess and determine whether the wind energy system facilities are compliant or to assess whether the wind energy system facilities are being maintained in good repair and operating condition.

(31) **Decommissioning Review.**

- (a) An owner shall file a notice of decommissioning completion with the county and any political subdivision within which its wind energy systems facilities are located when a wind energy system approved by the county has been decommissioned and removed.

- (b) The department shall conduct a decommissioning review to determine whether the owner has decommissioned and removed the wind energy system as required by PSC 128.29(1)(a) and whether the owner has complied with its site restoration obligation under PSC 128.29(4).
- (c) The owner shall cooperate with the county by participating in the decommissioning review process.

(32) **Appeals.**

- (a) A decision by the department that the application is incomplete, to approve or disapprove the application, or to impose a restriction on a wind energy system may be appealed to the commission.
- (b) Any action by the county to enforce a restriction on a wind energy system may be appealed to the commission.
- (c) An appeal must be filed with the commission within 30 days after the date of the decision or the start of the enforcement action that is being appealed.

(33) **Complaint Notice Requirements.**

- (a) An owner shall comply with the notice requirements contained in PSC 128.42(1).
- (b) An owner shall, before construction of a wind energy system begins, provide the department with a copy of the notice issued pursuant to PSC 128.42(1), along with a list showing the name and address of each person to whom the notice was sent and a list showing the name and address of each political subdivision to which the notice was sent.
- (c) An owner shall, before construction of a wind energy system begins, file with the department the name and telephone number of the owner's contact person for receipt of complaints or concerns during construction, operation, maintenance, and decommissioning. The owner shall keep the name and telephone number of the contact person on file with the department current.

(34) **Complaint Monitoring.**

- (a) An owner shall maintain a complaint log as required by PSC 128.40(2)(d).
- (b) An owner shall, at the owner's expense, provide the department with a copy of the complaint log for each month within 5 calendar days after the end of the month.
- (c) An owner shall, before construction of a wind energy system begins, provide the department with a written copy of the owner's complaint resolution process. An owner shall provide the department with a written copy of any changes to the complaint resolution process at least 30 days prior to implementing the change.

(35) **Complaint Process.**

- (a) An aggrieved person who has made a complaint to an owner in accordance with PSC 128.40 may petition the county for review of the complaint if it has not been resolved within 45 days of the day the owner received the original complaint.
- (b) The petition for review must be filed with the department within 90 days of the date

of the original complaint.

- (c) The petition must include the following:
  - 1. Name, address, and telephone number of the person filing the petition.
  - 2. Copy of the original complaint to the owner.
  - 3. Copy of the owner's initial response.
  - 4. Statement describing the unresolved complaint.
  - 5. Statement describing the desired remedy.
  - 6. Any other information the complainant deems relevant to the complaint.
  - 7. Notarized signature of the person filing the petition.
- (d) The department shall forward a copy of the petition to the owner by certified mail within 10 days of the department's receipt of the petition.
- (e) The owner shall file an answer to the petition with the department and provide a copy of its answer to the complainant within 30 days of its receipt of the petition.
- (f) The answer must include the following:
  - 1. Name, address, and telephone number of the person filing the answer.
  - 2. Statement describing the actions taken by the owner in response to the complaint.
  - 3. Statement of the reasons why the owner believes that the complaint has been resolved or why the complaint remains unresolved.
  - 4. Statement describing any additional action the owner plans or is willing to take to resolve the complaint.
  - 5. Any other information the owner deems relevant to the complaint.
  - 6. Notarized signature of the person filing the answer.
- (g) The complainant and the owner may, within 30 days following the owner's filing of its answer, file such additional information with the department as each deems appropriate.
- (h) The department may request such additional information from the complainant and the owner as it deems necessary to complete its review.
- (i) The department may retain such consultants or experts as it deems necessary to complete its review.
- (j) The department shall issue a written decision and may take such enforcement action as it deems appropriate with respect to the complaint.
- (k) The department's decision and enforcement action is subject to review under Wis. Stats. § 66.0401(5).

## **SEC. 12.125.31 SMALL SOLAR ENERGY GENERATING FACILITY**

- (1) **Purpose and Scope.** The purpose of this section is to adopt and incorporate the requirements of Wis. Stat. § 66.0401 as a local ordinance and to establish local regulations on the installation and use of Small Solar Energy Generating Facilities that are authorized by and compliant with Wisconsin statutes and that serve to preserve or protect the public health or safety, do not significantly increase the cost of the system or significantly decrease its efficiency, or allow for an alternative system of comparable cost or efficiency. The provisions listed under this section are not intended to be a duplication of any federal or state requirement or to exceed that authority granted to Wisconsin counties.
- (2) **Statutes, Regulations and Rules**
  - (a) This section is subject to the provisions of Wisconsin law.
  - (b) Wis. Stat. § 66.0401 is adopted and incorporated by reference.
- (3) **Definitions**
  - (a) “Conditional Use Permit” means a discretionary permit for a listed conditional use, granted by the Columbia County Planning and Zoning Committee, under the notice and hearing procedures of Section 12.150.07 of the chapter, upon application by an owner, and to which various conditions of use may be attached and adhered to by the applicant.
  - (b) “County” means Columbia County.
  - (c) “Department” means the Columbia County Planning and Zoning Department.
  - (d) “Department Director” or “Director” means the Director of the Columbia County Planning and Zoning Department or the Department Director’s designee.
  - (e) “Kilowatt” means a unit of power equal to one thousand watts.
  - (f) “Megawatt” means a unit of power equal to one million watts, especially as a measure of the output of a power station.
  - (g) “Permit” means a Zoning Permit issued by the Columbia County Planning and Zoning Department pursuant to this code.
  - (h) “Shared Revenue Utility Payment” means payments made to counties and municipalities to off-set tax exempt utility property. Payments are based on state calculations.
  - (i) “Small Solar Energy Generating Facility” means but is not limited to: connected arrays of photovoltaic panels, their supporting structures and/or mounting systems, the network of necessary electrical wires and conduit (above and below ground), power poles, inverters, transformers, and supporting substations. These facilities are designed for nominal operation at a nameplate capacity of less than 100 megawatts and do not meet the definition of an “accessory solar energy generating system.” This includes facilities which directly convert and transfer or store solar energy into thermal or electrical energy.
  - (j) “Zoning Permit” means written approval by the Planning and Zoning Department staff that is required before commencing any development as defined in this chapter or before establishing, extending, or changing any use on any parcel.

(k) “Cultural Resource” – see 12.160: Definitions.

(l) “Environmental Analysis” means a detailed localized review of relevant environmental conditions (e.g., wetland delineations, threatened and endangered species reviews, floodplain studies, navigability determination, or areas identified as environmental corridors within the County Comprehensive Plan).

(4) **Conditional Use Permit Requirements**

(a) **Permit Requirement.** Small Solar Energy Generating Facilities are subject to Conditional Use Permit approval in all zoning districts.

(b) **Application Process.** The application for a Conditional Use Permit shall be processed in accordance with the procedures set forth in Section 12.150.07.

(c) **Application Requirements.** The application for a Conditional Use Permit shall include the following items as applicable to the project area:

1. A narrative of the proposed project, including a description of the subject property by metes and bounds, address(es), parcel numbers, and any unique circumstances within the project area;
2. A site plan, which shall include a scalable drawing showing the location of all drives, entrances, easement labels and locations, trails, and signs; panels, inverters, storage systems, and any other planned infrastructure; vision clearance triangles; floodplain(s); wetland(s); and shoreland zone boundaries;
3. A plan showing an overhead view of all existing and proposed landscaping on the site, including the location, species, size at time of planting, and mature size for all new plantings;
4. A grading and drainage plan, showing existing and proposed surface elevations, and proposed erosion control and stormwater management provisions;
5. A decommissioning plan and financial assurance;
6. Shared Revenue Utility Payment tax projections and estimated property tax reductions to the County, town(s), and school/special district(s);
7. Agreements, leases or other documentation with affected landowners and/or communities outlining any site-specific terms or conditions of development and assuring maintenance of land to be owned or used for common purposes, including, but not limited to joint development agreements and road maintenance agreements;
8. Supporting documentation addressing the review criteria in Section 12.125.31(4)(d);
9. Copies of all state, federal, and other permits;
10. Any other documentation as identified by the Director or the Planning and Zoning Committee to demonstrate compliance with state and federal law.
11. Documentation evidencing cultural, archeological, and environmental analyses done by third parties, and associated permit authorizations as required by law;

12. A complete list of neighboring parcels that have been notified of the project. Within two miles of project boundary is preferred;
13. Anticipated water and soil quality impacts from construction materials and project, and a baseline testing and monitoring protocol to be implemented to address such impacts;
14. A planned maintenance log description. An owner/operator, at the owner/operator's sole expense, shall maintain and provide the Department at least annually with a maintenance log for the solar energy generating facility. The log must contain the following information regarding any maintenance performed: 1) date and time maintenance was performed; 2) nature of the maintenance performed; and 3) reason(s) for the maintenance. The Department may retain such consultants or experts as it deems necessary to assess and determine whether the solar energy system facilities are compliant and/or to assess whether the solar energy system facilities are being maintained in good repair and operating condition. An owner/operator shall pay for all costs incurred by the County in connection with monitoring compliance during construction and assessing whether solar energy facilities are maintained in good repair and operational condition.
15. The equipment must have the capability to withstand extreme weather events, with a preference that components be listed by the Underwriters Laboratory.
16. Documentation of planned stray voltage mitigation and response.
17. Planned noise nuisance abatement measures.

(d) **Review Criteria.** In addition to the criteria set forth in Section 12.150.07(4), the review for a Conditional Use Permit shall address and consider the following:

1. Setbacks from participating and non-participating property lines, residential structures, unique adjacent land uses, and roadways, assessed on a case-by-case basis for each parcel affected.
  - a. Documentation of working with neighbors toward a Committee-identified minimum goal of 50 feet from non-participating property lines and minimum 500 feet from residential structures.
2. Documentation of working with neighbors to address stray voltage concerns.
3. Beneficial vegetative screenings and maintenance requirements of said vegetative screening.
4. To the extent feasible and practical, plans to use the land for both agriculture and electricity generation among solar panels, possibly including but not limited to:
  - a. Planting and maintaining pollinator-friendly native plant species and reduced herbicide applications.
  - b. Grazing of livestock such as cattle, sheep, goats, and/or chickens; or
  - c. Planting of shade tolerant crops.

5. Mitigation of impacts to local environmentally sensitive species and habitats by following:
  - a. Best construction practices, such as wildlife permeable fencing to allow smaller wildlife access through facility fences; and
  - b. Best construction practices to allow larger wildlife access natural movement around facility fences.
6. Best Management Practices (BMPs) and considerations as noted in Section 12.125.31(10) associated with projects using battery storage.
7. Dust mitigation measures.
8. Cultural and environmental resources.
9. Stormwater runoff and erosion control mitigation measures, with a focus on assuring implementation of mitigation measures, including a preference for minimal soil grading.
10. Reasonable construction standards, including:
  - a. Phasing to limit area of disturbance;
  - b. Hours of construction to limit disruption to residents; and
  - c. Light pollution mitigation.
11. Equipment-related sound mitigation measures that keep operational noise generation at property line(s) at a threshold of no greater than the industry standards outlined by the Public Service Commission, possibly including but not limited to:
  - a. Equipment relocation further from receptors;
  - b. Noise cancellation using quieter equipment;
  - c. Sound shielding technology;
  - d. Sound filtering technology; and,
  - e. Noise suppression and blocking with building enclosures or barrier walls.
12. Operational lighting standards in concurrence with 12.140.07.
13. Maintenance and repair of damage to local roads due to project construction, possibly in the form of a Road Maintenance Agreement.
14. Mitigation plans for any damaged soil drainage infrastructure.
15. Mitigation plans for any damage to surface water conveyance infrastructure, such as grassed waterways.



16. Fire hazard mitigation plans, including:
  - a. Battery-related fire suppression design and chemical release containment design;
  - b. Clean-up and monitoring of any fire-related chemical releases; and
  - c. Additional funding to affected fire districts directly impacted by the project area, including but not limited to equipment supplies and drills for local firefighting and emergency response departments at owner/operator expense.
17. Replacement of lost property tax revenue, including school and special districts.
18. Financial assurance during the construction phase in the form of a surety bond, letter of credit, escrow account, reserve fund, parent guarantee or other suitable financial mechanism.
19. Decommissioning plan and financial assurance for project decommissioning costs. A posted form of financial security such as a surety bond, letter of credit, escrow account, reserve fund, parent guarantee or other suitable financial mechanism, prior to the commencement of construction to include the total cost of decommissioning of the solar generation portion and the battery energy storage portion of the solar project at the end of its useful life.
20. Compliance with state and federal laws, as may be applicable.
21. Other community benefits as may be relevant.
22. Potential property value impacts associated with the project, and potential to offset said impacts with landowner compensation agreements.

(5) **Zoning Permit Requirements.**

- (a) **Permit Requirement.** The owner must apply for and receive a Zoning Permit from the Department before installing, constructing, or expanding any Small Solar Energy Generating Facility.
- (b) **Application Process.** The application for a Zoning Permit shall be processed in accordance with the procedures set forth in Section 12.150.08.
- (c) **Permit Fee.** The owner shall pay an application fee at the time the application for a Small Solar Energy Generating Facility is filed with the Department. Fees shall be based on cost of construction.
- (d) **Permit Expiration.** A Zoning Permit issued by the Department expires if construction of the Small Solar Energy Generating Facility is not commenced within 24 months from the date of the permit, or if the Small Solar Energy Generating Facility is not installed and fully functioning within 12 months from the date construction begins. A 24-month extension may be granted under Section 12.150.08(6).

- (e) **Application Requirement.** The application for a zoning permit shall include the following items as applicable to the project area:
1. A narrative of the proposed project, including a description of the subject property by metes and bounds, address(es), parcel numbers, and any unique circumstances within the project area.
  2. A site plan, which shall include a scalable drawing showing the location of all drives, entrances, easement labels and locations, trails, and signs; panels, inverters, energy storage systems, and any other planned infrastructure; vision clearance triangles; floodplain(s); wetland(s); and shoreland zone boundaries.
  3. Supporting documentation addressing the review criteria in Section 12.125.31(4)(c) & (d) and any other relevant update, if not already submitted.
- (6) **Additional Permitting Requirements.** Additional permits and processes may be required under the Columbia County Code of Ordinances.
- (7) **Operator Ownership Change.** Notice shall be provided to the County for any change in ownership of the Small Solar Energy Generating Facility on or before the effective date of the change.
- (8) **Other Approvals.** A copy of all necessary state and federal permits and approvals shall be submitted to the Department within 90 days of receiving said authorizations.
- (9) **Postconstruction Filing Requirement.** Within 90 days of the date a Small Solar Energy Generating Facility commences operation, the owner shall file with the Department an as-built description of the facility, an accurate map of the facility showing the location of all infrastructure, geographic information system information showing the location of said infrastructure, and current information identifying the owner(s) and operator(s), including designated contact(s), of the Small Solar Energy Generating Facility.
- (10) **Battery Energy Storage System.** If battery energy storage systems are included in solar or other projects, the following considerations shall be made by the owner/operator:
- a. Setbacks from residential, business, municipal, school, or town structures, and public and private drinking water systems. A committee-identified minimum goal of 1,500 feet from residential, business, municipal, school, or town structures and minimum 1,000 feet from a drinking water system is desired.
  - b. Separate containment enclosures that include the following goals:
    1. Enclosure size capacity containment of 150% of the battery energy storage system.
    2. Sufficient fireproofing for connecting electronic wires, protecting from one structure to the next and from the battery energy storage system to the substation.

- c. Battery management protocols including:
  - 1. Labeling of battery energy storage system container with a date of first usage via a stamped metal nameplate with serial number.
  - 2. Upon the end of its serviceable life or no more than seven consecutive years, whichever comes first, the battery energy storage system container shall be removed from the site and recycled at owner/operator's expense.
  - 3. The owner/operator shall give an annual report to the Department documenting which batteries are near the end of their lifecycle, including current physical location of the battery and its serial number.

### **SEC. 12.125.32 LARGE SOLAR ENERGY GENERATING FACILITY**

- (1) **Purpose and Scope.** The purpose of this section is to adopt and incorporate the requirements of Wis. Stat. § 66.0401 as a local ordinance and to establish local regulations on the installation and use of Large Solar Energy Generating Facilities that are authorized by and compliant with Wisconsin Statutes and that serve to preserve or protect the public health or safety, do not significantly increase the cost of the system or significantly decrease its efficiency, or allow for an alternative system of comparable cost or efficiency. The provisions listed under this section are not intended to be a duplication of any federal or state requirement or to exceed that authority granted to Wisconsin counties.
- (2) **Statutes, Regulations and Rules**
  - (a) This section is subject to the provisions of Wisconsin law.
  - (b) Wis. Stat. § 66.0401 is adopted and incorporated by reference.
- (3) **Definitions**
  - (a) "Conditional Use Permit" means a discretionary permit for a listed conditional use, granted by the Columbia County Planning and Zoning Committee, under the notice and hearing procedures of Section 12.150.07 of the chapter, upon application by an owner, and to which various conditions of use shall be attached and adhered to by the applicant.
  - (b) "County" means Columbia County.
  - (c) "Department" means the Columbia County Planning and Zoning Department.
  - (d) "Department Director" or "Director" means the Director of the Columbia County Planning and Zoning Department or the Department Director's designee.
  - (e) "Kilowatt" means a unit of power equal to one thousand watts.
  - (f) "Megawatt" means a unit of power equal to one million watts, especially as a measure of the output of a power station.
  - (g) "Permit" means a zoning permit issued by the Columbia County Planning and Zoning Department pursuant to this code.

- (h) “Shared Revenue Utility Payment” means payments made to counties and municipalities to off-set tax exempt utility property; payments are based on state calculations.
- (i) “Large Solar Energy Generating Facility” means, but is not limited to, connected arrays of photovoltaic panels, their supporting structures and/or mounting systems, the network of necessary electrical wires and conduit (above and below ground), power poles, inverters, transformers, and supporting substations, or a concentrated mirror thermal energy generating facility and its respective components. These facilities are designed for nominal operation at a nameplate capacity of 100 megawatts or more. A Certificate of Public Convenience and Necessity issued by the Wisconsin Public Service Commission (PSC) is typically associated with these facilities. This includes facilities which directly convert and transfer or store solar energy into thermal or electrical energy.
- (j) “Zoning Permit” means written approval by the Planning and Zoning Department staff that is required before commencing any development as defined in this chapter or before establishing, extending, or changing any use on any parcel.
- (k) “Cultural Resource” see 12.160: Definitions.
- (l) “Environmental Analysis” means a detailed localized review of relevant environmental conditions (e.g., wetland delineations, threatened and endangered species reviews, floodplain studies, navigability determination, or areas identified as environmental corridors within the County Comprehensive Plan).

(4) **Zoning Permit Requirements**

- (a) **Permit Requirement.** The owner must apply for and receive a Zoning Permit from the Department before installing, constructing, or expanding any Large Solar Energy Generating Facility.
- (b) **Application Process.** The application for a Zoning Permit shall be processed in accordance with the procedures set forth in Section 12.150.08.
- (c) **Permit Fee.** The owner shall pay an application fee at the time the application for a Large Solar Energy Generating Facility is filed with the Department. Fees shall be based on cost of construction.
- (d) **Permit Expiration.** A zoning permit issued by the Department expires if construction of the Large Solar Energy Generating Facility is not commenced within 24 months from the date of the permit, or if the Large Solar Energy Generating Facility is not installed and fully functioning within 12 months from the date construction begins. A 24-month extension may be granted under 12.150.08(6).
- (e) **Standards for Review.** The standards for review of a permit application for a Large Solar Energy Generating Facility are consistent with Wis. Stat. 66.0401 as well as Wis. Stat. 59.69 and are not more restrictive than the PSC-approved site plan as part of the Certificate of Public Convenience and Necessity.
- (f) **Application Requirement.** The application for a Zoning Permit shall include the following items, as may be applicable:

1. A copy of the PSC authorization, in the form of a Certificate of Public Convenience and Necessity, and a copy of the final application packet and documentation submitted to the PSC for approval;
  2. A narrative of the proposed project, including a description of the subject property by metes and bounds, address(es), parcel numbers, and any unique circumstances within the project area, as may have been identified during the PSC review;
  3. A site plan, which shall include a scalable drawing showing the location of all drives, entrances, easement labels and locations, trails, and signs; panels, inverters, energy storage systems, and any other planned infrastructure; vision clearance triangles; floodplain(s); wetland(s); and shoreland zone boundaries;
  4. Documentation evidencing cultural, archeological, and environmental analyses done by third parties and associated permit authorizations as required by law;
  5. A complete list of neighboring parcels that have been notified of the project. Within two miles of project boundary is preferred;
  6. Shared Revenue Utility Payment tax projections; and estimated property tax reductions to the County, town(s), and school/special district(s);
  7. Any updates submitted to the PSC as applicable to these requirements. The equipment should have capability to withstand extreme weather events, with a preference that components be listed by the Underwriters Laboratory.
- (5) **Additional Permitting Requirements.** Additional permits and processes may be required under Chapter 12 or otherwise under the Columbia County Code of Ordinances.
- (6) **Operator Ownership Change.** Notice shall be provided to the County for any change in ownership of the Large Solar Energy Generating Facility 30 days prior to the effective date of the change and contact information of the new owner shall be included with the notice.
- (7) **Other Approvals.** A copy of all necessary state and federal permits and approvals shall be submitted to the Department within 90 days of receiving said authorizations.
- (8) **Postconstruction Filing Requirement.** Within 90 days of the date a Large Solar Energy Generating Facility commences operation, the owner shall file with the Department an as-built description of the facility, an accurate map of the facility showing the location of all infrastructure, geographic information system information showing the location of said infrastructure, and current information identifying the owner(s) and operator(s), including designated contact(s), of the Large Solar Energy Generating Facility.



## **SUBSECTION 12.130: ACCESSORY AND TEMPORARY USES AND STRUCTURES**

### **SECTIONS:**

- [12.130.01 Purpose](#)
- [12.130.02 Accessory Uses and Structures, Definitions, and General Standards](#)
- [12.130.03 Permits for Accessory Structures](#)
- [12.130.04 Permitted Intrusions of Minor Accessory Structures into Minimum Required Setbacks](#)
- [12.130.05 Temporary Use and Structure Descriptions and Standards](#)

### **SEC. 12.130.01 PURPOSE**

The purpose of this Subsection is to establish requirements for accessory and temporary uses and structures as defined under Section 12.130.02 below. Except where individually listed in other sections of this chapter, accessory and temporary uses and structures are permitted in accordance with the provisions of this Subsection.

### **SEC. 12.130.02 ACCESSORY USES AND STRUCTURES, DEFINITIONS AND GENERAL STANDARDS**

- (1) **Accessory Use.** An accessory use is a land use that both serves and is customarily incidental and subordinate to a principal use, as defined in [Section 12.160.02](#). Accessory uses may be established only after the principal use of the property is established, and must be on the same parcel as the principal use.
- (2) **Accessory Structure.** An accessory structure is a building or other structure that both serves and is incidental and subordinate to a principal use or principal structure. Except as otherwise allowed in this chapter, accessory structures must be constructed in conjunction with or after the principal structure or principal use is established, and must be on the same parcel as the principal use or structure.
  - (a) In the R-1 Single Family District an accessory structure is allowed on a parcel across the street or road from a parcel with a principal residential use subject to the following:
    - 1. At least a portion or a point of the parcel must directly align with the extension across the street or road of the lot lines of the existing residential parcel and both parcels must be under the same ownership.
    - 2. Minimum parcel area must be sufficient for accessory structure to meet required standards.
    - 3. One accessory structure per parcel not to exceed 800 square feet.
    - 4. The accessory structure shall be similar in appearance and construction to the residential structure to which it is subordinate.

5. Prior to the issuance of a zoning permit, the parcel on which the accessory structure is proposed shall be deed restricted so as to treat use and transfer of ownership of the residential parcel and the parcel with the accessory structure as one. The restriction can only be removed by consent of both the Town Board and the Planning and Zoning Committee.
- (3) **Agricultural Accessory Structure:** A building, structure, or improvement that is (a) located on a farm, (b) subordinate to an agricultural use, and (c) either integral or incidental to an agricultural use. A farm residence is not considered an agricultural accessory structure. Agricultural accessory structures include, but are not limited to:
  - (a) A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
  - (b) A facility used to keep farm animals on the farm, subject to other quantitative thresholds within this chapter, which may require a conditional use permit if such thresholds are exceeded.
  - (c) A facility used to store or process inputs primarily for agricultural uses on the farm.
  - (d) A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
  - (e) A manure digester, bio-fuel facility, or other facility that produces energy from materials grown or produced on the farm, primarily for use on the farm.
  - (f) An Animal Waste Storage Facility, provided that the facility is storing waste primarily from animals on the farm and subject to the Columbia County animal waste management ordinance.
- (4) **Non-agricultural Accessory Structure.** Any accessory structure that does not meet the definition of an agricultural accessory structure.
- (5) **Accessory Solar Energy Generating System.** This is defined as a photovoltaic energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy, where such solar energy system is accessory to the principal use of the land (e.g., solar panels providing energy for a dwelling on the same lot. Accessory Solar Energy Generating Systems are not intended for use as a public utility and generate less than 1,000 kilowatts (1 megawatt). Such uses shall be subject to the following performance standards:
  - (a) Rooftop, ground-mounted, and building-mounted systems shall comply with the height limits and minimum required yards for principal structures.
  - (b) Within the A-1 district, such systems shall be subject to the limitations associated with agricultural accessory structures per Subsection (3).
- (6) **Applicable Regulations and Standards.** Unless otherwise expressly stated in this Chapter, accessory uses and structures are subject to the same regulations and standards as apply to principal uses and structures on the subject parcel.
- (7) **Human Habitation.** Unless otherwise expressly stated in this Subsection, no accessory structure shall be used for human habitation.



- (8) **Separation and Height.** Accessory buildings must be separated by a minimum of 10 feet, measured from wall to wall from all other accessory or principal buildings to qualify for accessory structure setbacks, otherwise principal structure setbacks apply. Except for RR-1 Rural Residential, in residential zoning districts, the height of an accessory building shall not exceed 22 feet. In all other zoning districts, the height of an accessory building may not exceed the maximum height of a principal building as indicated in Tables [12.105.03\(1\)](#), [12.110.03\(1\)](#), and [12.115.03\(1\)](#).
- (9) **Determination of Incidental and Subordinate To:** In order to classify a use or structure as an accessory use or structure, the Zoning Administrator shall determine that the use or structure meets all the following criteria:
- (a) The use is subordinate to the principal use or in terms of area and function.
  - (b) The use or structure is customarily found in association with the subject principal use or principal building.
  - (c) In all Residential Districts, except RR-1 Rural Residence, the footprint of the accessory structure shall be smaller than the principal structure.
- (10) **Sanitary Fixtures in an Accessory Structure:** Sanitary fixtures are permitted to be installed in an accessory structure subject to the following standards:
- (a) A zoning permit is required.
  - (b) An affidavit prohibiting human habitation is filed with the Register of Deeds.
  - (c) All waste water shall enter an approved private sewage system and meet the standards of Section 12.300.

### **SEC. 12.130.03 PERMITS FOR ACCESSORY STRUCTURES**

- (1) All accessory structures shall require a zoning permit, except for the following:
- (a) Birdhouses, birdbaths, clothes lines and poles flag poles, lawn ornaments and fixtures, landscaping structures, residential fuel storage tanks and pumps and accessory heating units, mail boxes, satellite dishes, and garbage containers, and similar structures as approved by the Zoning Administrator.
  - (b) Accessory buildings that do not exceed 100 square feet and are used by the residents of the principal building, including but not limited to tree houses and play houses, shelters for dogs and domestic pets of the residents of the property, ice fishing shanties, sheds, and other storage buildings under this area threshold.
  - (c) Recreational equipment used by the residents of the principal building for on-premises activities, games and sports, including but not limited to swings, slides, climbers, teeter-totters, basketball baskets and backboards, badminton nets, and similar equipment.
  - (d) Fences and walls six feet in height or less, as measured from the established grade, and all agricultural fences which meet the requirements of Chapter 90, Wisconsin Statutes.

## SEC. 12.130.04 PERMITTED INTRUSIONS OF ACCESSORY STRUCTURES INTO MINIMUM REQUIRED SETBACKS

[Table 12.130.04\(1\)](#) lists permitted intrusions into the required minimum setbacks for accessory buildings and structures. All accessory structures must be located outside of the visual clearance triangle, as defined in [Section 12.140.03\(1\)](#).

**Table 12.130.04(1): Permitted Intrusions into Minimum Setbacks for Accessory Structures**

	Accessory Structure May Intrude into Normal Minimum Required Setback within...				
<b>Types of Accessory Structures</b>	<b>Front Yard</b>	<b>Street Side Yard</b>	<b>Interior Side Yard</b>	<b>Rear Yard</b>	<b>Other Limitations</b>
Lawn ornaments and fixtures, landscaping structures	Yes	Yes	Yes	Yes	
Flag pole, clothes lines and poles, mail boxes	Yes	Yes	Yes	Yes	--
Residential storage tanks and pumps and accessory heating units.				Yes	Must be set back a minimum of 10 feet from all property lines
Accessory Solar Energy Generating Systems				Yes	Must be a minimum of 10 feet from all property lines
Retaining walls	Yes	Yes	Yes	Yes	Must be 6 feet or less in height as measured from finished grade
Accessory buildings used by the residents of the property, such as sheds, storage building and detached garages				Yes	Must be set back a minimum of 10 ft. from all property lines. And only if separated at least 10 feet from the principal buildings or other setbacks apply.
Satellite dishes	Yes	Yes	Yes	Yes	Must have a diameter of 20 inches or less to be allowed in minimum required setback.
Fences or walls			Yes	Yes	Must be 6 feet or less in height as measured from existing grade
Open fence 3 and one-half feet or less in height	Yes	Yes	Yes	Yes	

	Accessory Structure May Intrude into Normal Minimum Required Setback within...				
<b>Types of Accessory Structures</b>	<b>Front Yard</b>	<b>Street Side Yard</b>	<b>Interior Side Yard</b>	<b>Rear Yard</b>	<b>Other Limitations</b>
Lawn ornaments, clothes lines, seasonal decorations, freestanding nameplate signs, mailboxes, and similar typical yard fixtures	Yes	Yes	Yes	Yes	--
Residential recreational equipment	Yes	Yes	Yes	Yes	Must be set back a minimum of 3 ft. from all property lines.

### **SEC. 12.130.05      TEMPORARY USE AND STRUCTURE DESCRIPTIONS AND STANDARDS**

(1)      Description and Purpose.

- (a) A temporary structure is a structure without a foundation or footings that is present on a property for a limited period of time and is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
- (b) A temporary use is a land use that is present on a property for a limited period of time and is discontinued upon the expiration of the time period.
- (c) The temporary use regulations in this Subsection are intended to permit such occasional temporary uses and structures when consistent with the overall purpose of this zoning ordinance and when the operation of the temporary use will not be detrimental to the public health, safety, or general welfare.

(2)      Authority to Approve.

- (a) Except as expressly stated in this Subsection, all temporary structures and uses are subject to County zoning permit requirements and, if applicable, town permits.
- (b) The Zoning Administrator is authorized to approve temporary structures and uses that comply with the provisions of this Subsection and to impose conditions on the operation of temporary structures and uses to ensure that such structures and uses do not create unreasonable adverse impacts on surrounding properties and that they operate safely, consistent with the general purposes of this chapter.
- (c) The Zoning Administrator may consult with the Planning and Zoning Committee chair to determine if an unlisted temporary structure or use requests will require a conditional use permit in addition to a zoning permit for a temporary use.
- (d) Establishment of a temporary festival, concert, carnival, races, assemblage of campers, or similar activity on any site may require a conditional use regardless of the zoning of the property and shall be made to comply with all applicable public assembly and sanitary standards as well as with any conditional use standards

- addressing noise, traffic, health and public safety or requirements placed on the temporary permit by the Zoning Administrator.
- (e) Within the A-1 district, temporary structures and uses shall also be subject to applicable limitations of Wisconsin Statutes Chapter 91.
- (3) **Exemptions.** The following temporary structures and uses are permitted without complying with the permit requirements of this Subsection.
- (a) Garage sales in residential districts or on parcels occupied by residential dwellings for no more than four days in any calendar year.
- (b) Temporary structures and uses in place for no more than three consecutive days and located on County or town parkland or other public property, provided such uses have been approved by the Planning and Zoning Committee, the affected town board, or authorized County or town officials.
- (c) Temporary structures and uses sponsored by the County or town and in place for more than three consecutive days, provided such uses have been authorized by the County Board or affected town board.
- (4) **Standards for Temporary Uses.**
- (a) Contractor's on-site facility: Includes any structure or outdoor area used as a construction management office or for storage of construction equipment or materials, all in conjunction with an active real estate development project on the same site. Such uses shall be subject to the following performance standards:
1. Projects requiring the facility to be in place for more than one calendar year shall require a conditional use permit.
  2. The combined surface area of all facilities shall not exceed 10 percent of the property's gross site area, and no single building shall exceed 5,000 square feet in gross floor area.
  3. Signage shall comply with the requirements for temporary signs in [Section 12.145](#).
  4. No such facility shall be used for sales activity.
  5. All facilities shall be removed within 30 days of completion of the associated project.
- (b) On-site real estate sales office: Includes any building that serves as an on-site sales office in conjunction with an active real estate development project on the same site. Such uses shall be subject to the following performance standards:
1. The building shall not exceed 5,000 square feet in gross floor area.
  2. Signage shall comply with the requirements for temporary signs in [Section 12.145](#).
  3. The building shall be removed or converted to a permanent allowable land use in the zoning district within 30 days of the completion of sales activity.
  4. Projects requiring the on-site real estate sales office to be in place for more than

two calendar years shall require a conditional use permit.

- (c) Temporary outdoor sales: Includes the temporary sales and display of any items outside the confines of a building, where such use is not otherwise allowed as a component of another permitted-by-right or conditional use under this chapter. Examples of this type of land use include but are not limited to: seasonal garden shops, tent sales, art sales, and bratwurst stands.
  - 1. Use shall be limited to a maximum of 30 days in any calendar year on a single parcel, except for seasonal garden shops, which are limited to 120 days.
  - 2. Use shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
  - 3. Signage shall comply with the requirements for temporary signs in [Section 12.145](#).
  - 4. In no instance shall the location of the temporary outdoor sales use reduce the number of accessible parking spaces below the minimum number of spaces required by this ordinance, for all principal and accessory uses combined.
  - 5. If the subject property is located adjacent to lands zoned or used for residential purposes, sales and display activities shall be limited to daylight hours.
  - 6. Within the A-1 district, the temporary outdoor sales shall also (1) be conducted by the owner or operator of the farm; (2) employ no other persons; and (3) not impair the current or future agricultural use of the farm or of other farmland that is within the A-1 district, legally protected from nonagricultural development, or both.
- (d) Temporary staging area: Includes any area used for the temporary storage of equipment and materials associated with a construction project.
- (e) Camping, which for this Subsection does not include a park model, camping cabin, or resort cabin, outside a licensed campground on a lot where a permitted dwelling does not exist is subject to the following conditions:
  - 1. Camping, shall be permitted in the Recreational and Agricultural Zoning Districts, excluding the A-3 Agriculture Business District. Camping in Residential Zoning Districts may be permitted by Conditional Use Permit only.
  - 2. No more than one camping unit shall be allowed on a lot.
  - 3. No accessory structures or additions may be attached to the camping unit.
  - 4. Camping is only allowed if approved sanitary provisions, such as State approved systems; self-contained units, approved non-plumbing sanitation systems, or a private on-site waste treatment system is used to serve the camping unit.
  - 5. Arrangements shall be made for the proper disposal of trash and garbage.
  - 6. Occupation of a unit by a person having no other permanent residence at the time the unit is so occupied is prohibited.
  - 7. Camping units shall comply with all setback requirements for the district in which they are located.

8. A camping permit is issued by the Planning and Zoning Department which permit must be placed on the camping unit.
  9. Camping, parking and/or storing a unit on a lot shall only be permitted from April 15, through December 1 except as provided for below.
    - a. Unless an extension is granted by the Zoning Administrator in writing, if a camping unit is not removed from the property by December 1, a camping permit shall not be issued for the next season.
  10. Camping, parking and/or storing a camping unit on a year-round basis is subject to the following conditions:
    - a. Items 12.130.05(4)(e)1.-9. above shall apply.
    - b. Lot must be a minimum of 5 acres and may not be located in a platted subdivision.
    - c. Written annual approval must be received from the town board in which the lot is located.
    - d. The camping unit shall at all times remain currently licensed, road worthy and able to be legally towed or driven on a public road.
    - e. An annual permit review fee, as established by the County Board of Supervisors, shall be submitted to the Zoning Administrator by December 1<sup>st</sup> each year or the Zoning Permit shall expire.
    - f. The Zoning Administrator shall conduct an annual inspection to determine that all ordinance requirements are being met including any conditions placed on the Zoning Permit. If the property or use is found to be in non-compliance with the ordinance requirements or permit conditions the permit may be rescinded after a 30-day written notice to the property owner.
  11. Camping may take place on an interim basis on a lot where construction of a permitted dwelling is in progress, not to exceed the expiration date of the associated Zoning Permit.
- (f) Temporary relocatable building: Includes any manufactured building that serves as a temporary building serving an allowed use in the associated zoning district, based on shortage of space or capacity within the permanent building(s) on the site. Includes buildings that serve as temporary classrooms for schools, that serve as temporary storage areas for industrial uses, and that were intended for the temporary shelter of motor vehicles (e.g., “tent garages”), but does not include any other temporary building associated with another temporary use listed in this Subsection nor any mobile home. Such uses shall be subject to the following performance standards:
1. The building shall conform to all minimum required parcel and building dimensional standards applicable to the zoning district within which the building is located.
  2. The building shall conform to all applicable building code regulations.
  3. If the building is proposed to occupy a site for a period exceeding 9 months, a

conditional use permit shall first be required.

4. Within the A-1 district, such buildings shall be subject to the limitations associated with agricultural accessory structures per Section 12.130.02(3).
- (g) Portable outdoor storage unit: A portable storage container with more than 216 cubic feet of storage space designed and used primarily for temporary storage or transportation of household goods and other such materials, kept outdoors, and not affixed to a foundation.
1. Units may not be placed on any public right-of-way, including public sidewalks and public terrace areas, or on other public property except by the public entity that owns the property. Units may only be placed on property owned by the user or lessee of the storage unit.
  2. Units may not be placed in such a fashion as to impede or obstruct the flow of drainage or obstruct emergency, vehicle, pedestrian, or utility access to or through the property or area.
  3. In all residential zoning districts:
    - a. No unit shall be placed on the same lot for more than 120 consecutive days.
    - b. Not more than one unit may be placed on any lot at any one time.
    - c. There shall not be a unit placed on any lot more than three times in any calendar year.
    - d. No unit shall exceed eight feet in width, nine feet in height, or sixteen feet in length.
  4. Units may be used for temporary storage of personal goods and belongings. Units may not be used for occupancy or sleeping, housing of animals, housing or storage of hazardous, flammable, or unlawful materials or substances. Units shall be closed and secured from unauthorized access at all times when not under the direct supervision of the lot owner or occupant.
  5. All units shall be maintained in a good and clean condition, free from rust, peeling paint, or other visible deterioration.
- (h) Temporary asphalt or concrete rock crushing facility or batch or ready-mix plant: Includes any use that handles the processing, mixing, handling, sale or transport of concrete, asphalt, rock, brick, cement, or other similar paving or building materials in association with a discrete project, such as a highway construction project. If within an A-1 district, such facility or plant shall also meet the standards in [Section 12.125.25\(19\)](#).
- (i) Temporary Marine Storage: Includes commercial storage of boat lifts, docks, piers, and/or similar marine equipment is subject to the following conditions:
1. May be permitted in Agricultural Zoning Districts by Conditional Use Permit only.
  2. Storage shall occupy no more than one (1) acre of land and/or no more than one (1) existing accessory structure.

3. There shall be no advertising, display, signage, or other indications of the commercial storage.
4. The Planning and Zoning Committee may restrict the number and types of equipment, dates of storage, or establish other conditions on the approval to meet the standards for granting a Conditional Use Permit in [12.150.07\(4\)](#).
5. A Conditional Use Permit granted for temporary marine storage shall be assigned only to a designated person who, at the time of Conditional Use Permit issuance, is the owner of the subject property. Such permits do not run with the land, are not transferrable including from person-to-person or from address-to-address.
6. In addition to the Conditional Use Permit, the owner or operator shall obtain an annual temporary Use Permit by August 1st of each year.
7. No new improvements or impervious surfaces shall be constructed.
8. An Emergency Response Number must be associated with the location.
9. All storage areas shall be located a minimum of fifty (50) feet from all lot lines.
10. The temporary marine storage shall be subject to the following additional limitations:
  - a. Be conducted by the owner or operator of the farm;
  - b. Employ no more than four (4) persons; and
  - c. Require no buildings, structures, or improvements other than an existing agricultural accessory structure.
11. Not impair the current or future agricultural use of the farm or of other farmland that is within the Agricultural Zoning Districts, legally protected from nonagricultural development.



## **SUBSECTION 12.135: NONCONFORMING USES, STRUCTURES, AND SUBSTANDARD LOTS**

### **SECTIONS:**

- [12.135.01 Purpose](#)
- [12.135.02 General](#)
- [12.135.03 Nonconforming Uses](#)
- [12.135.04 Nonconforming Structures](#)
- [12.135.05 Substandard Lots](#)

### **SEC. 12.135.01 PURPOSE**

The purpose of this Subsection is to establish requirements for conditions of land within the jurisdiction of this chapter that do not conform to the one or more provisions of this chapter, including nonconforming uses, nonconforming structures, and substandard lots. Non-conforming signs are further addressed in [Section 12.145.05\(1\)](#).

### **SEC. 12.135.02 GENERAL**

- (1) Wis. Stats. § 59.69(10) and case law may affect the County's ability to regulate nonconforming structures and uses as described in this Subsection.
- (2) Structures or uses for which a zoning permit has been lawfully granted prior to the effective date of this chapter or applicable amendments thereto, which become nonconforming under the provisions of this chapter or amendments thereto, may be completed in accordance with the approved plans, provided that construction is started and completed in accordance with timeframes established under Section 12.150-080. In such cases, such use or structure shall thereafter be a legal nonconforming use or structure.

### **SEC. 12.135.03 NONCONFORMING USES**

- (1) **Continuation of use.** The existing lawful use of a structure or premises at the time of the enactment of this chapter or any amendment thereto may be continued although such use or structure does not conform to the use provisions of this chapter for the district in which it is located.
- (2) **Maintenance and repair.** The ordinary maintenance and repair of a structure or premises that contains a nonconforming use is permitted, including repairs reasonably necessary to prevent the deterioration of a structure, remodeling of the structure, and necessary nonstructural repairs and alterations that do not extend, enlarge, or intensify the structure. Ordinary maintenance and repairs include painting; decorating; the installation or replacement of heating, electricity, or plumbing systems; the installation or replacement of drywall, plaster paneling, acoustical ceilings, insulation, doors, windows, roof surface materials, and siding.

- (3) **Structural modification or repair.** The replacement or restoration, change of a roof pitch, replacement of roof trusses or rafters, replacement of foundational elements or similar components, or other structural modification or alteration of a structure or premises that contains a nonconforming use that do not enlarge or extend the structure is permitted only if all of the following criteria are met, except where Wisconsin Statute requires less restrictive criteria:
- (a) The modification or replacement does not enlarge the footprint that existed prior to modification or replacement.
  - (b) The use of the building or premises is in no way made more nonconforming as a result of the structural modifications.
  - (c) The cost of such modification, combined with all structural modifications shall not during its life exceed 50 percent of the current equalized assessed value of the structure.
  - (d) When a structure containing a nonconforming use is damaged by fire, explosion, act of God or public enemy to the extent of more than 50% of the current equalized value it shall not be restored except in conformity with the regulations of the zoning district in which it is located.
  - (e) A zoning permit is first obtained in accordance with [Section 12.150.08](#).
- (4) **Substitution of nonconforming uses.** A nonconforming use of a structure or premises may be substituted with another nonconforming use, provided that the Planning and Zoning Committee first approves such substitution using submittal requirements, a review process, and criteria that are identical to those required for review of a conditional use permit under [Section 12.150.07](#).
- (5) **Discontinuance of use.** When any nonconforming use of a structure or premises is discontinued for a period of 12 consecutive months or greater, or is changed to a conforming use, any future use of the building or premises shall be in complete conformity with the provisions of this chapter.
- (6) **Nonconforming Tourist Rooming House.** To qualify as a legal nonconforming use a tourist rooming house must meet the following criteria:
- (a) Must provide suitable evidence that can be substantiated by a second party that the house was rented for more than 10 days during the period from May 21, 2011, to May 21, 2012.
  - (b) Must have had during the period from May 21, 2011, to May 21, 2012 and continue to have a valid state sales tax number.
  - (c) Must have been licensed by the State of Wisconsin at the time the house was rented and the license must still be in effect.
  - (d) Cannot be the principal residence of the property owner(s) at the time that it was rented nor have been the principal residence of the owner(s) at any time since it was rented.

**SEC. 12.135.04 NONCONFORMING STRUCTURES**

- (1) **Continuation of structure.** Any lawful nonconforming structure existing at the time of the adoption or amendment of this chapter may be continued, although its size or location does not conform to the dimensional provisions of this chapter but shall comply with the following provisions:
  - (a) A property owner claiming a legal nonconforming structure and exemption from applicable regulations shall provide by clear and convincing evidence that;
    1. The structure was legally established;
    2. The structure predated zoning provisions with which it does not comply, and
    3. The structure was established prior to the adoption of such provisions.
  - (b) Maintenance, repair and rebuilding. The repair, maintenance, renovation and rebuilding of a legal nonconforming structure is permitted if the structure will be restored to the size, location, and use that it had immediately before the repair, maintenance, renovation and rebuilding of the structure.
  - (c) Expansions and repairs of nonconforming structures.
    1. An existing structure that was lawfully placed when constructed but is one-half or more of any required setback of this Code is subject to the requirements of Subsection 1 above and additionally:
      - a. That portion of the structure that meets all required setbacks may be extended, enlarged, reconstructed or structurally altered; provided that portion continues to meet all standards.
  - (d) The use of the structure is limited to uses permitted within the zoning district(s) applicable to the subject property.
  - (e) A zoning permit is first obtained per [Section 12.150.08](#).
- (2) **Effect of modifications to make structure conforming.** When any lawful nonconforming structure in any district is modified so as to be in conformance with the provisions of this chapter, any future modification of said structure shall also be in full conformance with the provisions of this chapter.

**SEC. 12.135.05 SUBSTANDARD LOTS**

- (1) **Creation of lots.** No new lot shall be created and no existing lot shall be reduced in dimensions or area in a manner that does not meet the dimensional or area requirements of the base zoning district in which it is located or as specified by subdivision ordinance, whichever is larger. The combination of existing substandard lots into one lot shall not be considered to be a new lot and is allowed even though the combined lots do not meet the minimum dimensional and area requirements of the base zoning district.
- (2) **No further reduction of substandard lots.** No existing lot that does not meet any dimensional or area requirement of the base zoning district in which it is located or as specified by subdivision ordinance, whichever is larger, shall be further reduced in any

dimension or area. Existing lots that do not meet one or more dimensional or area requirements of the base zoning district may be reconfigured, provided that any degree of nonconformity of the lot does not increase as a result of the reconfiguration. An existing lot of record that does not meet one or more dimensional or area requirements of the existing or proposed base zoning district may be rezoned, provided that there are no contiguously owned parcels in which a combination would result in greater compliance.

- (3) **Use of substandard lots.** Any lot or parcel legally created and indicated on a recorded subdivision plat, certified survey map, assessor's plat, or conveyance and recorded in the office of the Register of Deeds for Columbia County prior to March 21, 2012, may be used as a building site even though such lot or parcel does not conform to one or more minimum dimensional requirements of the district in which it is located, subject to the following conditions:
- (a) Such use is a permitted-by-right use in the zoning district in which the lot is located.
  - (b) The substandard lot is developed to comply with all other requirements of this chapter.
  - (c) The substandard lot has not been developed with one or more of its structures placed partly upon an adjacent lot in common ownership.
  - (d) A zoning permit is first obtained in accordance with [Section 12.150.08](#).
- (4) **Combining Lots.** Substandard sized lots may be combined even if the combination does not result in the new lot meeting current district size standards.

## SUBSECTION 12.140: GENERAL STANDARDS

### SECTIONS:

<a href="#">12.140.01</a>	<a href="#">Purpose</a>
<a href="#">12.140.02</a>	<a href="#">Miscellaneous General Building and Use Standards</a>
<a href="#">12.140.03</a>	<a href="#">Measurements and Exceptions</a>
<a href="#">12.140.04</a>	<a href="#">Building and Site Design Standards</a>
<a href="#">12.140.05</a>	<a href="#">Parking, Loading, and Traffic Management Standards</a>
<a href="#">12.140.06</a>	<a href="#">Landscaping Standards</a>
<a href="#">12.140.07</a>	<a href="#">Exterior Lighting Standards</a>
<a href="#">12.140.08</a>	<a href="#">Natural and Cultural Resource Protection Standards</a>
<a href="#">12.140.09</a>	<a href="#">Erosion Control and Stormwater Management Standards</a>
<a href="#">12.140.10</a>	<a href="#">Standards Associated with Overlay Zoning Districts</a>

### SEC. 12.140.01 PURPOSE

The purpose of this Subsection is to establish general performance standards that are applicable across a variety of zoning districts, land use types, and structure types in order to promote the safety, aesthetic quality, water quality, culture, flood prevention and mitigation, and general welfare of the public, traffic, and natural and built environment.

### SEC. 12.140.02 MISCELLANEOUS GENERAL BUILDING AND USE STANDARDS

- (1) **Use of buildings and land.** 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 the land or building is located.
- (2) **Location of buildings on a lot.** Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot. When the same entity owns more than one contiguous lot and wishes to place a new building, addition, or other site improvement across lot lines in common ownership or within minimum setback areas between lots in common ownership, the two or more lots shall be legally combined into one lot before a zoning permit will be issued.
- (3) **Number of principal buildings on a lot.** There may be more than one principal building on a single lot, except that there shall be no more than one single-family or two-family dwelling on a lot unless within an approved condominium development or manufactured home park. In condominium plats where more than one single-family or two-family dwelling is proposed on a single lot, no dwelling shall be closer than 20 feet from another dwelling and, were the single lot later divided in a manner to accommodate the placement of only one dwelling on each divided lot, the development shall be arranged so that all building and site dimensional requirements of Sections [12.105.03](#), [12.110.03](#), and [12.115.03](#) could be later be met if necessary.
- (4) **Impact of minimum lot size requirements on condominium developments.** The maximum number of individual sites intended for principal buildings within a

condominium plat shall not exceed the total obtained by dividing the gross site area by the minimum lot size within the zoning district for the type of land use that will be constructed within the condominium plat.

- (5) **Nuisance situations.** No provision of this chapter shall be construed to bar an action to enjoin or abate the use or occupancy of any land or structure as a nuisance under state or local law.
- (6) **Standards for the keeping of junk.** For the purpose of this chapter, any premises used for the storage, gathering, recycling, or sale of junk (see [Section 12.160.02](#)) except as specified below, is a Junkyard or Salvage Yard.
  - (a) Junk, as defined in this chapter, may be stored on any premises provided that it is stored solely for use on the premises or is being accumulated for disposal, and that all junk is at all times stored in a manner securing it from public view within an enclosed building and that in the A-1 district all applicable requirements of Chapter 91, Wisconsin Statutes are met.
  - (b) One inoperable motor vehicle may be stored without securing it from public view.
  - (c) Farm machinery and equipment including operable and inoperable semi-trailers that are used for agriculture purposes on a farm does not need to be secured from public view and are not considered junk and the farm is not considered a junkyard or salvage yard.
- (7) **Public utility and transportation use.** Except as indicated elsewhere in this chapter, the County may not prohibit the construction, reconstruction or maintenance of public utility service lines and mechanical appurtenances thereto or transportation facilities managed by a public entity, where necessary for the preservation of the public health, safety, convenience and welfare.
- (8) **Walls.** For all two-family and multiple-family dwellings, common walls shall be an unpenetrated wall running from the lowest floor level (the basement, if applicable) to the underside of the roof sheathing, a wall with keyed lock(s) on a door to prevent access can be considered to be an unpenetrated wall.
- (9) **Change of use.** Whenever the use of a property is changed from either a permitted-by-right use or a conditional use to another permitted-by-right or conditional use, the new use shall be subject to all standards and requirements associated with that new use, including but not limited to parking, landscaping, transitional yards, signage, and exterior lighting. If the proposed new use requires a conditional use permit under the provisions of this chapter, the owner or operator of that new use shall be required to apply for such a permit prior to establishing the new land use.
- (10) **Human habitation.** The act of occupying a structure for the purposes of either separately or in combination, cooking, eating or sleeping, whether recreationally, temporarily or as a principal residence.
- (11) **Location of parcel and building dimensional standards in chapter.** Minimum dimensional standards proscribed by this chapter vary by base zoning district, as prescribed in Tables [12.105.03\(1\)](#), [12.110.03\(1\)](#), and [12.115.03\(1\)](#). County Flood Plain, Shoreland-Wetland, and Land Division regulations may prescribe different minimum

dimensional standards than those prescribed in Tables [12.105.03\(1\)](#), [12.110.03\(1\)](#), and [12.115.03\(1\)](#). In the event of conflict between a minimum dimensional standard in this chapter and a similar requirement in another chapter of the County Code of Ordinances, the more restrictive dimensional standard shall control.

- (12) **Effect of dimensional standards.** No dimensional standard shall be reduced so as to make it less than the minimum required by this chapter. If an existing dimension is less than the minimum required, it shall not be reduced further.

### SEC. 12.140.03 MEASUREMENTS AND EXCEPTIONS

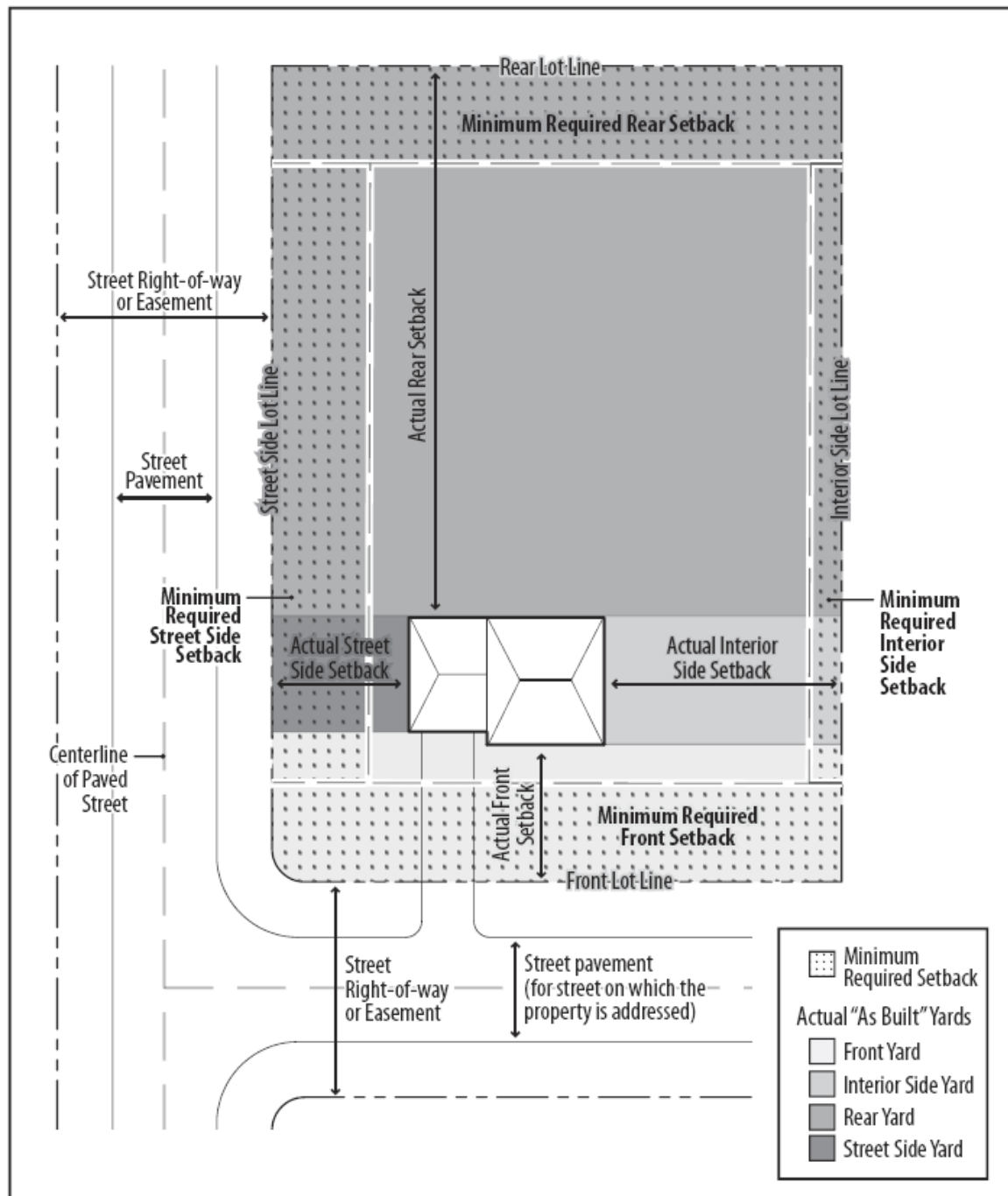
- (1) **Visual clearance triangle.** In each quadrant of every public road right-of-way intersection or public road easement intersection (including street-railroad intersections), there shall be a visual clearance triangle formed by the two intersecting right-of-way or easement centerlines and a chord connecting said centerlines that is 300 feet back from an intersection of any two federal, state or county highways; 200 feet back from an intersection of any such highway and any local road; and 100 feet back from an intersection of two local roads. A railroad line shall be considered the equivalent of a federal, state, or county highway for purposes of this Subsection. Within the visual clearance triangle, no object over 2½ feet in height above the roadbeds shall be allowed, except for open fences, telecommunication and power transmission poles, lines, and portable equipment; field crops; and deciduous trees with mature canopies beginning greater than 8 feet from the ground.
- (2) **Lot area.** The square footage of a lot, exclusive of any public or rail right-of-way, public roadway easement or the beds of navigable water. Measurements are to be made using standard surveying methods. Within A-1 and AO-1 zoning districts, minimum lot area shall be measured as minimum land held in contiguous common ownership.
- (3) **Lot depth.** The mean horizontal distance between the front and rear lot lines.
- (4) **Lot width.** The average horizontal distance as measured from the minimum front and rear setback lines.
- (5) **Lot coverage.** That portion of the lot that is covered by impervious surfaces.
- (6) **Setbacks.** The distance between a structure and any property line. All distances are measured along a horizontal plane from the appropriate property line to a foundation, building wall edge of structure, storage or parking area. These distances are not measured by following the topography of the land and are the shortest distance between the lot line and the structure.
- (a) **Front Setback.** The minimum setback required from the structure, through the front yard, to the front lot line or the centerline of the public street, whichever is greater, extending along the full length of the front lot line between the side lot lines. See Figure 12.140.03(1).
1. If a lot does not front on a public road right-of-way or prescriptive public access easement, a 30' setback shall apply to the front property line, unless a more restrictive setback applies.



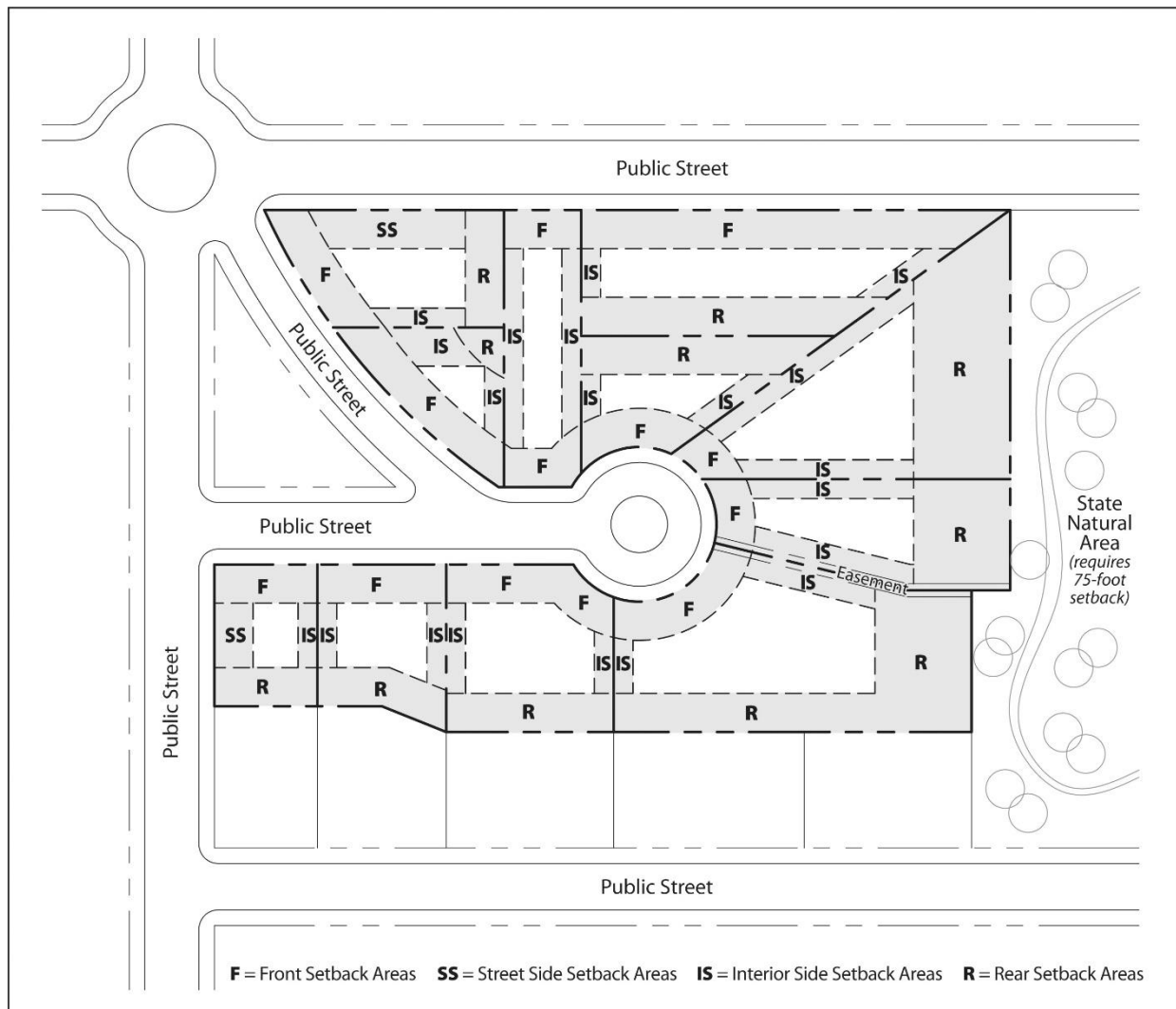
- (b) **Interior Side Setback.** The shortest distance from the structure, through the interior side yard, to the nearest point on the interior side lot line, and measured at right angles to the interior side lot line. See Figure 12.140.03(1).
  - (c) **Rear Setback:** The shortest distance from the structure, through the rear yard, to the nearest point on the rear lot line, and measured at right angles to the rear lot line. See Figure 12.140.03(1).
  - (d) **Street Side Setback:** The shortest distance from the structure, through the street side yard, to the street side lot line or the centerline of the public street, whichever is greater. See Figure 12.140.03(1).
- (7) **Foundation survey.** A foundation survey shall be required when a structure issued a zoning permit under this Chapter is proposed to be located within five feet of any minimum required yard area or setback under this Chapter or another chapter in the County Code of Ordinances, or in other cases where the Zoning Administrator cannot with confidence determine compliance with the provisions of county ordinances.
- (a) Upon receipt of a complete Zoning Permit application determined to require a foundation survey, the Zoning Administrator shall notify the owner/applicant in writing, detailing the requirement. Upon confirmation of receipt of said notice, a Zoning Permit for the initial construction of footings, concrete slab, or other foundations shall be approved.
  - (b) Upon completion of the installation of construction of footings, concrete slab, or other foundations, a professional land surveyor shall prepare a plat of survey showing the locations, boundaries and dimensions of the lot, and all existing structures as required by the Zoning Administrator, which may include the new slab, footing, or other foundation, the relationships and distances of structure to lot lines, and shall immediately file such plat of survey with the Zoning Administrator.
  - (c) No further work shall be completed until the Zoning Administrator has compared the location of all new or extended foundations with the requirements of this chapter.
    - (1) If the Zoning Administrator determines the location of the permitted foundation meets the requirements of this chapter, approval of the proposed structure shall be granted with the issuance of the final Zoning Permit.
    - (2) If a zoning violation is determined, the Zoning Permit grantee shall move the construction or structure so as to conform with this Chapter. Failure to comply with the requirements of this Subsection shall be grounds for the issuance of a stop work order or enforcement pursuant to Section 12.150.09.



**Figure 12.140.03(1): Illustration of Lot Lines, Minimum Setbacks, and Yards as Described in this Chapter**



**Figure 12.140.03(2): Determination of Yard and Setback Areas Using Different Lot Configurations**



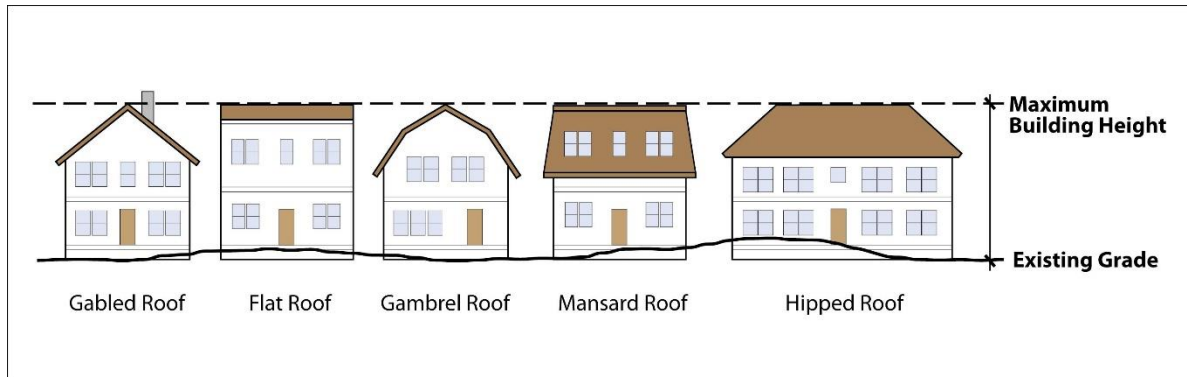
- (8) **Permitted intrusions of building into minimum required setbacks:** Table 12.140.03(1) indicates permitted intrusions of building into the minimum required setbacks established under Sections 12.105.03, 12.110.03, and 12.115.03. For a list of permitted intrusions of accessory structures into minimum required setbacks, see Section 12.130.04.

**Table 12.140.03(1): Permitted Intrusions of Building Components into Minimum Required Setbacks**

	Normal Minimum Required Setback in which Building May Intrude				
	<b>Front Yard</b>	<b>Street Side Yard</b>	<b>Interior Side Yard</b>	<b>Rear Yard</b>	<b>Other Limitations</b>
Belt courses, cornice, leader, lintel, sill, pilaster	✓	✓	✓	✓	Projecting no more than 3 feet into minimum required setback.
Ornamental architectural features part of a building	✓	✓	✓	✓	Projecting no more than 3 feet into minimum required setback.
Eaves and gutters	✓	✓	✓	✓	Projecting no more than 3 feet into minimum required setback.
Awnings and canopies	✓	✓	✓	✓	Projecting no more than 3 feet into minimum required setback.
Chimneys and flues	✓	✓	✓	✓	Projecting no more than 3 feet into minimum required setback.
Bay windows	✓	✓	✓	✓	Projecting no more than 3 feet into minimum required setback.
Building-mounted lighting	✓	✓	✓	✓	Projecting no more than 3 feet into minimum required setback.
Fire escapes or stairs		✓	✓	✓	Projecting no more than 3.5 feet. Total length of the projection shall not be more than one-third of the length of the building wall on which it is located.
Steps, open-walled stoops and porches, and landings	✓	✓	✓	✓	Projecting no more than 6 feet into the minimum required setback, provided no such projection extends above the height of the main entrance floor (except for a railing) and the total length of any such projection is not more than one-third of the length of the building wall on which it is located.

	Normal Minimum Required Setback in which Building May Intrude				
	Front Yard	Street Side Yard	Interior Side Yard	Rear Yard	Other Limitations
Walks and drives	✓	✓	✓	✓	Extending no more than 6 inches above the average ground level at their edges
Ramps for use by persons with disabilities	✓	✓	✓	✓	Ramps needed for temporary accessibility must be removed no later than 30 days after they are no longer required for accessibility
Attached mechanical, solar and wind energy equipment			✓	✓	Projecting no more than 3 feet into minimum required setback.
Small or Large Solar Energy Generating Facility			✓	✓	Fencing, arrays, and other facility components may cross internal property line boundaries within the project area for the duration of the project.

- (9) **Building height.** The vertical distance measured at the time of construction from the lowest point where the building line meets existing grade or finished grade whichever is lower, to the highest point of the building, not including architectural projections, such as spires, steeples, belfries, parapet walls, cupolas, domes, flues, vents, and chimneys that do not contain usable space. The highest point of the building is the coping of a flat roof, the top of a mansard roof or shed roof, or the peak of the highest gable of a gambrel or hip roof.
- (10) **Building line.** An imaginary line representing the vertical projection (or plumb line) of an exterior building wall that encloses interior floor space.

**Figure 12.140.03(3): Measurement of Building Height**

- (11) **Exceptions to maximum building heights.** The following are permitted exceptions to maximum building heights normally required under tables 12.105.03(1), 12.110.03(1), and 12.115.03(1):
- (a) Architectural projections, such as spires, steeples, belfries, parapet walls, cupolas, domes, flues, vents, chimneys, and other similar features that do not contain usable space, provided that for dwellings such projections may not extend more than 10 feet above the normal maximum building height in the associated district.
  - (b) Special structures such as gas tanks, grain elevators, observation towers, manufacturing equipment and necessary appurtenances, cooling towers, fire towers, substations, and smoke stacks,
  - (c) Agricultural structures, such as barns, silos, and grain elevators.
  - (d) Structures associated with essential services and utilities, such as water towers and power structures and lines.
  - (e) Mobile service and radio support structures and facilities in accordance with the requirements of [Section 12.125.22](#).
  - (f) 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.
- (12) **Exceptions to side yard setbacks.** For single family lots less than fifty-five 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 buildable width of no lot shall be reduced to less than twenty-four (24) feet.

**Table 12.140.03(2): Exceptions to Side Yard Setbacks for Single Family Lots**

Lot Width	Total Side Yard	40% Side Yard
55 ft.	18 ft., 4 in.	7 ft. 4in.

50 ft.	16 ft., 8 in.	6 ft., 8 in.
45 ft.	15 ft.	6 ft.
40 ft.	13 ft., 3 in.	5 ft., 4 in.

- (13) **Exceptions to Minimum Net Lot Size.** For public and utility uses, including action that results in a vacated right-of-way, the minimum lot size shall be 12,000 square feet, provided that there are no contiguously owned parcels in which a combination would result in compliance with the Minimum Net Lot Sizes as indicated in Tables 12.105.03(1), 12.110.030(1), and 12.115.03(1).

#### **SEC. 12.140.04 BUILDING AND SITE DESIGN STANDARDS**

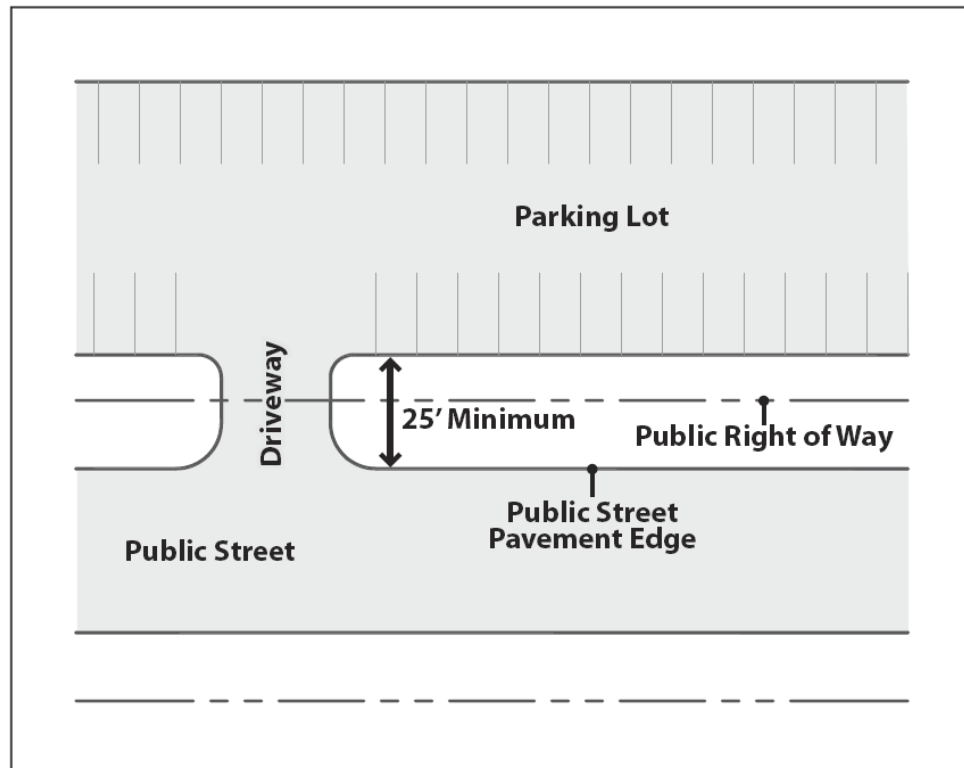
- (1) **Applicability.** This Subsection shall apply only to buildings and sites associated with new multiple family, civic and institutional, commercial, and industrial uses, as described in [Section 12.155](#). No buildings or sites for agricultural, single-family, or two-family use shall be required to meet this Subsection.
- (2) **Vents and mechanical units.** All chimney and fireplace vents shall be enclosed in a chase constructed of materials similar to those materials used on the main part of the building. Metal housings designed by the vent manufacturer to enclose the chimney vents are acceptable. All building-mounted heating, ventilating, and air-conditioning equipment shall be designed to be integral with the building architecture and screened from public rights-of-way, either through strategic placement in a particular location on the building or site, or through placement of opaque fence, wall or (where ground-mounted) landscaping around such facilities.
- (3) **Outdoor storage.** Where outdoor storage is allowed for the land use on a site, such storage area shall be surrounded by a solid fence, wall or landscaping screen suitable to provide a year around buffer that totally screens the storage area from surrounding developed properties and public rights-of-way. No outdoor storage area may be located within a front yard.
- (4) **Loading docks.** Loading docks shall be designed as integral elements to the building site. All loading docks shall be screened from public view through placement of opaque fence, wall or landscaping around such docks.
- (5) **Outdoor waste/recycling containers.** Outdoor solid waste/recycling containers (dumpsters) shall not be allowed in the front yard, shall be placed on a permanent hard surface, and shall be fully screened by an opaque fence or wall and gate.

#### **SEC. 12.140.05 PARKING, LOADING, AND TRAFFIC MANAGEMENT STANDARDS**

- (1) **Public road access control and driveways:**
- (a) See Chapter 12, Subchapter 400 of the Columbia County Code of Ordinances for county highway access control regulations, Trans 233 of the Wisconsin Administrative Code for state and U.S. highway access control regulations, and

- applicable town ordinances for driveway access regulations onto town roads and driveway design regulations.
- (b) Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity, access drive design, and traffic control devices.
  - (c) For any new or expanded multiple family residential; civic and institutional; commercial; utility, communication, and transportation; or industrial use, the Zoning Administrator may require that the site design provide direct vehicular or pedestrian connections to adjacent properties to minimize the need to utilize public streets to access adjacent sites.
  - (d) Private driveways for access and circulation shall be at least 8 feet wide for a single-family or two-family use and at least 16 feet wide for other land uses. No private residential driveway shall exceed a length of 1,000 feet as measured from the principal structure on the parcel to the point of access to a public road, unless otherwise approved by the Planning and Zoning Committee following a recommendation or approval of a Certified Survey Map by the town board of the affected town. The requirements of this Subsection (d) shall not apply to farm access drives.
  - (e) Any new or expanded multiple family use, civic and institutional, commercial, utility, communication and transportation or industrial use shall provide a minimum of 25 feet of driveway length between the off-street parking lot edge and the public street pavement edge to allow for vehicle stacking in the driveway rather than in the public street. Refer to [Section 12.140.05\(2\)\(f\)](#) for parking lot setback requirements in certain commercial and industrial zoning districts.

**Figure 12.140.05: Minimum Driveway Length between Off-Street Parking Lot and Public Street Pavement**



(2) **Off-street parking standards:**

- (a) The minimum number of parking spaces required for each land use that has parking space requirements is as listed in [Table 12.140.05\(1\)](#). The required number of parking spaces may be reduced by up to 25% if the applicant demonstrates, through submittal of a technical study, that actual parking demand will be less than the standards in [Section 12.140.05](#) normally require, but may in such cases require that sufficient reserve area be set aside to fully meet the normal requirement in the future if determined to be necessary. Parking for the handicapped shall be provided at the number, size, location, and with signage as specified by State and Federal regulations; such spaces are included within the required minimum total parking spaces in [Table 12.140.05\(1\)](#).

**Table 12.140.05(1): Parking Space Standards by Land Use**

Use Classification	Number of Required Off-Street Parking Spaces
<b>Agriculture and Open Space Use Group</b>	
Campground	2 motor vehicle spaces per camp site
Shooting range	1 space per every three persons at the maximum capacity of the establishment
Retreat	1 space per three patrons at maximum capacity



Use Classification	Number of Required Off-Street Parking Spaces
<b>Residential Use Group</b>	
Household living	2 spaces per dwelling unit
Group living	1 space per six residents or patient beds, plus one space for each employee on the largest work shift
<b>Civic and Institutional Use Group</b>	
College or university	1 space for each employee on the largest work shift, plus 1 space per two students of the largest class attendance period
Detention or correctional facility	1 space for each staff member on the largest work shift
Hospital	2 spaces per three patient beds, plus 1 space per employee on the largest work shift
Library or cultural exhibit, municipal services, town hall, community center, fraternal organization	1 space per 300 square feet of gross floor area or 1 space per four seats at maximum capacity, whichever is greater
Public park and recreation	1 space per five patrons at maximum typical capacity; additional paved, graveled, or grassed area for overflow parking may be required
Religious assembly	1 space per five seats, or per five patrons at the maximum capacity if number of seats cannot be determined
School	Elementary and middle school: 1 space per employee, plus 1 space per two classrooms High school: 1 space per employee, plus 1 space per every five non-bused students
<b>Commercial Use Group</b>	
Animal services	
🐾 Animals sales and grooming, Veterinary	1 space per 300 square feet of gross floor area in the principal building
🐾 Commercial animal shelter, boarding kennel, or breeding facility	1 space per every 1,000 square feet of gross floor area in all buildings
🐾 Stable	1 space per five expected patrons at maximum typical capacity; additional paved, graveled, or grassed area for overflow parking may be required
Commercial entertainment or recreation, Commercial vehicle course or track	1 space per three patrons at maximum capacity
Commercial services, Office, Retail sales	1 space per 300 square feet of gross floor area in the principal building
Day care center	1 space per every five-person capacity of the center, plus one space for each employee on the largest work shift

<b>Use Classification</b>	<b>Number of Required Off-Street Parking Spaces</b>
Drive-in or drive-through use including fueling, Eating and drinking establishments, Adult use, Vehicle repair or maintenance	1 space per 200 square feet of gross floor area in the principal building
Financial services	1 space per 300 square feet of gross floor area in the principal building
Funeral and interment services	1 space per 300 square feet of gross floor area in the principal building
Golf course, public or private	1 space per every four patrons at maximum typical capacity
Junkyard or salvage yard	1 space for every 20,000 square feet of gross storage area, plus 1 space for each employee on the largest work shift
Lodging facility	1 space per room, suite, or cabin, plus 1 space for each employee on the largest work shift
<b>Industrial Use Group</b>	
Artisan workshop	1 space per 300 square feet of gross floor area
Asphalt or concrete rock crushing facility or batch or ready-mix plant, Brewery, Contractor shop, Distribution center, Freight or bus terminal, General manufacturing, Light manufacturing, Non-metallic mineral extraction use, Personal storage facility or mini-warehouse	1 space for each employee on the largest work shift
Outdoor storage	1 space per 10,000 square feet of gross storage area, plus 1 space for each employee on the largest work shift
Wholesaling	1 space per 2,000 square feet of gross floor area in the principal building
<b>Utility, Communication, and Transportation</b>	
Public utility or service	1 space per employee on the largest work shift, plus 1 space per company vehicle normally stored or parked on the premises, plus 1 space per 500 gross square feet of office area
Airport or landing strip	1 space per each employee on the largest work shift, plus 1 space per every five passengers based on average daily ridership
Waste disposal operation; Composting, Recycling or Waste Transfer Operation	1 space per each employee on the largest work shift
<b>Accessory Uses and Structures</b>	
Commercial apartment	1 space per dwelling unit
Indoor sales accessory to industrial use	1 space per 300 square feet of gross floor area devoted to the retail sales activity, in addition to the spaces required for the principal use

Use Classification	Number of Required Off-Street Parking Spaces
Light industrial use accessory to indoor sales use	1 space per additional employee in the light industrial activity area, plus the spaces required for the principal use
Major home occupation, Minor home occupation	Sufficient off-street parking to compensate for additional parking generated by the home occupation and employees

- (b) No building for which off-street parking is required may be added to, structurally altered, or converted in use so as to encroach upon or reduce the number of parking spaces below the required minimum for that existing or converted use.
- (c) No permanent or temporary outdoor activity areas, including outdoor entertainment areas, outdoor display areas, or outdoor storage areas shall reduce or inhibit the use or number of parking spaces provided on the property below the requirements established above. If the number of provided parking spaces on the property is already less than the requirement, such activity areas shall not further reduce the number of spaces already present.
- (d) All off-street resident, customer or employee vehicular parking areas for any new multiple family dwelling; civic and institutional; commercial; utility, communication, and transportation; or industrial use shall be paved with a dustless hard, all-weather surface (such as asphalt or concrete), and graded and drained to prevent the accumulation of surface waters. Said parking areas intended for 10 or more parking stalls shall be marked (striped) in a manner which clearly indicates required parking spaces and may be required to be enclosed with curbing to manage stormwater, protect landscaping, separate or direct traffic, or protect pavement edges.
- (e) All required off-street parking areas shall be located on the same lot as the principal use, or not over 500 feet from the principal use where the applicant can demonstrate long-term control over the land proposed for off-site parking.
- (f) All parking lots and driveway surfaces shall be set back a minimum of 3 feet from all property lines. See Tables [12.105.03\(1\)](#), [12.110.03\(1\)](#), and [12.115.03\(1\)](#) for additional setback requirements within front yards in limited commercial and industrial zoning districts. The requirements of this Subsection (6) shall not apply to access driveways or approved shared driveways or shared parking areas between lots.
- (g) Other than for single- or two-family residential uses or parking required to serve the handicapped, all parking stalls shall be at least 9 feet in width and 18 feet in length.
- (h) Parking lot landscaping shall comply with the requirements of the hard-surfaced area landscaping requirements in [Section 12.140.06\(2\)\(b\)](#).
- (i) The use of all required resident, employee, or customer off-street parking areas shall be limited to the parking of licensed, registered, and operable vehicles.
  - 1. Parking of vehicles accessory to a residential use in the R-1, R-2 and R-3 Districts shall be limited to those actually used by the residents or for temporary parking for guests. Vans, pickup trucks or a motor home (recreational vehicle) used for

private or recreational use, and a van or pickup trucks used in a business or trade, and a commercial vehicle per Subsection 1) below used for transportation to and from a place of employment or workplace of the resident of the premises, may be parked on a residential property.

- a. One commercial vehicle may be parked per residential dwelling unit, providing the following conditions are met: vehicle is registered and licensed; used by the resident of the premises; gross vehicle weight rating does not exceed seventeen thousand five hundred (17,500) pounds, including load; height does not exceed nine feet as measured from the ground level, excluding antennas, air vents and roof mounted air conditioning units, but including any load, bed, or box; and total vehicle length does not exceed twenty-six feet, including attachments thereto such as plows, trailers, etc.).

- (j) All required off-street parking areas shall be completed prior to building occupancy.

(3) Off-street truck loading standards:

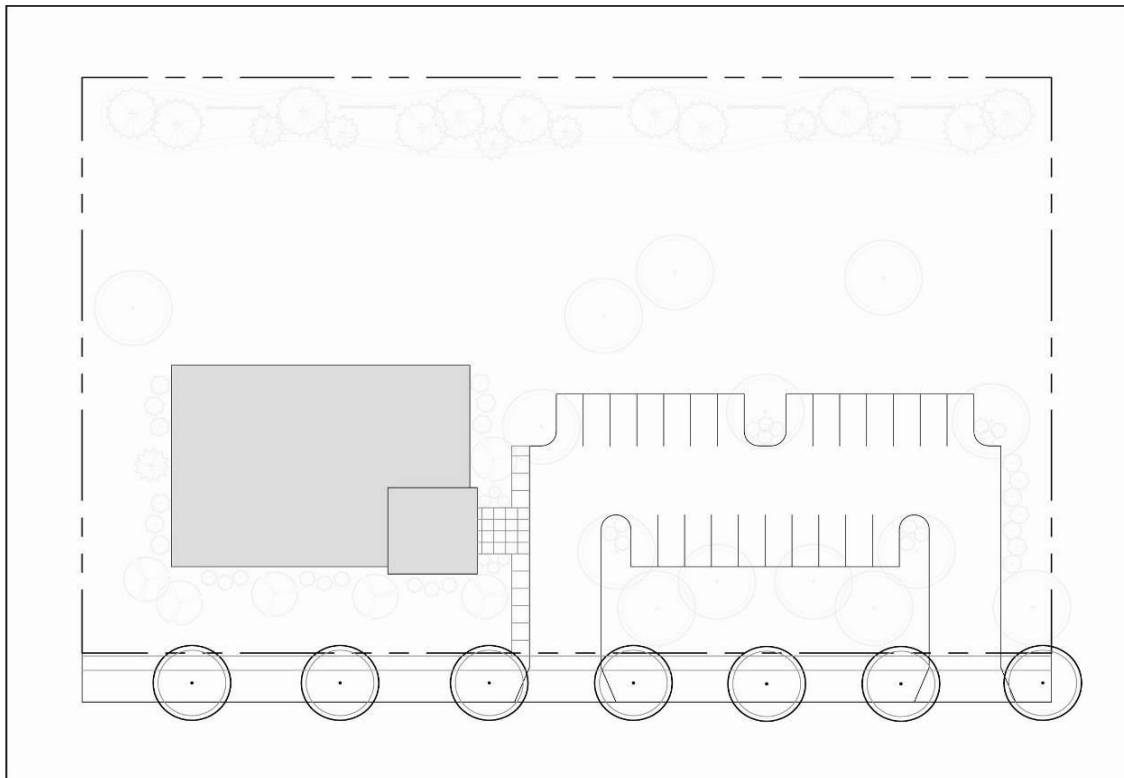
- (a) Any non-residential use, except agricultural uses, that has a gross floor area of 5,000 square feet or more, and which requires deliveries or makes shipments shall provide at least one specifically designated and designed off-street loading area, to be depicted on a plan submitted with or prior to an application for zoning permit.
- (b) Design and location of loading area(s) shall not interfere with general vehicle access and parking; shall not require the loading, maneuvering, or unloading within the public right-of-way, and shall be in accordance required for the safe loading, maneuvering, and unloading of trucks of the type expected to use the facility.
- (c) Loading docks shall be subject to the location and screening standards in [Section 12.140.04\(4\)](#).

## SEC. 12.140.06 LANDSCAPING STANDARDS

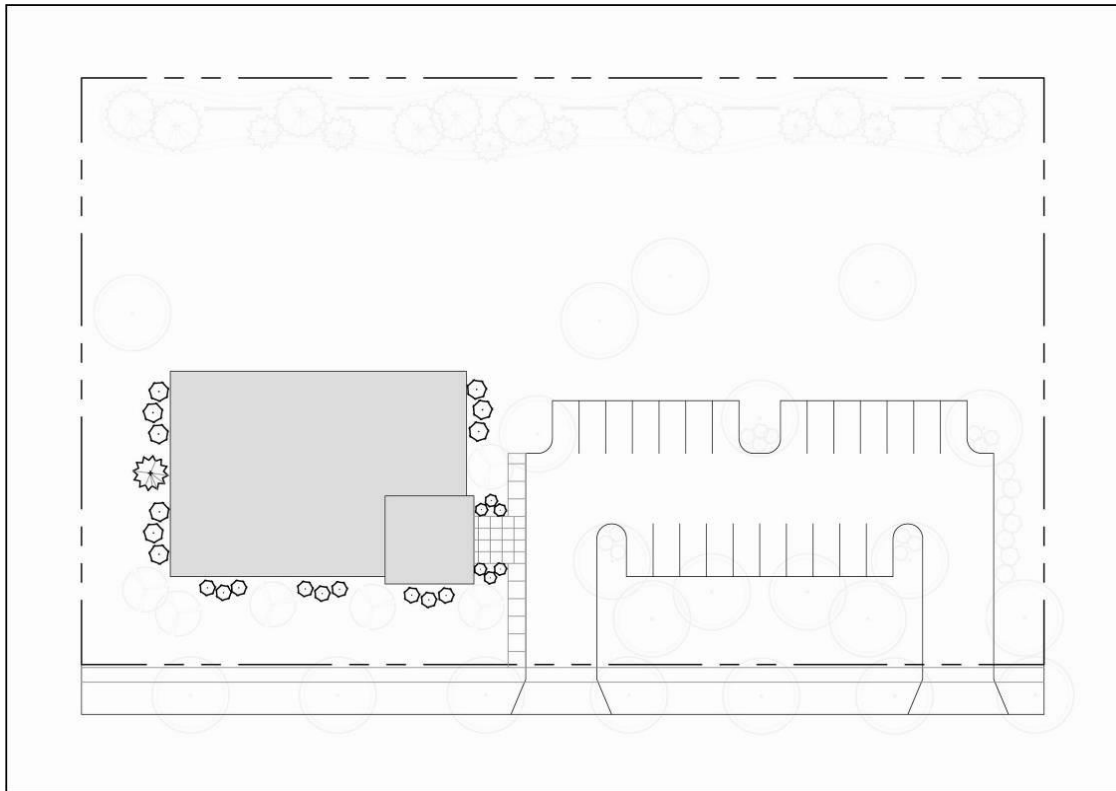
- (1) **Applicability.** All new uses in the C-3 Highway Interchange District shall provide landscaping in accordance with the regulations of this Subsection. This Subsection shall apply to all building or parking area expansion projects, where the building floor area or parking lot surface area would increase by at least 50 percent, combined with all similar expansion projects over the previous five years. If a development is proposed in a town that has its own landscaping standards that meet or exceed those in this Subsection, the applicant shall be required to meet the town's standards in lieu of the standards included herein.
- (2) **Landscape planting requirements.** Landscaping, "living plants," shall be represented on a landscape plan submitted with a zoning permit application. Required landscaping shall be represented on the following requirements for street frontages, paved areas, building foundations, buffer yards, and general yard areas. These requirements are additive to each other and any other landscaping or screening requirements in this chapter. Credit for existing landscape plantings that are retained and protected with the development of the site shall be allowed. The referenced "point system" is described in greater detail in Subsection (3).

- (a) Street frontages. One large deciduous tree shall be planted for each 50 feet of property line along a public street right-of-way or private street proposed to substitute for a public street.

**Figure 12.140.06(1): Street Frontage Landscape Concept**

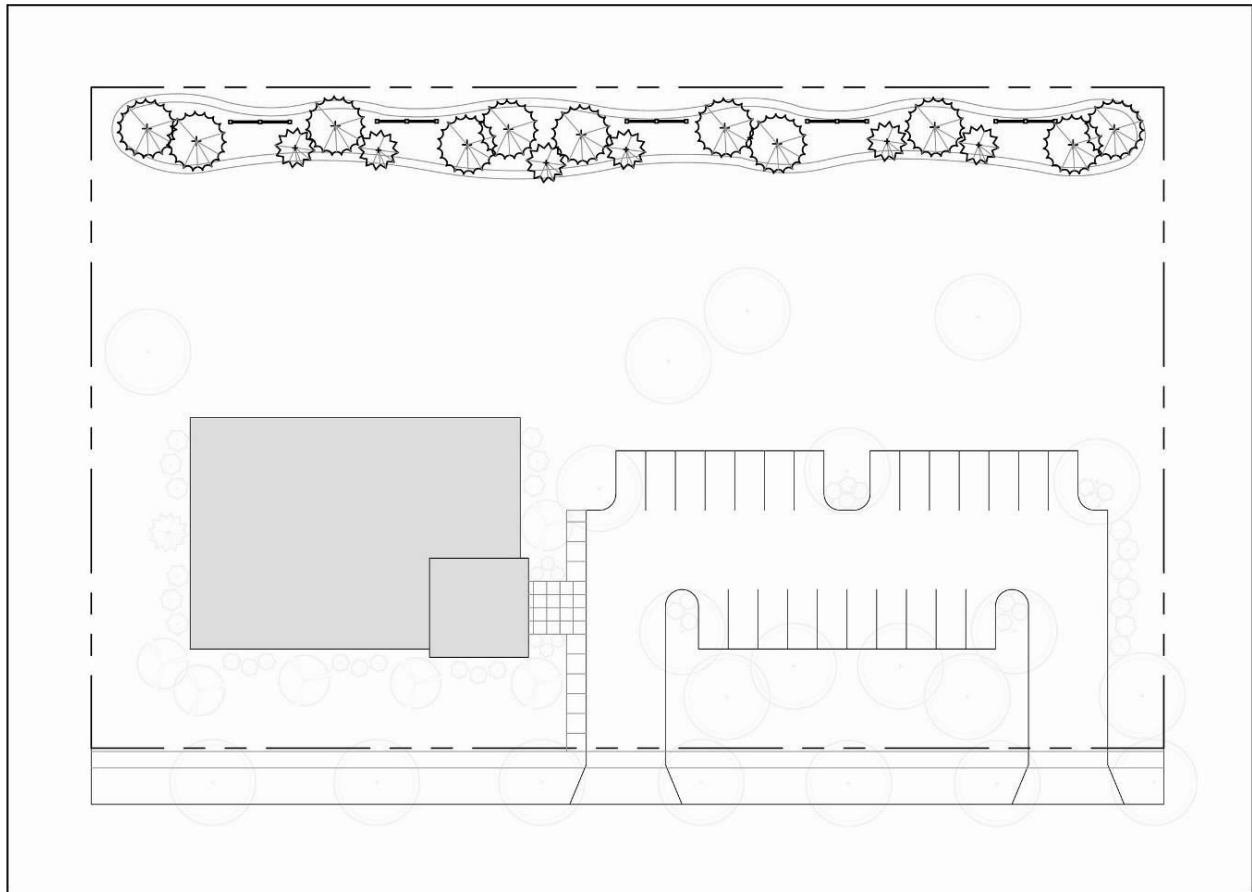


- (b) Hard-surfaced areas. 100 points of landscaping shall be planted for each 1,500 square feet of outdoor hard-surfaced area, not including building roofs or approved outdoor storage yards. Plants required in this Subsection shall be installed within landscaped islands within the hard-surfaced area or within 15 feet of the edges of the hard-surfaced area and shall include some large deciduous trees.
- (c) Building foundations. 150 points of landscaping shall be planted for each 100 lineal feet of exterior building wall. Plants required by this Subsection must be installed within 20 feet of the building foundation, and shall not include large deciduous shade trees.

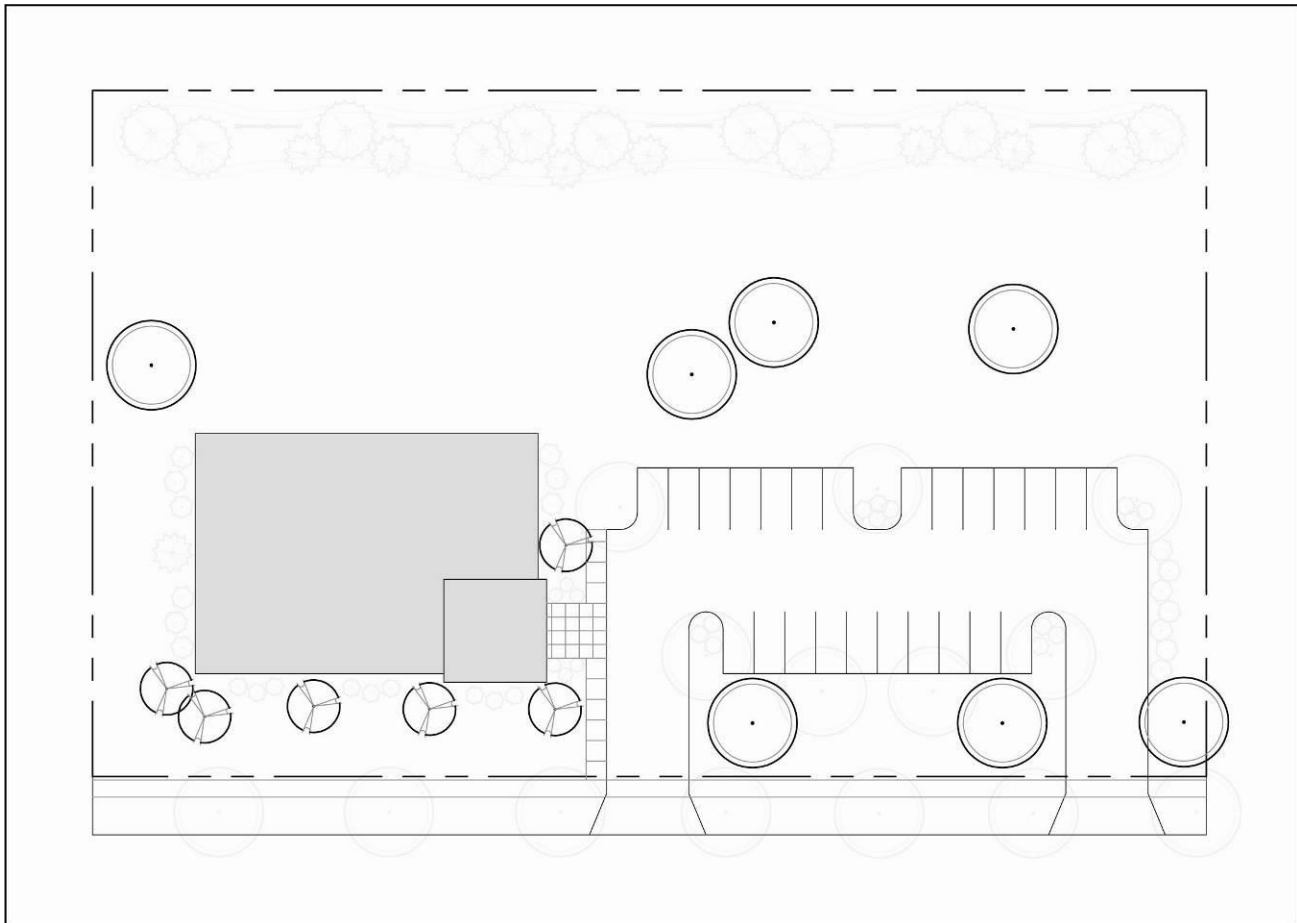
**Figure 12.140.06(2): Building Foundations Landscape Concept**

(d) Transitional yards. A transitional yard shall be provided for certain land use types as required in [Section 12.125](#). Transitional yards shall comply with the following.

1. The transitional yard shall contain landscaping designed to provide a visual screen, landscaped berm(s) or a decorative opaque fence or wall to screen the use and site from adjoining sites or public rights-of-way.
2. The combination of landscaping, berming or opaque fencing shall be selected and designed to provide an all-season screen within five years of planting.
3. Unless the opaque fence or wall is four feet or less in height, all transitional yard landscape plantings shall be placed on the outside of the fence or wall.
4. The slope of any berm shall be less than one vertical foot for every four feet of berm width measured at its base.
5. The minimum width of a transitional yard is 15 feet.
6. No vehicle accommodation area other than perpendicular private driveway access or a bike or pedestrian way, nor any outdoor storage area or structure shall be permitted in a required transitional yard.

**Figure 12.140.06(3): Transitional Yard Landscape Concept**

- (e) General yard areas. 25 additional points of landscaping shall be planted for each 1,000 square feet of total lot area. Landscaping required by this standard shall be placed where appropriate on the site, but generally in those areas not covered by other provisions of this Subsection. At least 50 percent of the general yard landscaping shall be located in street yards.

**Figure 12.140.06(4): General Yard Area Landscape Concept**

- (f) Other green space areas. Green space areas not used for landscape plantings shall be graded and seeded or sodded with an acceptable maintainable seed mix. Mulch of plantings or planting beds is acceptable, provided that they are installed so that they will not erode, fall, be plowed, or otherwise be transported into walks, drives, streets or other hard surfaced portions of the site.
- (3) **Landscaping points and minimum installation sizes.** All of the above landscaping requirements are expressed in landscape points. Each plant type is worth a certain number of landscape points that can be used to fulfill the landscape requirements of this Subsection. Point values are determined by size at maturity, growth rate, and other plant characteristics. Minimum permitted installation sizes for each plant category are provided to ensure that landscaping provides its aesthetic and screening functions at the time of installation and to improve the survival rate of the plants. The schedule of landscaping points and minimum permitted installation sizes shall be in accordance with the following:



**Table 12.140.06: Landscaping Points, Minimum Installation Size, and Examples of Appropriate Species**

<b>Plant Category</b>	<b>Expected Mature Height</b>	<b>Minimum Permitted Installation Size</b>	<b>Landscape Points per Plant</b>	<b>Examples of Appropriate Species (see Notes)</b>
Large Deciduous Tree (mature height 25+ feet)	Greater than 25 feet	2-inch diameter at 4.5 feet from ground (1½ inch for street trees)	150	Oak, Maple (except Norway), Honeylocust, Gingko (male), Hazelnut, Hackberry, Basswood or Linden, Disease resistant Elm, Kentucky Coffeetree
Small Deciduous Tree (mature height < 25 feet)	25 feet or less	1½ inch diameter at 4.5 feet from ground, or 4 feet tall	60	Birch, Serviceberry, Hawthorn, Eastern Redbud, Callery Pear, Flowering Crab, Ironwood, Japanese Tree Lilac, Hornbeam, Amur Corktree
Evergreen Tree	Usually > 10 feet	4 feet tall	40	Pine (except Austrian), Spruce, Hemlock, Cedar
Shrub (Deciduous or Evergreen)	Usually less than 10 feet	2 feet in height or 2-gallon pot	20	Dogwood, Viburnum, Hedge Cotoneaster, Forsythia, Yew, Hazelnut, Hydrangea, Ninebark, Dwarf-Bush Honeysuckle, Potentilla, Rose, Gro-low Sumac, Lilac, Weigela, Arborvitae, Juniper
Annual or Perennial Bed	Varies	Varies	20 points per 20 square feet of bed	Black-eyed Susan, Catmint, Coneflower, Lily, Daylily, Hosta, Ornamental grasses, Lady's Mantle, Columbine, Aster, Astilbe, Indigo, Brunnera, Cimicifuga, Liatris, Peony, Pachysandra, Sedum
Notes: Species listed are examples only. Other species such as non-invasive (not aggressive spreaders) and native plant species are also encouraged. Consider salt and snow tolerance when making plant selections.				

- (4) **Installation.** All landscaping shall be installed consistent with industry accepted standards, and shall be guaranteed by the applicant or the applicant's contractor for 2 years. Installation shall occur prior to occupancy or commencement of operations, unless doing so would result in unsatisfactory plant survival. In this case, landscaping shall be installed within 6 months of occupancy or commencement of operations, and the County may require a performance guarantee, such as a letter of credit, until such landscaping is installed according to plan.
- (5) **Maintenance.** Landscaping required by this Subsection is intended to be a permanent site

improvement. As such, all landscaping shall be continually maintained in a live state. Maintenance shall include periodic and timely watering, fertilizing, pruning and any other such normally required horticulture activity necessary to keep all landscaping in a healthy, safe and aesthetically pleasing state. Recognizing that over time plants may mature and die or otherwise expire because of natural or unnatural causes; maintenance shall include the removal and replacement of dead or dying plants. Such replacement shall occur within the same year in which a plant dies or in the spring planting season of the following year.

- (6) **Location in utility easement.** Planting in easements is at the risk of the property owner. Any plants that must be removed because of utility work within such easements shall be replaced by the property owner at his or her cost.
- (7) **Waiver or modification of landscaping standards.** The Planning and Zoning Committee may waive or modify any of the above standards if supplemental design elements or improvements are incorporated into the project to compensate for the waiver or modification of the particular standard.

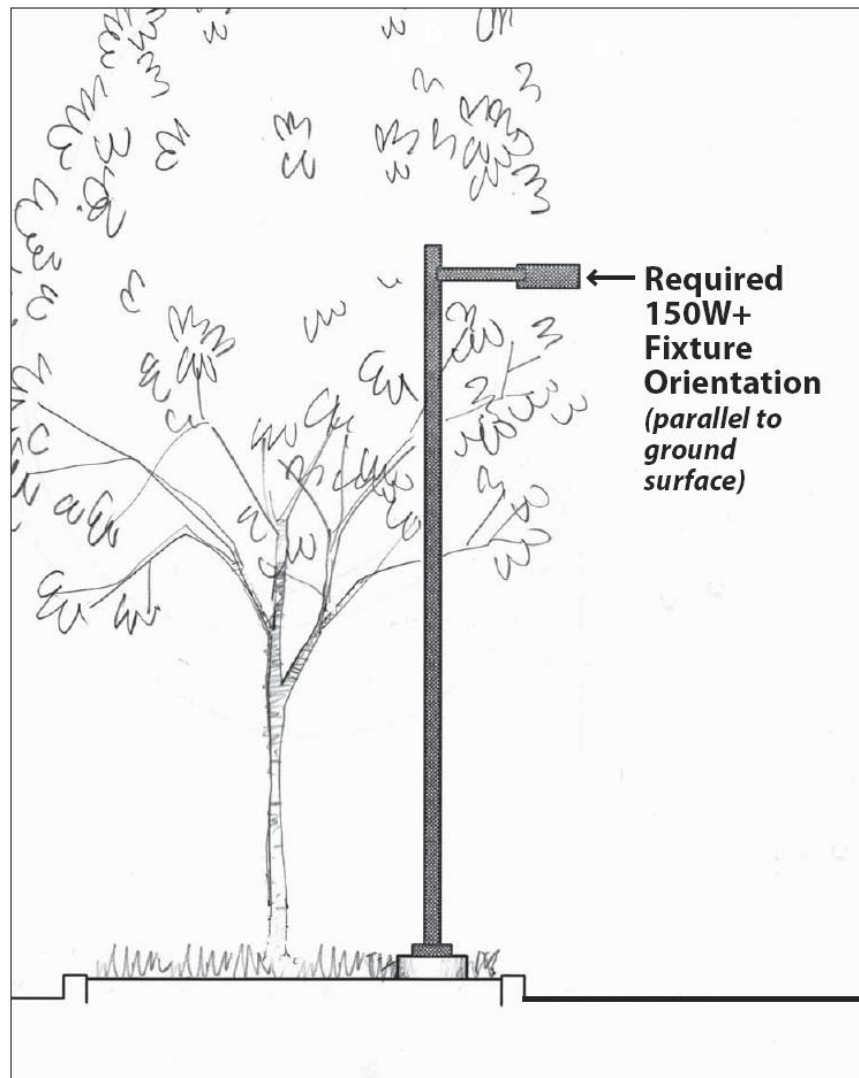
## **SEC. 12.140.07      EXTERIOR LIGHTING STANDARDS**

- (1) **Applicability.** The requirements of this Subsection apply to all exterior lighting fixtures over 150 watts except within the A-1, AO-1, A-2, and RR-1 districts where they do not apply to any exterior lighting fixtures. The requirements of this Subsection shall not apply to lighting within public rights-of-way, on public property, on communication towers or airports required to meet federal and state safety regulations, or to the lighting of flags on flagpoles. If a development is proposed in a town that has its own lighting standards that either meet or exceed those in this Subsection, the applicant shall be required to meet the town's standards in lieu of the standards included herein.
- (2) **Orientation of light fixtures.** In no instance shall an applicable exterior lighting fixture be oriented so that the lighting element (or a clear shield) is visible from a residentially zoned property or allowed to direct light skyward. Shielded lighting elements and careful fixture placement shall be used to ensure that exterior lighting prevents direct lighting above a horizontal plane. Search lights are prohibited.
- (3) **Intensity of illumination.** In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 foot-candles above ambient lighting conditions on a cloudless and moonless night. The maximum average on-site lighting level shall be one foot-candle in residential, agricultural, and conservancy zoning districts, and three foot-candles in all other zoning districts.
- (4) **Location of light fixtures.** No light fixture, regardless of wattage, shall be located within required landscaped transitional yard (as specified for particular land uses under [Section 12.140.06\(2\)\(d\)](#)) nor closer than 3 feet from a property line.
- (5) **Prohibited lighting.** Flashing, flickering, moving (such as search spot or search lights) or other lighting that may distract motorists are prohibited, except for any search light deemed necessary by the Federal Aviation Administration. This provision applies to all lighting regardless of wattage. Decorative holiday lighting is excluded from this

provision.

- (6) **Waiver or modification of lighting standards.** The Planning and Zoning Committee may waive or modify any of the above standards if supplemental design elements or improvements are incorporated into the project to compensate for the waiver or modification of the particular standard, and otherwise for outdoor recreation uses such as athletic fields and any temporary special event use using exterior lighting provided that a zoning permit is secured by the proposed operators of these specifically listed uses.

**Figure 12.140.07(1): Illustration of Exterior Lighting Standards**



## **SEC. 12.140.08      NATURAL AND CULTURAL RESOURCE PROTECTION STANDARDS**

- (1) **Identification:** When a land development is proposed on a lot or parcel where a cultural

or habitat resource(s) has been identified in the County Comprehensive Plan, or otherwise identified on an accurately completed site assessment checklist, the applicant shall submit more detailed information on the exact location and nature of said resource(s) to the Zoning Administrator before a zoning permit is issued. All such cultural or habitat resources shall be accurately marked and clearly labeled on a site plan, certified survey map, or subdivision plat, if required for the land development.

- (2) **Minimum required yards and setbacks from specified natural areas:** For minimum required setbacks of impervious surfaces, including buildings and paved areas, from State Natural Areas and wetlands see Tables [12.105.03\(1\)](#), [12.110.03\(1\)](#), and [12.115.03\(1\)](#).
- (3) **Other natural resource protection standards:** See Chapter 400 Flood Plain Zoning and Chapter 5 Shoreland-Wetland Protection of the Columbia County Code of Ordinances for additional standards related to natural resources.
- (4) Site assessment checklist:
  - (a) Before a zoning permit is issued for any new or expanded multiple family dwelling; civic and institutional; commercial; utility, communication, and transportation; or industrial use, and as a component of certain applications for zoning map amendments (rezonings) and conditional use permits as specified in Sections [12.150.06](#) and [12.150.07](#), the applicant shall complete and submit a site assessment checklist on a form approved by the Planning and Zoning Committee. The site assessment checklist shall generally identify the significant natural features on or near the site and the projected impact of the proposed project on such natural features.
  - (b) For every response on the site assessment checklist indicating the presence of or projected impact on a significant natural feature on or near the site, the applicant shall attach maps or other supporting documentation describing the type, location and extent of the identified feature and the impact that the development project is expected to have on that feature.
  - (c) In association with zoning permit applications, responses within the completed site assessment checklist will be compared against the requirements of this Subsection, the remainder of Chapter 12, any preceding development approval provided under this chapter (such as a rezoning, conditional use permit, or variance), and any known state or federal law associated with the resource. The Department shall direct any changes to the application that are necessary to comply with the requirements of this chapter, the remainder of Chapter 12, any preceding development approvals provided under this chapter, and any known state or federal law associated with the resource, and shall not issue a zoning permit until such changes are made by the applicant and resubmitted.
  - (d) The completed site assessment checklist may also be used by appropriate County approval authorities for applications for zoning map amendments (rezonings) and conditional use permits as one basis for determining compliance with the review criteria within sections [12.150.06\(4\)](#) and [12.150.07\(4\)](#) that is associated with such applications.

## **SEC. 12.140.09      EROSION CONTROL AND STORMWATER MANAGEMENT STANDARDS**

- (1) **Applicability.** This Subsection is adopted under the authority granted by Wis. Stats. § 59.693. All activities directly related to the planting, growing and harvesting of agricultural crops are not considered land disturbance activities under this Subsection and are, therefore, exempt from all of the requirements of this Subsection. Other land disturbance and development activities shall be subject to the stormwater management and erosion and sediment control provisions of this Subsection, if any of the following conditions are present:
- (a) An area of one acre or greater will be disturbed by excavation, grading, filling, or other earthmoving activities resulting in the loss or removal of protective ground cover or vegetation.
  - (b) Any land disturbing activity over more than 5,000 square feet is to occur on slopes greater than 12 percent.
  - (c) A proposal that creates any surface water feature of over 5,000 square feet in area, such as a lake or pond, will be created.
  - (d) A proposal is made for any specific land use described under [Section 12.155](#) for which a stormwater management plan, grading plan or erosion control plan is required.

If a development is proposed in a town that has its own erosion control and stormwater management standards that either meet or exceed those in this Subsection, the applicant shall meet the town's standards in lieu of the standards included herein.

- (2) **General standards for stormwater management and erosion control.** Stormwater runoff, soil erosion, siltation, or sedimentation from all land disturbing and development activities described in Subsection (A) shall meet standards in NR 151 and 216 and COMM 60 and 20-21, Wis. Adm. Code or shall be controlled in accordance with Technical Guidelines as developed by the U.S. Department of Agriculture, Natural Resources Conservation Service, or the Wisconsin Department of Natural Resources.
- (3) **Construction site erosion control plan.** Prior to the issuance of a zoning permit associated with all land disturbing activities listed under Subsection (1), the applicant shall do one of the following:
- (a) Provide to the Zoning Administrator written evidence of State of Wisconsin approval of a construction site erosion control plan, as applicable;
  - (b) Submit a construction site erosion control plan that meets the technical requirements of NR 216, Wis. Adm. Code and has been stamped by a licensed engineer qualified in erosion control planning; or
  - (c) Submit a construction site erosion control plan that meets the technical requirements of NR 216, Wis. Adm. Code and provide to the Columbia County Planning and Development Department an inspection fee, which will be used by the County to commission a qualified and licensed engineer review the site erosion control plan and practices.

- (4) **Stormwater management plan.** Prior to the issuance of a zoning permit associated with all land disturbing and development activities listed under Subsection (1), the applicant shall submit a plan for ongoing stormwater management, prepared and stamped by a licensed engineer qualified in stormwater management planning. Stormwater management plans required under this Subsection shall be designed to:
- (a) Maintain predevelopment peak runoff discharge rates for the 2-year and 10-year, 24-hour storm events and safely pass the 100-year, 24-hour storm event via an emergency spillway, using the Runoff Curve Numbers designated in [Table 12.140.09\(1\)](#) below for the appropriate site soil hydrological group.

**Table 12.140.09(1): Maximum Pre-Development Runoff Curve Numbers (CN)**

Hydrological Soil	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

- (b) For vacant sites, reduce the average total suspended solids load by 80% as compared to no controls for the site. For redevelopment sites, reduce the average total suspended solids by 40%.
- (c) Encourage infiltration of stormwater to reduce volume of runoff. If stormwater infiltration can be demonstrated, the reduced volume may be taken into account when designing practices to meet other requirements of this Subsection.
- (5) **Enforcement.** Within 30 days following completion of approved stormwater management plan improvements, the applicant shall submit to the Columbia County Planning and Zoning Department either of the following:
- (a) An inspection fee, which will be used by the County to commission a qualified and licensed engineer to review the development site to ensure that all required improvements have been constructed or installed in accordance with approved plans.
- (b) An as-built drawing indicating the improvements that have been constructed or installed, stamped by a licensed engineer qualified in erosion control and stormwater management.
- (6) **Installation and maintenance.** All construction site erosion control measures shall be installed prior to the land disturbance activity, and maintained by the lot owner throughout the duration of the land disturbance activity. All permanent stormwater management measures shall be installed prior to occupancy of the lot or building, and shall be maintained by the lot owner in perpetuity. If the lot owner fails to maintain the erosion control or stormwater management measures, the Town or County may enter the property and perform maintenance activities and assess the cost of doing so against the property as a special charge pursuant to Wis. Stats. § 66.0627.



**SEC. 12.140.10 STANDARDS ASSOCIATED WITH OVERLAY ZONING DISTRICTS**

- (1) **Applicability.** This chapter employs and refers to several overlay zoning districts to protect open space, natural resources, and private property damage. Where mapped, the requirements of an overlay zoning district will apply in addition to the requirements in the underlying base zoning district, with the more restrictive provision applying in the event of any conflict.
- (2) **Jurisdiction.** Columbia County is required by Wisconsin Statutes to establish and apply zoning districts and regulations covering floodplain, shoreland, and shoreland-wetland areas, as defined by such Statutes, throughout the unincorporated area of Columbia County, where landscape conditions require their mapping. Other overlay zoning districts described in this chapter shall apply only in portions of the unincorporated area where the town government has adopted county zoning and where such districts have been mapped on the Official Zoning Map.
- (3) **Mapping and interpretation of overlay zoning district boundaries.** Overlay zoning districts established by this chapter are shown on one or more zoning maps maintained and from time to time amended by Columbia County, including but not limited to the Official Zoning Map. The following rules shall be used to determine the location of overlay zoning district boundaries:
  - (a) Refer to Chapter 12, Subchapter 400 of the Columbia County Code of Ordinances for the establishment, interpretation, and mapping of the FW Floodway, FF Flood Fringe, and GFP General Floodplain overlay district boundaries.
  - (b) Refer to Chapter 12, Subchapter 500 of the Columbia County Code of Ordinances for the establishment, interpretation, and mapping of the SW Shoreland-Wetland overlay district boundaries.
  - (c) The precise location of any A-4 Agricultural Overlay, and Planned Development Overlay zoning district boundary shown on the Official Zoning Map of Columbia County shall be determined in accordance with [Section 12.150.06](#).
- (4) **A-4 Agricultural Overlay District standards.** See [Section 12.125.04](#) of this chapter.
- (5) **PD-1, PD-2 and PD-3 Planned Development Overlay District standards.** See [Section 12.120](#) of this chapter.
- (6) **SW Shoreland-Wetland Overlay District standards.** Refer to the Shoreland-Wetland chapter in the Columbia County Code of Ordinances for regulations applicable in the SW Shoreland-Wetland overlay district. In general, these overlay zoning districts within 1,000 feet of the ordinary high-water mark of lakes, ponds, or flowages and all lands within 300 feet of the ordinary high-water mark of rivers and navigable streams, or to the landward side of the floodplain associated with the river or stream, whichever is greater.
- (7) **FW Floodway, FF Flood Fringe, and GFP General Flood Plain Overlay District standards.** Refer to the Flood Plain chapter in the Columbia County Code of Ordinances for regulations applicable in the FW Floodway, FF Floodfringe and GFP General Floodplain overlay districts. In general, these overlay districts are mapped by the Federal Emergency Management Agency in certain areas along navigable waters that have a 1% chance of flooding in any given year (100-year floodplain).





## SUBSECTION 12.145: SIGN REGULATIONS

### SECTIONS:

<a href="#">12.145.01</a>	<a href="#">Purpose and Findings</a>
<a href="#">12.145.02</a>	<a href="#">General Provisions</a>
<a href="#">12.145.03</a>	<a href="#">Standards</a>
<a href="#">12.145.04</a>	<a href="#">Sign Types</a>
<a href="#">12.145.05</a>	<a href="#">Administration</a>

### SEC. 12.145.01 PURPOSE AND FINDINGS

- (1) **Purpose.** The purpose of this Subsection is to:
- (a) 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.
  - (b) Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the County.
  - (c) 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 Board findings below.
  - (d) Maintain, enhance and improve the aesthetic environment of the County, including its scenic views and rural character consistent with the 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.
  - (e) 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.
- (2) **Findings.** The County Board hereby finds as follows:
- (a) Exterior signs have a substantial impact on the character and quality of the environment.
  - (b) Signs provide an important medium through which individuals may convey a variety of messages.
  - (c) 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.
  - (d) 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.

- (e) 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.
  - (f) 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.
  - (g) 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.
  - (h) No signs that exceed the size or spacing limitations of this Subsection constitute a customary use of signage in the County.
  - (i) 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.
- (3) **Effective date.** This Subsection took effect on September 25, 2008.

## SEC. 12.145.02 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 Subsection.
- (b) The regulations and standards in this Subsection 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 and 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 chapter. 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 Subsection.
- (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 [12.145.02\(3\)](#) and [12.145.02\(4\)](#).

(3) **Signs on public property.**

- (a) No sign shall be placed within any public road, right-of-way, public easement, or public property, except as provided in applicable state, county and town regulations, permits or as may be installed by the entity owning such public land.
- (b) Unauthorized signs erected or temporarily placed within any public road, right-of-way, public easement, or public property may be removed by the State, County or town that owns the property or right-of-way in which the sign is located at the sign owner's expense.

(4) **Signs exempt from regulation under this Subsection.**

- (a) 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 boundaries, indicating public use, and posting of municipal welcome signs.
- (b) 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.

- (c) Signs located within the interior of buildings are not visible from the outside of the building.
  - (d) Freestanding signs located in a farm field which identify the crop in the field, provided no such sign exceeds 8 square feet in area and 6 feet in height.
  - (e) Private property protection signs such as but not limited to no trespassing, warning, no hunting, or blasting area signs, provided no such sign is more than 2 square feet in area.
  - (f) 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.
  - (g) Incidental signs.
  - (h) Temporary freestanding signs, containing no commercial speech, 2 square feet or less in area in farm fields or 36 square inches or less elsewhere.
  - (i) One entrance and one exit sign directional sign not exceeding 2 square feet per legal driveway, except for establishments 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 of 4 square feet shall be permitted. The height shall not exceed 3 feet and the sign may be erected at the right-of-way but no part of the sign shall be in the right-of-way.
- (5) **Suspension of certain size, shape, placement and content restrictions during an election campaign period.**
- (a) Subject only to the exceptions in Subsection (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 Subsection, including the substitution clause provisions of [Section 12.145.02\(2\)](#), 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 Subsection if:
2. Such regulation is necessary to ensure traffic or pedestrian safety, or
3. The sign has an electrical, mechanical or audio auxiliary.
4. This Subsection shall not affect the County's authority to enforce any regulation against a sign that is prohibited from being erected or displayed under Wis. Stats. §§ 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 [12.145.02](#) and [12.145.03](#).
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 12.145.04\(3\)](#).
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 [Section 12.145.04\(2\)\(d\)](#).
10. Off-premise signs, except as allowed in [Sections 12.145.04\(3\) and \(5\)](#).
11. Pennants.
12. Pornographic signs.
13. Portable signs.
14. Projecting signs.
15. Roof signs.
16. Signs on utility poles.
17. Advertising messages or signs affixed to any transmission facility.

18. Vehicles used as 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.

### **SEC. 12.145.03 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 clearance triangle of a road or highway (see [Section 12.140.03\(1\)](#)).
- (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 dwelling 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 as otherwise allowed by this Code.
- (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 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 types of 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 dwelling or residential zoning 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 A-1 Agriculture, A-2 General Agriculture, A-4 Agriculture Overlay, RR-1 Rural Residence, R-1 Single Family Residence, R-2 Multiple Family Residence, R-3 Manufactured or Mobile Home Park, and RC-1 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.

- c. Frequency of messages.
  - d. Electronic changeable copy and electronic graphic display signs may be changed no more than once per hour.
  - e. 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.
  - f. 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.
4. 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 and 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) 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 and 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 zoning 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.

## **SEC. 12.145.04 SIGN TYPES**

### **(1) Signs permitted by zoning district.**

- (a) The following Tables [12.145.04\(1\)](#) and [\(2\)](#) 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 12.145.02\(6\)](#), and satisfy all other applicable regulations set forth in Sections [12.145.02](#) and [12.145.03](#), and satisfy the specific requirements that are identified by sign type in Sections [12.140.04 \(2\), \(3\), \(4\), and \(5\)](#) below.

### **(2) Permanent on-premise signs.**

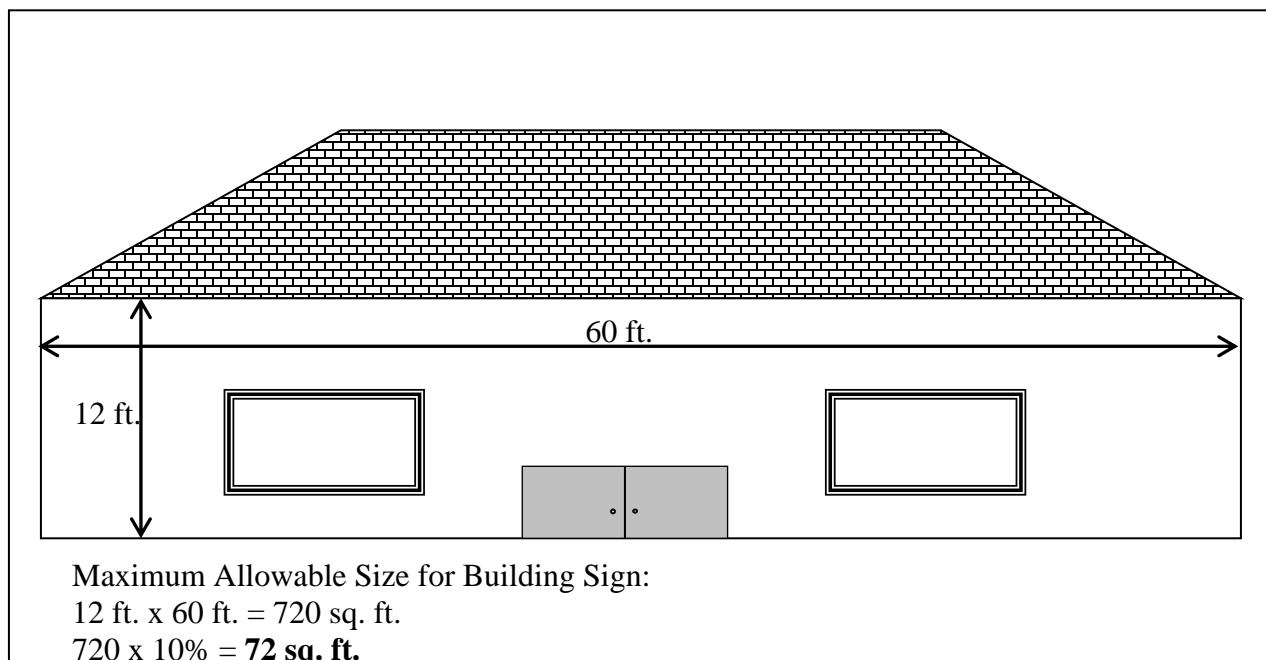
Permanent on-premise signs that are not prohibited as defined in [Section 12.145.02\(6\)](#) are permitted subject to the standards in this Subsection, if those signs satisfy all other applicable regulations set forth in [Section 12.145.03](#), and standards specific to the zoning district in which they are located as set forth in [Section 12.145.04\(1\)](#) and below:

- (a) An On-Premise Sign is allowed on property used for residential purposes in the RR-1 Rural Residence, R-1 Single Family Residence, R-2 Multiple Family Residence, R-3 Manufactured Home or Mobile Home Park, A-1 Agriculture, AO-1 Agriculture and Open Space and A-2 General Agriculture districts, subject to the following additional standards:
  - 1. No zoning 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.
- (b) An On-Premise Sign is allowed on property used for nonresidential purposes legally allowed or permitted in the zoning districts listed under Subsection (a) above, subject to the following 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.
  - 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 freestanding design.
  7. These allowances and standards do not apply to signs used for agricultural purposes or for a permitted home occupation, which are instead regulated under Subsection 6 and 7 below.
- (c) An On-Premise Sign is allowed in the A-3 Agriculture Business, RC-1 Recreation, C-1 Light Commercial, C-2 General Commercial, C-3 Highway Interchange, I-1 Light Industrial, and I-2 General Industrial, zoning districts subject to the following 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 each parcel of 2 acres or greater.
  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 parcel of  $\frac{1}{2}$  acre or less and 400 square feet per sign on a parcel 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:
    - a. For parcels of  $\frac{1}{2}$  acre or less, the aggregate area of all signs shall not exceed 200 square feet.
    - b. For parcels of between  $\frac{1}{2}$  acre and 2 acres, the aggregate area of all signs shall not exceed 400 square feet.
    - c. For parcels between 2 and 15 acres, the aggregate area of all signs shall not exceed 800 square feet.
    - d. For parcels greater than 15 acres, the aggregate area of all signs shall not exceed 1,200 square feet.
    - e. Any such sign shall be freestanding.
  5. 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.
- (d) An On-Premise Building Sign on a building legally used for commercial or industrial purposes is allowed subject to the following 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.

**Figure 12.145.04: Calculating Maximum Allowable Size for Building Signs**



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 or window area of the space the tenant occupies. Each tenant frontage shall be considered a separate wall or window.
  - a. Awnings and canopies are allowed building signs based on the surface area of the awning or canopy (vertical surface below the roof line).
  - b. Location
    - 1) Building signs may be placed on not more than three walls or windows of rectangular shaped structures or not more than 75 percent of the major wall or windows on non-rectangular shaped structures.
    - 2) Signs may be attached flat against or pinned away from a building wall or

- window, but the sign face shall not extend or protrude more than 18 inches from the wall or window.
- 3) Signs may be attached to the facade of a building, but shall not extend above the roof line.
  - 4) Signs may be on a building canopy, awning or marquee. Such a sign will be considered a building sign on the wall, canopy, marquee or awning on which it is attached.
- (e) An Area or Neighborhood Sign on property used for residential, commercial or industrial purposes is considered an On-Premise Sign under this Subsection if it does no more than identify that area or neighborhood, and is allowed subject to the following 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 illuminated.
  7. Any such sign shall be a freestanding design.
- (f) A sign on property on which agricultural products are legally offered on the premises is allowed, subject to the following 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.
- (g) A sign on property on which a major home occupation is lawfully taking place is considered an On-Premise Sign under this Subsection 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 standards:
1. One sign per home occupation.
  2. Major Home Occupation sign maximum area shall be:
    - a. 32 sq. ft. in the A-1 and AO-1 Zoning Districts
    - b. 9 sq. ft. in the A-2, R-1, RR-1 and R-3 Zoning Districts

3. Maximum height shall be six feet.
4. Any such sign shall be a freestanding design.
5. Any such sign shall not be illuminated.

**Table 12.145.04(1): Permanent Signs Permitted by Zoning District**

<b>Zoning District</b>	<b>Sign Type</b>						
	<b>On-Premise Freestanding</b>	<b>On-Premise Building</b>	<b>On-Premise Area or Neighborhood</b>	<b>On-Premise Agricultural</b>	<b>On-Premise Major Home Occupation</b>	<b>On-Premise Directional</b>	<b>Off-Premise Directional</b>
A-1 Agriculture	A/ZP	N	N	A	A	ZP	A/ZP
AO-1 Agriculture and Open Space	A/ZP	N	N	A	A	ZP	A/ZP
A-2 General Agriculture	A/ZP	N	N	A	A	ZP	A/ZP
A-3 Agriculture Business	ZP	ZP	N	N	N	ZP	A/ZP
A-4 Agriculture Overlay	N	N	N	A	N	ZP	A/ZP
RR-1 Rural Residence	A/ZP	N	ZP	N	A	ZP	N
R-1 Single Family Residence	A/ZP	N	ZP	N	A	ZP	N
R-2 Multiple Family Residence	A/ZP	N	ZP	N	A	ZP	N
R-3 Manufactured or Mobile Home Park	A/ZP	N	ZP	N	A	ZP	N
RC Recreation	ZP	N	N	N	N	ZP	A/ZP
C-1 Light Commercial	ZP	ZP	ZP	N	N	ZP	A/ZP
C-2 General Commercial	ZP	ZP	ZP	N	N	ZP	A/ZP
C-3 Highway Interchange	ZP	ZP	ZP	N	N	ZP	A/ZP
I-1 Light Industrial	ZP	ZP	ZP	N	N	ZP	A/ZP
I-2 General Industrial	ZP	ZP	ZP	N	N	ZP	A/ZP
I-3 Industrial Utility	ZP	ZP	ZP	N	N	ZP	A/ZP

**Key:**

A = Allowed without zoning permit but subject to compliance with all other applicable regulations of this Subsection.  
 ZP = Zoning permit for signage required and subject to compliance with all other applicable regulations of this Subsection.

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

N = Not permitted

**Table 12.145.04(2): Permanent Signs Standards**

<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Area</b>	<b>Maximum Height</b>	<b>Type</b>	<b>Permit</b>	<b>Additional Standards</b>
On-Premise Residential	1/Lot or Parcel	6 sq. ft.	6 ft.	Freestanding	A	Yes
On-Premise Non-Residential	1/Frontage	32 sq. ft./sign 64 sq. ft. total	6 ft.	Freestanding	ZP <sup>2</sup>	Yes
On-Premise Commercial, Industrial, Highway Interchange <sup>1</sup>	1/Frontage	80 sq. ft./sign 120 sq. ft. total	20 ft.	Freestanding	ZP <sup>2</sup>	Yes
On-Premise Building <sup>1</sup>	Unlimited on 3 faces	80 sq. ft./face 240 sq. ft. total	N/A	Wall/Window	ZP	Yes
On-Premise Area or Neighborhood	1/Entrance/Road	32 sq. ft./sign	6 ft.	Freestanding	ZP	Yes
On-Premise Agricultural	1/Frontage	32 sq. ft./sign 64 sq. ft. total	12 ft.	Freestanding	A	Yes
On-Premise Major Home Occupation	1/Lot or Parcel	2 sq. ft./sign Minor 6 sq. ft./sign Major	6 ft.	Freestanding	ZP <sup>2</sup>	Yes
Off-Premise Directional	Change in Direction	7.5 sq. ft./sign 37.5 sq. ft. total	12 ft.	Freestanding	ZP	Yes

**Key:**

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

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

<sup>1</sup> = Except fronting on Interstate Highways 39, 90, and 94

<sup>2</sup> = Uses may also require a Conditional Use Permit

(3) **Permanent off-premise directional signs:**

A permanent Off-Premise Directional Sign is allowed in all nonresidential zoning districts, subject to the following additional standards:

- (a) A zoning permit for signage is required for each sign pole or other supporting structure.
- (b) 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 Subsection, one business, farm, dwelling, or organization shall constitute only one place.
- (c) 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.
- (d) 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.
- (e) Any such sign shall be reflective with the message being white and the background blue.
- (f) The holder of a zoning 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.
- (g) The top of the sign and or sign structure shall be no higher than 12 feet.
- (h) 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.
- (i) 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.
- (j) Any such sign shall be a freestanding design, and will not limit the number of permanent on-premise signs allowed on the parcel on which it is placed.
- (k) 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 dwelling.
  - 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, except that 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.
  - c. For non-residential property, the maximum sign area shall be 32 square feet and maximum sign height shall be 12 feet.
  - d. Any such sign may be a freestanding or building design.
  - e. 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 dwelling 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 a special event is allowed in any zoning district, subject to the following standards:
1. All signs placed off-premise shall have the property owner's permission.
  2. Maximum height shall be 6 feet in the residential and agricultural zoning districts and 12 feet in all other base zoning 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 property used for residential purposes, one banner or freestanding sign is allowed for each event.
  6. If a sign is displayed on property used for nonresidential purposes, 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, 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.

**Table 12.145.04(3): Temporary Signs Standards**

Sign Type	Maximum Number	Maximum Area	Maximum Height	Type	Permit	Timeframe
On-Premise Construction	2/Site	80 sq. ft total	12 ft.	Freestanding	A	See Section 12.145.03 for details
On-Premise Development	1/Frontage	64 sq. ft.	12 ft.	Freestanding	A	See Section 12.145.03 for details
On-Premise Real Estate	1/Frontage	6 sq. ft./sign residential 32 sq. ft./sign nonresidential	6 ft. residential 12 ft. nonresidential	Freestanding	A	See Section 12.145.03 for details
On-Premise Employment	1/Frontage	6 sq. ft.	6 ft.	Freestanding	A	See Section 12.145.03 for details

On-Premise Special Event	1/Residential 2/Nonresidential	32 sq. ft. Freestanding 32 sq. ft. Banner	6 to 12 ft.	Freestanding/Banner	A	30 Days/ Event or 45 Days/Yr
Off-Premise Special Event	1/Residential 2/Nonresidential	32 sq. ft. Freestanding 32 sq. ft. Banner	6 to 20 ft.	Freestanding/Banner	A	30 Days/ Event or 45 Days/Yr
Off-Premise Directional	3/Activity	6 sq. ft. total	6 ft.	Freestanding	A	48 hrs + event + 24 hrs
<b>Key:</b> A = Allowed without a zoning permit but subject to compliance with all other applicable regulations of this Subsection.						

## SEC. 12.145.05 ADMINISTRATION

### (1) Nonconforming signs:

- (a) Nonconforming permanent freestanding 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 and the repair is not in excess of 50 percent of the assessed value of the sign, but shall not otherwise be altered other than to change the message or copy, relocated, or added to, without being brought into compliance with this Subsection. Change of message or copy includes painting or placing a new message on vinyl over the existing message. The sign face can be replaced with plastic copy panels which must be the exact dimensions as the existing sign, but no structural components can be altered or replaced. The physical replacement of the sign face to change the copy or message is an alteration which requires a zoning permit. 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 or copy, relocated, or added to, without being brought into compliance with this Subsection. Change of message or copy includes painting or placing a new message on vinyl over the existing message. The sign face can be replaced with plastic copy panels which must be the exact dimensions as the existing sign, but no structural components can be altered or replaced. The physical replacement of the sign face to change the copy or message is an alteration which requires a zoning permit.
- (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 Subsection 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 Subsection within 60 days of notification by the Zoning Administrator.

(2) **Zoning permit for signage:**

- (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 Subsection.
  - 1. 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, in addition to information generally required for any zoning permit under [Section 12.150.08](#):
    - 2. Applicant contact information.
    - 3. Property owner contact information and signature.
    - 4. Property information, site address, legal description, tax identification number, zoning district.
    - 5. Project information including a description of the sign plan for the site and total proposed signage, including all permanent and temporary signage.
    - 6. 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.
      - d. Conceptual drawings of all proposed signs with dimensions.
      - e. Information on all lighting and electrical components.
      - f. Method of construction or attachment to a building or in the ground shall be explained in the plans and specifications.
      - g. Contact information for whoever will be erecting the sign(s).
      - h. Attach all related permits or permit applications.
      - i. Calculations for compliance with the Uniform Building Code and the Uniform Sign Code for construction.

- j. 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.
  - k. 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) Sign maintenance or construction authorized by a zoning permit for signage issued under this Subsection shall be substantially completed or implemented within two years, after which time the permit expires. Prior to expiration of a zoning permit, applicants can request extensions of up to six months from the Zoning Administrator. The total time granted for extensions shall not exceed one year.
- (c) Where the terms or conditions on any zoning permit for signage are violated, the permit may be revoked by the Zoning Administrator.



## SUBSECTION 12.150: PROCEDURES AND ADMINISTRATION

### SECTIONS:

<a href="#">12.150.01</a>	<a href="#">Purpose</a>
<a href="#">12.150.02</a>	<a href="#">Planning and Zoning Director and Zoning Administrator – Description and Roles</a>
<a href="#">12.150.03</a>	<a href="#">Planning and Zoning Committee – Description and Roles</a>
<a href="#">12.150.04</a>	<a href="#">Zoning Board of Adjustment</a>
<a href="#">12.150.05</a>	<a href="#">Amendments to Zoning Provisions (Text Amendments) – Review Procedure and Standards</a>
<a href="#">12.150.06</a>	<a href="#">Amendments of Official Zoning Map (Rezoning) – Review Procedure and Standards</a>
<a href="#">12.150.07</a>	<a href="#">Conditional Use Permits – Review Procedure and Standards</a>
<a href="#">12.150.08</a>	<a href="#">Zoning Permits – Review Procedure and Standards</a>
<a href="#">12.150.09</a>	<a href="#">Enforcement and Penalties</a>

### SEC. 12.150.01 PURPOSE

The overall purpose of this Subsection is to establish responsibilities for administration of this chapter, procedural requirements for various development approvals under this chapter, and enforcement procedures and penalties for non-compliance.

### SEC. 12.150.02 PLANNING AND ZONING DIRECTOR AND ZONING ADMINISTRATOR—DESCRIPTION AND ROLES

- (1) **Establishment.** The Planning and Zoning Director is hereby designated as the administrative and enforcement officer for the provisions of this chapter, per the general authorization under Wisconsin Statutes. The Planning and Zoning Director shall serve as the Zoning Administrator, unless the Director designates a different position or staff person as Zoning Administrator. Other professional and administrative staff within the Department may assist the Director or the otherwise-designated Zoning Administrator in the completion of his or her duties and responsibilities, and the Zoning Administrator and other Department professional and administrative staff shall serve at the direction of the Planning and Zoning Director.
- (2) **Duties and responsibilities.** The general duty of the Zoning Administrator is to interpret and administer this Subchapter 100, as well as certain other chapters within Chapter 12 of the Columbia County Code of Ordinances as indicated within those chapters. With respect to Subchapter 100, the Zoning Administrator shall have the following specific duties and responsibilities:
  - (a) Conduct on-site inspections of buildings, structures, waters, and land to determine compliance with all provisions of this chapter.
  - (b) Be permitted access to premises and structures between 8 a.m. and 6 p.m., or such other time agreed to by all parties involved, to make inspections to ensure compliance

- with this chapter. If refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Wisconsin Statutes.
- (c) Maintain permanent and current records of and associated with this chapter, including but not limited to all maps, amendments, conditional use permits, zoning permits, site plans, variances, appeals, inspections, interpretations, applications, and other official actions.
  - (d) In combination with other professional and administrative staff of the Department, advise applicants for development approvals regarding the provisions of this chapter and assist applicants, to the extent practical, in preparing required permit applications.
  - (e) Receive, file and forward all applications for all procedures governed by this chapter to the designated official review and approval bodies, along with all appropriate technical information or reports to assist such bodies in making their decisions, except as otherwise designated in this Subsection.
  - (f) In combination with other professional and administrative staff of the Department, provide staff support to the Planning and Zoning Committee and the Zoning Board of Adjustment, including the scheduling of public hearings and other meetings and site visits and the recording of the actions, recommendations, and minutes of such bodies.
  - (g) Issue zoning permits.
  - (h) Review and approve site plans for land uses under this chapter prior to the issuance of zoning permits for such uses, ensuring compliance with this and other applicable chapters and any additional requirements of designated official review and approval bodies for associated rezoning, conditional use permit, or variance requests.
  - (i) Make interpretations regarding the provisions of this chapter in a manner that is consistent with the purpose of this chapter, the applicable Subsection(s), and the Comprehensive Plan. An interpretation may be requested by the owner(s) of a property, the Planning and Zoning Committee, or the County Board. All interpretations are subject to appeal to the Zoning Board of Adjustment in accordance with the procedures in [Section 12.150.04](#).
  - (j) Make interpretations regarding the permissibility of land uses in certain zoning districts, where such land uses are not explicitly listed as permitted-by-right or conditional uses, in accordance with the procedures and criteria in [Section 12.155.01\(4\)](#).
  - (k) Investigate all complaints made relating to the location and use of structures, lands, and waters and fulfill enforcement functions proscribed under [Section 12.150.09](#).

### **SEC. 12.150.03      PLANNING AND ZONING COMMITTEE—DESCRIPTION AND ROLES**

- (1) **Establishment.** The Planning and Zoning Committee, as established under Wis. Stats. § 59.69 and the Columbia County Code of Ordinances, is the County committee with primary policy responsibility over this chapter.



- (2) **Duties and responsibilities.** In addition to the duties and responsibilities specified elsewhere under the Columbia County Code of Ordinances and the Standing Rules of the Columbia County Board, the Planning and Zoning Committee shall have the following specific duties and responsibilities pertaining to this chapter:
- (a) Conduct public hearings associated with petitions to amend the text of this chapter or to the Official Zoning Map.
    - 1. Conduct public hearings and advise the County Board on appropriate amendments to the text of this chapter or to the Official Zoning Map, and initiate such amendments as it may deem desirable, all in a manner that is consistent with the Comprehensive Plan and Columbia County Zoning Ordinance Section 12.150 Procedures and Administration Amended: July 19, 2017 Section 12.150 – page 3 that follow procedures established under Wis. Stats. § 59.69 and Sections [12.150.05](#) and [12.150.06](#).
    - 2. Authorize any public hearing on a proposed amendment to the text of this chapter.
  - (b) Conduct public hearings, review, and decide on requests for conditional use permits in a manner that is consistent with the County Comprehensive Plan and that follows the procedures in [Section 12.150.07](#).
  - (c) Review and decide on requests for substitutions of non-conforming uses, as described in [Section 12.135.03](#).
  - (d) Review and decide on requests for replacement dwellings and the siting of new dwellings within certain agricultural zoning districts, as described in [Section 12.125](#).
  - (e) May view the site of any agenda item(s) of interest the day of the public hearing within normal business hours.
  - (f) Act on other development-related requests as may be specified under this subchapter or other subchapters within Chapter 12.
  - (g) Employ or contract for the services of such professional planning technicians and staff as are considered necessary for the discharge of its duties and responsibilities.
  - (h) Advise the Zoning Administrator and Planning and Zoning Director on enforcement of the provisions of this chapter and on other matters as requested by the Zoning Administrator or Planning and Zoning Director.
  - (i) Direct the preparation of the County Development Plan under Wis. Stats. § 59.69 the County Comprehensive Plan under Wis. Stats. § 66.1001 and the County Farmland Preservation Plan under Wis. Stats. §§ 91.10 to 91.20.
  - (j) Appoint a chairperson who shall serve a two-year term.
  - (k) Recommend fees for various permits and approvals required and allowed under this chapter.
  - (l) Adopt rules and procedures as may be advisable in carrying out its duties.
  - (m) Exercise such other duties and responsibilities as may be directed by the County Board of Supervisors.

- (3) **Recording of actions.** All actions and recommendations of the Planning and Zoning Committee shall be in writing. A recording thereof in the Committee's minutes may constitute the required written action or recommendation.

#### **SEC. 12.150.04 ZONING BOARD OF ADJUSTMENT—DESCRIPTION AND ROLES**

- (1) **Establishment.** A Zoning Board of Adjustment consisting of five (5) members appointed by the Chairperson of the County Board with approval of the County Board. The terms of the members appointed shall be three (3) years beginning July 1. The Chairperson of the County Board with approval of the County Board shall appoint, for staggered 3-year terms, 2 alternate members of the Board of Adjustment. Annually, the Chairperson shall appoint one of the alternate members as the first alternate and the other as the second alternate. 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 not two (2) members shall reside in the same town. The Board of Adjustment shall choose its own Chairman and other officers. Vacancies shall be filled for the unexpired term of any members whose term becomes vacant in the same manner as the original appointment.
- (2) **Duties and responsibilities.** The Zoning Board of Adjustment shall have the following specific duties and responsibilities pertaining to this chapter in addition to certain other duties and responsibilities under other subchapters in Chapter 12 of the Columbia County Code of Ordinances as indicated within those chapters:
- (a) Hear and decide appeals where it is alleged that there is an error in any interpretation, order, requirement, decision, or determination made by the Zoning Administrator or other staff member of the Planning and Zoning Department in the enforcement, administration, or interpretation of this chapter.
  - (b) Hear and decide appeals where it is alleged that there is an error in any decision of the Planning and Zoning Committee or town board related to a conditional use permit request.
  - (c) Authorize such variances from the terms of this chapter as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done; provided, however, that no such variance shall have the effect of allowing, in any district, uses prohibited in that district. If the variance is not initiated by securing at least one zoning permit – within one year of the date of the approval, the variance shall be considered void.
- (3) **Recording of actions.**
- (a) The Zoning 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 Zoning Administrator, and shall be a public record.
  - (b) The final disposition of an appeal or variance application to the Zoning Board of

Adjustment shall be in a form of a written decision signed by the Planning and Zoning Director or Zoning Administrator. Such decision shall state the specific facts that are the basis for the Zoning Board of Adjustment's decision; shall either affirm, reverse, or modify any order, requirement, interpretation, or any determination of the Zoning Administrator or, in case of an appealed decision on a conditional use permit, the Planning and Zoning Committee; shall specify any required conditions of approval; and shall specify the extent of any appeal or variance granted.

(4) **Rules.**

- (a) The Board of Adjustment will meet as needed at a fixed time and place as may be determined by the Chair and at such other times as the Zoning Board of Adjustment may determine.
- (b) All meetings of the Board of Adjustment shall be open to the public, but such Board may go into closed session pursuant to Wisconsin Statutes.
- (c) Any public hearing held by the Zoning Board of Adjustment shall be held in a convenient public location 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. No undue hardship shall be created for any applicant by reason of the location of such hearing.
- (d) Each notice of public hearing held by the Zoning Board of Adjustment shall specify the date, time and place of hearing and the matters to come before the Zoning Board of Adjustment at such hearing, and such notice shall be given by Class 2 Notice in accordance with Chapter 985 Wis. Stats. and be certified mail to the parties having a legal interest in any of the matters to come before the Zoning Board of Adjustment at such hearing.
- (e) The Zoning 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.
- (f) The Board of Adjustment may adopt such additional rules as are necessary to carry into effect the regulations of the County Board.
- (g) Towns within which a variance is sought have the option to review and provide testimony on the approval or denial of the variance. Written recommendation may be provided before or at the public hearing, verbal testimony must be at the public hearing. For variances the Planning and Zoning Department shall mail to the chair and clerk of the town in which the variance 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 variance. This information shall be mailed at least ten (10) days prior to the public hearing and shall be sent to the clerk by certified mail and the chair by regular mail. If a town board provides a written request that they wish to review all variances in their town, the County will not schedule the public hearing for the variance for a period of 60 days after the information is mailed to the town, unless the town recommendation is submitted in time for the public hearing to be scheduled sooner than the 60-day period. For the towns that file this request, when the application, maps, plans and other documents

are determined to be complete they shall be mailed to the clerk and chair as soon as practical but no later than ten (10) working days after the application submittal deadline.

(5) **Appeals.**

- (a) Appeals to the Zoning Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the Zoning Administrator. An appeal, specifying the grounds thereof, shall be filed within 30 days of the decision. The appeal shall be filed with the Zoning Administrator and with the Zoning Board of Adjustment. The Zoning Administrator shall forthwith transmit to the Zoning 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 Zoning Administrator shall certify to the Zoning 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 restraining order by a court of record on application and notice to the Zoning Administrator and on due cause shown.
- (b) The Zoning Board of Adjustment shall fix a reasonable time for the hearing of the appeal not to exceed 90 days from the date the notice of appeal was filed with the Board. Publish a Class 2 Notice thereof in accordance with Chapter 985 Wis. Stats., as well as provide due notice to the appellants and their legal counsel and parties in interest who have made written request for such notice, and decide the same within 15 days after the hearing. Upon the hearing, the appellants or any party in interest may appear in person or by agent or attorney.
- (6) **Review by court of record.** Any persons aggrieved by any decision of the Board of Adjustment may appeal the decision by filing an action in certiorari in the Columbia County Circuit Court within 30 days of the filing of the decision, setting forth that such decision is illegal and specifying the grounds of the illegality. Columbia County assumes no liability for and makes no warranty as to the reliance on this decision if construction is commenced prior to expiration of this 30-day period or until an appeal to the courts is decided.

## **SEC. 12.150.05      AMENDMENTS TO ZONING TEXT—REVIEW PROCEDURE AND STANDARDS**

- (1) **Purpose.** The purpose of this Subsection is to provide procedures for the review of proposed amendments to the provisions of this chapter, also referred to as “text amendments,” but not including amendments to the Official Zoning Map (rezonings). The County Board may from time to time amend, remove, or add to such provisions in the manner provided by Wis. Stats. § 59.69 and as specified in this Subsection.
- (2) **Application for text amendment.** Amendments to one or more provisions of this chapter shall be initiated by the filing of an application on a form provided by the Zoning Administrator. The number of required copies of the application materials shall be as

determined by the Zoning Administrator. Such application may be filed by any property owner affected by the provision of this chapter, the town board of any town in which the provision is in effect by resolution, any member of the County Board, or the Planning and Zoning Committee as a whole by resolution. To be determined complete by the Zoning Administrator, the application shall include:

- (a) The current provision(s) of this chapter proposed to be amended or deleted.
  - (b) The text proposed to replace the current provision(s) of this chapter. The applicant must consult with the Zoning Administrator in advance of preparing such text to ensure that it is in proper format and the intent is clear.
  - (c) Written justification for the proposed amendment, consisting of the reasons why the amendment is in harmony with the purposes of this chapter, the Subsection in which the amendment is proposed, and the Comprehensive Plan.
  - (d) The required review fee.
- (3) **Required review process.**
- (a) The review process for text amendments shall follow the procedures specified under Wis. Stats. § 59.69.
  - (b) A public hearing for an amendment to the text proposed by the Columbia County Planning & Zoning Department or the committee shall be authorized by the Planning & Zoning Committee.
- (4) **Text amendment review criteria.** In its review and action on the application, the County Planning and Zoning Committee shall make findings with respect to the following criteria:
- (a) The proposed text amendment is consistent with the overall purpose and intent of this chapter.
  - (b) The proposed text amendment is consistent with the Comprehensive Plan.
  - (c) Factors have changed from the time of initial ordinance adoption that warrant the text change, or an error, inconsistency, or technical problem administering this chapter as currently written has been observed.
  - (d) If affecting the A-1 Agriculture zoning district, meets all relevant requirements of Wis. Stats. § 91.38(1), as long as the County continues to intend for that district to be a State-certified farmland preservation district.
- (5) **Effect of denial.** No application which has not been enacted under this Subsection shall be resubmitted for a period of twelve months from the date of final County Board action, except on grounds of new evidence or proof of change of factors found valid by the Planning and Zoning Committee.

## **SEC. 12.150.06      AMENDMENTS TO OFFICIAL ZONING MAP (REZONINGS)— REVIEW PROCEDURE AND STANDARDS**

- (1) **Purpose.** The purpose of this Subsection is to provide the procedure for the review of

proposed amendments to the Official Zoning Map (also referred to as “rezonings”). The County Board may from time to time amend the Official Zoning Map in the manner provided by Wis. Stats. § 59.69 and as specified in this Subsection, provided that such rezoning is consistent with the County Comprehensive Plan.

- (2) **Review process.** Columbia County’s process for each amendment to the Official Zoning Map (rezoning) is as directed by Wis. Stats. § 59.69 and begins with the filing of a Rezone Preapplication. A checklist summarizing the local review process is also included in Appendix A which Appendix is not part of the Columbia County Code of Ordinances. The following procedures shall be applied in considering amendments:

(a) Petitions for Amendments.

1. A petition for amendment of this chapter may be made by any property owner in the area to be affected by the amendment, the town board of any town in which the chapter is in effect, any member of the County Board or the County Planning and Zoning Committee.
  2. The petition shall be presented to the County Clerk who shall refer the petition to the Planning and Zoning Committee.
  3. The Committee shall prescribe a form for the petition. An accurate metes and bounds property description or Certified Survey Map shall be required to accompany the petition for amendments to the zoning districts.
- (3) **Committee Hearing.** Notice to Towns. Upon receipt of the petition referred to it by the County Clerk, the Committee shall set a time and place for a public hearing on the petition and shall publish notice of the hearing within the County as a Class 2 notice Ch. 985, Wis. Stats. A copy of the notice shall be made by registered mail to the town clerk of each town affected by the proposed amendment. This notice shall be mailed at least 10 days prior to the hearing. In addition, the Planning and Zoning Department shall by regular mail, mail to the chair, clerk, and plan commission chair within the town in which the rezoning is proposed, a copy of the application, petition, all maps, plans, and other documents submitted by the petitioner.
- (4) **Committee and Town Action on the Proposed Amendment.** As soon as possible after the public hearing, the Committee shall take action to approve, approve with modifications or disapprove the proposed amendment. The Committee shall not recommend approval, but may only recommend disapproval or approval with modifications if it has received, subject to the time limits stated below, a certified copy of a resolution disapproving the proposed change adopted by the town board of a town affected by a proposed change in zoning district boundaries. The certified copies of disapproving resolutions must be filed with the Committee at the time of or within 10 days after the public hearing to have the effect described herein. A town may extend its time for disapproving by 20 days if it adopts a resolution providing for the extension and files a certified copy with the County Clerk.
- (5) **Committee Report and Ordinance Preparation.** If the Committee action is favorable to the proposed amendment as originally sought in the petition or with modifications, it shall cause an ordinance to be drafted effectuating its determination and shall submit the proposed ordinance to the County Board. Accompanying the proposed ordinance shall be

the recommendations of the Committee. If the Committee action is unfavorable to the petition, the Committee shall report its recommendations of denial to the County Board along with a statement of the reasons which support a negative recommendation. The report to the County shall also contain proof of publication of the notice of public hearing, proof of notice of hearing to town clerks and copies of all town board resolutions that were received.

- (6) **Rezoning review criteria.** In its review and action on the application, the County Planning and Zoning Committee shall make findings with respect to the following criteria:
- (a) The proposed rezoning is consistent with the overall purpose and intent of this chapter.
  - (b) The proposed rezoning is substantially consistent with the applicable town and County Comprehensive Plans, which County Plan includes the certified Farmland Preservation Plan.
  - (c) If the proposed rezoning is away from the A-1 or AO-1 district to a residential zoning district, residential density will not exceed one single family residence per 35 acres of contiguous common ownership, unless the land is not designated as a Farmland Preservation Area within the County Comprehensive Plan. This density policy is further articulated within the County Comprehensive Plan.
  - (d) If the proposed rezoning is away from the A-1 Agriculture zoning district:
    - 1. The land is better suited for a use not allowed in the A-1 district.
    - 2. The rezoning will not substantially impair or limit current or future agricultural use or surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- (7) **County Board Action on the Committee Reports.** The County Board action on the Committee reports shall be one of the following:
- (a) The Board may adopt the ordinance submitted by the Committee or with amendments.
  - (b) The Board may refuse to deny the petition as recommended by the Committee. In such event, the Board shall refer the petition to the Committee with instructions to draft an ordinance effectuating the petition and report the ordinance back to the County Board, which may then adopt or reject the proposed ordinance.
  - (c) If a protest against a proposed amendment is filed with the County Clerk at least 24 hours prior to the date of the County Board meeting at which the report of the Committee is to be considered, signed and acknowledged by the owner of 50% or more of the area to be rezoned or by abutting owners of over 50% of the total perimeter of the area proposed to be rezoned included within 300' of the parcel or parcels proposed to be rezoned, action on the amendatory ordinance may be deferred until the Committee has had a reasonable opportunity to ascertain and report to the County Board as to the authenticity of such ownership statements. Each signer shall state the amount of area or frontage owned by that signer, and include a description of

lands owned by that signer. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of 3/4 of the members of the County Board present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest shall not require a 3/4 vote.

(8) **Notice to Town Boards. Exercise of Town Board Veto.**

(a) If the amendatory ordinance makes only the change sought in the petition and if the petition was not subject to a disapproval resolution by the town board of the town affected at or within 10 or 30 days of the hearing whichever is applicable before the Committee, the ordinance shall be effective upon passage.

(b) If the County, pursuant to Section 12.150.06(4), has received a resolution of disapproval and the County Board acts on and approves the amendatory ordinance the Town has up to 40 days to file a second certified copy of a resolution to disapprove the ordinance or the ordinance will become effective.

(9) **Effect of denial.** No application which has not been enacted under this Subsection shall be resubmitted for a period of twelve months from the date of final County Board action, except on grounds of new evidence or proof of change of factors found valid by the Planning and Zoning Committee.

(10) **Delayed effective date.** If a Certified Survey Map must be recorded to effectuate a rezone ordinance under this Subsection, the Certified Survey Map shall be recorded within twelve months from the date of final County Board action. If this deadline is not met it shall be considered a denial.

## **SEC. 12.150.07      CONDITIONAL USE PERMITS—REVIEW PROCEDURE AND STANDARDS**

(1) **Purpose.** The purpose of this Subsection is to provide the procedure and standards for the review of conditional use permit requests, and amendments to conditional use permits previously granted. All legal uses existing at the time of adoption of this chapter that now require a conditional use permit may continue. Any enlargement, structural alteration, modification or addition or intensification of the use shall require a conditional use permit under this chapter.

(2) **Authority.** Subject to Subsection (3) below the Planning and Zoning Committee, after a public hearing, shall within 60 days, 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 criteria prescribed in the ordinance are met.

(3) **Planning and Zoning Committee Review and Approval.** The following procedures shall apply to conditional use permits.

(a) **Application:** Make an appointment for an application meeting with staff from County Planning and Zoning Department to discuss the proposed conditional use and submit the application. The 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, types of structures and proposed use(s).
3. A site plan which shall include a scalable drawing showing the location of all drives, entrances, sidewalks, trails and signs; the location, size, number and screening of all parking spaces. If required by this chapter or the Department a landscaping plan; a grading and drainage plan; and 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.

This application will be accompanied by a fee which will be used by the County to process the application and provide notice to towns in accordance with Subsection 2 below. The application will not be used to schedule a public hearing for the Planning and Zoning Committee until a public hearing fee is paid and either written recommendations are provided by the town within the time period established in Subsection 2 below or the time period has expired. An application for a Conditional Use Permit may only be withdrawn if there is a written mutual agreement between the applicant and the Planning and Zoning Department.

- (b) The town board of the town where a conditional use is proposed shall be given notice and the opportunity to review a conditional use. After receipt of complete application, 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. At the same time the Department shall provide an application summary which besides the application will include a site analysis, air photo and comments relative to the application/site. The town shall use the application sent by the County as the application, however, the town may charge application fees as they see appropriate to process the application. A town may request supplemental information as part of their review process, but any change by the town to the information and plan submitted by the applicant and accepted as the County application may require the applicant to reapply under Subsection 1 above. The town board shall provide any recommended conditions for a conditional use in writing on a form provided by the Department. The recommendations must be made by the town within 60 days of the date of the preapplication report which the Department mails to the town clerk, unless an extension is mutually agreeable between the town and County. The request for an extension must be made by a letter from the Town Board or Town Chair and the Department response must also be by letter. The form on which the town recommendations are made in writing must be submitted to the Department within 15 days of the date of the town meeting.

- (c) The Planning and Zoning Department shall fix a reasonable time and place for the public hearing on the conditional use permit following publication in the County of a class 2 notice under Ch. 985 of the Wisconsin Statutes. At the time of the first publication under this section, a copy of the notice of public hearing for conditional use permits shall also be mailed, by certified mail, to the applicable town clerk(s). A copy shall also be mailed by regular mail to the applicable town chair(s) and, where appropriate, to the District Regional Office of the Department of Natural Resources.
  - (d) The applicant must demonstrate that the application and conditions established by the County relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The County's decision to approve or deny the permit must be supported by substantial evidence.
  - (e) 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.
  - (f) Approval of a conditional use permit does not eliminate the requirement to obtain the appropriate building and zoning permits. If a zoning permit is required and the conditional use permit is not initiated by securing a zoning permit within one (1) year of the date of the public hearing, or 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 must reapply.
  - (g) A copy of the Planning and Zoning Committee's decision on any conditional use permit within a Shoreland District area, as defined in Section 12.505.01, shall be forwarded to the District Regional Office of the Department of Natural Resources within ten (10) days after the decision is issued.
  - (h) No substantial changes can be made to an approved conditional use permit unless an amendment to the development plan is approved by the Planning and Zoning Committee and applicable town board per this Subsection.
- (4) **Review Criteria.** In reviewing the conditional use permit the Planning and Zoning Committee shall use the following as guides for making finding of fact for a decision.
- (a) 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.
  - (b) 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.
  - (c) The erosion, potential of site based on topography, drainage, slope, soil type, and vegetative cover.
  - (d) The prevention and control of water pollution including sedimentation, and the potential impacts on floodplain and wetlands.

- (e) The site has adequate utilities including, if necessary, acceptable disposal systems.
  - (f) Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
  - (g) The conditional use shall conform with the standards of the applicable district(s) in which it is located, and associated with the particular conditional use if specified in [Section 12.125](#).
- (5) **Appeals of Committee decision on conditional use permits.** Proceedings for an appeal of the Planning and Zoning Committee's decision may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the County affected by the Committee's decision. An appeal must be made not more than 30 days from the filing of the decision. The appeal shall be initiated by an application to the Zoning Administrator and shall be heard by the Board of Adjustment following the same procedure as an appeal to a Zoning Administrator decision included in [Section 12.150.04\(3\)](#). A decision of the Planning and Zoning Committee may only be reversed by the affirmative vote of four (4) members of the full Board.
- (6) **Application, recording, and adherence to conditions.** 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 it deems necessary to ensure the conditional use adheres to the purpose and review criteria of this Subsection and to this chapter as a whole. If applicable and prior to commencing the authorized activity on the site and/or obtaining a zoning permit, the Zoning Administrator may require the property owner to record notice against the property of the approved use, applicable plans, and conditions of approval with the County Register of Deeds.
- (7) **Time limits associated with conditional uses.** If the conditional use permit is not initiated by securing at least one zoning permit—within one year of the date of the approval, the conditional use permit approval shall be considered void. The applicant may without fee apply for, and the Planning and Zoning Committee may grant, a one-time, twelve-month extension, provided that a written request for extension is submitted before the original expiration date. If a use or activity associated with a previously approved conditional use permit ceases for twelve months or more after first being established on the property, the use will be deemed to have been terminated and the property owner or authorized agent must reapply and obtain approval of another conditional use permit before recommencing the use or activity.
- (8) **Effect of denial.** No application which has not been enacted under this Subsection shall be resubmitted for a period of twelve months from the date of final Planning and Zoning Committee action, except on grounds of new evidence or proof of change of factors found valid by the Planning and Zoning Committee.
- (9) **Monitoring and termination of a conditional use permit.**
- (a) The Planning and Zoning Committee or Zoning Administrator may require evidence and guarantees as either may deem necessary as proof that approved plans are being followed, required conditions are being met, and review criteria are being satisfied for conditional uses at all times. 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, or upon written request by a town, the Planning and Zoning Committee, after a public hearing as provided for in this Subsection, may terminate or alter the conditional use permit.

- (b) The Conditional Use Permit may be terminated on request when the applicant or holder of the Conditional Use Permit and the property owner make a request in writing to the Planning and Zoning Committee that the Conditional Use be terminated and the Planning and Zoning Committee agrees to terminate said Conditional Use Permit. Notice of said termination is recorded in the Columbia County Register of Deeds Office if the decision for the Conditional Use Permit was recorded. The Planning and Zoning Department shall inform the applicable town of the termination no later than 15 days after the date of the Planning and Zoning Committee's decision to terminate the Conditional Use Permit.

## **SEC. 12.150.08      ZONING PERMITS—REVIEW PROCEDURE AND STANDARDS**

- (1) **Purpose.** The purpose of this Subsection is to specify the requirements and procedures for the issuance of zoning permits. Zoning permits are issued by the County Zoning Administrator for certain projects specified in this Subsection in order to verify compliance with the provisions of this Zoning Code. A zoning permit is not a substitute for a building permit, which is instead issued by the affected town. In certain cases, other land use approvals, including but not limited to rezoning, conditional use permit approval, or variance approval is required before a zoning permit may be issued.
- (2) **Applicability.** Except as exempted under Subsection (3), a zoning permit is required from the Zoning Administrator in the following instances:
  - (a) Before any structure, as defined in [Section 12.160.02](#), is erected, affixed, moved, or structurally altered to increase its floor area or footprint.
  - (b) Before any area of one acre or greater may be disturbed by excavation, grading, filling, or other earthmoving activities resulting in the loss of removal of protective ground cover or vegetation.
  - (c) Before a land disturbing activity over more than 5,000 square feet is to occur on slopes greater than 12 percent.
  - (d) Before any substantial alteration in the heating plant, sanitary facilities, or mechanical equipment which would affect a change of an existing site's or structure's use.
  - (e) Before any conditional use permit granted under this chapter commences operation.
  - (f) Before the commencement of any structural modification or structural repair of an existing nonconforming structure, or to a structure housing a non-conforming use.
  - (g) For any large-scale temporary use or structure, defined as a temporary use or structure proposed to occupy more than 20 acres of land, attract more than 500 visitors within a one-week period or less, or both.
  - (h) Before the creation of any surface water feature of over 5,000 square feet in area, such as a lake or pond.

- (i) Before the establishment of any specific land use described under [Section 12.155](#) for which a stormwater management plan, grading plan and/or erosion control plan is required.
  - (j) Before any other land disturbing activity occurs where the Zoning Administrator determines that high levels of erosion or runoff is likely unless an erosion control plan, stormwater management plan, or both is developed.
  - (k) Before any sign which requires a zoning permit under [Section 12.145](#) is installed.
  - (l) Any other instances that have been indicated in other parts of this chapter.
- (3) **Exemptions.** No zoning permit is required in one or more of the following instances:
- (a) For any accessory building with a footprint or floor area of 100 square feet area or less, provided that such building conforms to all applicable zoning district minimum required yards, and other standards of this chapter.
  - (b) For any temporary use or temporary structure exempted in [Section 12.130.05\(3\)](#).
  - (c) For agricultural structures which are not for human habitation, not permanently affixed to the ground, and readily removable in their entirety, provided that such structures are located outside of the shoreland zone and that they are not roadside stands or signs.
- (4) **Application for a zoning permit.** An application for a zoning permit shall be made to the Zoning Administrator. The number of required copies of the application materials shall be as determined by the Zoning Administrator. Such application shall be made by the owner of the property on which the zoning permit is requested. To be determined complete by the Zoning Administrator, the application shall include:
- (a) A completed form, provided by the Zoning Administrator and signed by the owner, including basic information on the owner and project to ensure compliance with this chapter.
  - (b) A legal description of the subject site by lot, block, and recorded subdivision or certified survey map, or by metes and bounds, or a copy of the deed.
  - (c) A plot plan (overhead view), drawn to scale, and showing and labeling the date of preparation; land owner's name; north arrow; lot dimensions; adjacent public streets and rights-of-way; any required visual clearance triangles required in accordance with [Section 12.140.03\(1\)](#); existing and proposed structures and their dimensions; parking and driveway areas; distances between structures and lot lines, between structures and other structures, between structures and the centerlines of abutting streets and highways, and between structures and the ordinary high water mark of any abutting watercourse. The applicant should note potential foundation survey requirements in [Section 12.140.03\(7\)](#).
  - (d) A plan, which may be included on the plot plan, indicating the location of the existing and proposed sewage disposal system and well location meeting the requirements of Chapter 12, Subchapter 300 where municipal sewer and/or water service will not be provided.

- (e) Written permit for highway access from the appropriate highway authority.
  - (f) If within the shoreland zone, other application materials as specified in Chapter 12, Subchapter 500.
  - (g) For residential uses, the number of families proposed to be accommodated.
  - (h) For any new or expanded multiple family dwelling; civic and institutional; retail, service, and recreational; utility, communication, and transportation; or industrial use, the following additional information in order to determine compliance with the performance standards of this and related chapters:
    - 1. Site plan, drawn to scale, and showing and labeling all of the information required for a plot plan submittal under Subsection 3 above, and additionally including easement labels and locations; loading areas; any outdoor storage or dumpster areas; visual clearance triangles; floodplain(s); wetland(s); shoreland zone boundaries; and, for commercial or industrial uses, how on-site building expansion could occur and how additional parking could be accommodated if the use changed from that originally anticipated.
    - 2. If applicable a landscape plan, showing an overhead view of all existing and proposed landscaping on the site, including the location, species, size at time of planting, and mature size for all new plantings.
    - 3. Grading and drainage plan, showing existing and proposed surface elevations, and proposed erosion control and stormwater management provisions.
    - 4. Exterior building elevations, showing the dimensions, colors, and materials used on all exterior sides of the building(s). Sign plan, showing the location, height, dimensions, colors, materials, lighting and copy area of all signage.
    - 5. Lighting plan, showing the location, height, type, orientation, and power of all proposed exterior lighting.
    - 6. A completed site assessment checklist described in [Section 12.140.08\(4\)](#).
  - (i) For Planned Development and conditional use projects, complete copies of all application documents approved as part of the rezoning or conditional use permit, with revisions as necessary to meet County conditions of approval of such projects.
  - (j) Other pertinent information as requested by the Zoning Administrator to determine if the proposed use meets the requirements of this chapter.
  - (k) The required review fee.
- (5) **Zoning permit review criteria.** No zoning permit shall be granted or shall become effective until all applicable requirements of this Subsection, conditions of any preceding County approval related to the project, the remaining Subchapters in Chapter 12, and all applicable Wisconsin Statutes and rules are met, including but not limited to those related to shoreland zoning, airport height limitations, and drainage districts.
- (6) **Time limits associated with zoning permits.** A zoning permit shall either be granted or denied in writing by the Zoning Administrator within thirty days of the filing of a complete application, unless other parallel processes (e.g., conditional use permit) require

a longer review period. Once issued, each zoning permit shall be posted in a prominent place on the premises prior to and during the period of construction, alteration, or movement. If the work authorized by the zoning permit is not completed within 24 months of the date of the approval, the zoning permit approval shall be considered void. The applicant may with a fee apply for, and the Zoning Administrator may grant, a one time, 24-month extension, provided that a written extension request is submitted before the original expiration date.

## **SEC. 12.150.09      ENFORCEMENT AND PENALTIES**

- (1) **Enforcement policy.** The Planning and Zoning Committee shall approve and may from time-to-time amend policies for enforcement of this chapter, consistent with the provisions of this Subsection.
- (2) **Authority.** In the enforcement of this Ordinance, the Zoning Administrator shall have the power and authority for the following:
  - (a) At any reasonable time, and for any proper purpose, to enter upon any public or private premises and make inspection thereof.
  - (b) Upon reasonable cause or question as to proper compliance, to revoke any zoning or occupancy and use permit, except a conditional use permit, and issue stop work orders requiring the cessation of any building, moving, alteration or use which is violation of the provisions of this Ordinance. A copy of the revocation decision shall be furnished to the permit holder in writing, stating the reasons therefore. Notice of a stop work order is given both by posting upon the land where the violation occurs one or more copies of a poster stating the violation, and by mailing a copy of the order by certified mail to the property owner of the property on which the activity is in violation of this Ordinance. The order shall specify the activity that must cease immediately or be brought into compliance with a time period as determined by the Zoning Administrator. Any stop work order shall be in effect until removed by the Zoning Administrator or Board of Adjustment.
  - (c) To refer to the Corporation Counsel for commencement of any legal proceedings necessary to enforce this ordinance. The issuance of citations provided for under this Ordinance shall not require referral but may be issued by the Director of Planning and Zoning, Zoning Administrator and Zoning and Sanitary Specialists directly.
- (3) **Enforcement of violations.**
  - (a) **Penalties:** Any person, firm, company or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any provisions of this Ordinance shall be subject to a forfeiture as listed in the Section 1.12 of the County Code of Ordinances. Each day of violation shall constitute a separate offense.
  - (b) **Enforcement by Citation:** Except as modified by this Ordinance, the County elects to use the citation method of enforcement under Section 1.12 of the County Code of Ordinances. This Section does not preclude the County or any authorized officer from proceeding under other ordinance or law, or by any other enforcement method to enforce any Ordinance regulation or order.

- (c) Compliance with the provisions of this Ordinance may also be enforced by injunctive order at the suit of the County. It shall not be necessary to prosecute for fine or imprisonment before resorting to injunctive proceedings.
- (4) **Violations of permits issued under this chapter.**
  - (a) Violation of a permit or other approval issued under this chapter, or any condition or approved plan associated with such permit or other approval, shall be deemed a violation of this chapter, and shall constitute grounds for revocation of the permit, as well as fines and forfeitures and any other available remedies. Beginning construction without a permit will result in a double fee being charged.
  - (b) A permit or other approval issued in violation of this chapter, other chapters of the Columbia County Code of Ordinances, the Wisconsin Administrative Code, or Wisconsin Statutes gives the permit holder no vested right to continue the activity authorized by the permit, and the permit is considered voidable.



## SUBSECTION 12.155: USE CLASSIFICATIONS

### SECTIONS:

<a href="#">12.155.01</a>	<a href="#">General</a>
<a href="#">12.155.02</a>	<a href="#">Agriculture and Open Space Use Group</a>
<a href="#">12.155.03</a>	<a href="#">Residential Use Group</a>
<a href="#">12.155.04</a>	<a href="#">Civic and Institutional Use Group</a>
<a href="#">12.155.05</a>	<a href="#">Commercial Use Group</a>
<a href="#">12.155.06</a>	<a href="#">Industrial Use Group</a>
<a href="#">12.155.07</a>	<a href="#">Utility, Communication, and Transportation Use Group</a>
<a href="#">12.155.08</a>	<a href="#">Home Occupation</a>

### SEC. 12.155.01 GENERAL

- (1) **Use groups.** This zoning code classifies land uses into major groupings, including: “Agriculture and Open Space;” “Residential;” “Civic and Institutional;” “Commercial;” “Utility, Communication, and Transportation”; and “Industrial”. These are referred to as “use groups.”
- (2) **Use categories.** Each use group is further divided into more specific “use categories.” Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.
- (3) **Typical uses.** Typical, example, “such as,” and “included but not limited to” uses cited in the descriptions of certain use categories are not intended to be exclusive or restrictive.
- (4) **Interpretations.** When the Zoning Administrator determines a specific land use cannot be classified into a use, the Zoning Administrator is authorized to determine the most similar, and thus most appropriate, use category based on the considerations below. If the Zoning Administrator cannot determine the most appropriate use category, a determination shall be provided by the Planning and Zoning Committee.
  - (a) The actual or projected characteristics of the activity in relationship to the stated characteristics of each land use;
  - (b) The common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customer or residents, how goods or services are sold or delivered, and site conditions;
  - (c) The relative amount of site area or floor space and equipment devoted to the land use;
  - (d) The relative amounts of sales from each land use;
  - (e) The customer type for each land use;
  - (f) The relative number of employees in each land use;
  - (g) The hours of operation;
  - (h) The building and site arrangement;

- (i) The types of vehicles used in association with the land use;
- (j) The relative number of vehicle trips generated by the land use;
- (k) The types and number of signs associated with the land use;
- (l) The means by which the land use advertises itself;
- (m) Whether the land use is likely to be found independent of the other land uses on the site; and
- (n) Whether federal, state, or county regulations affect whether an unclassified use may be allowed, including but not limited to Chapter 91, Wisconsin Statutes and any Wisconsin Administrative Rule.

## **SEC. 12.155.02      AGRICULTURE AND OPEN SPACE USE GROUP**

- (1) **Agriculture.** Any of the following activities conducted for the purpose of producing an income or livelihood: crop or forage production; keeping farm animals; beekeeping; nursery, sod, or Christmas tree production; floriculture; aquaculture; fur farming; forest management; enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land and conservation payment program.
- (2) **Agritainment or Agritourism.** Activities conducted on an operating farm and offered to the public or to invited groups for the purpose of recreation, education, or active involvement in the farm operation. This use includes farm tours, hayrides, corn mazes, classes relating to agricultural products or skills, picnic and party facilities offered in conjunction with the above, and similar uses.
- (3) **Campground.** A parcel of land designed, maintained, intended, or used for the purposes of providing a location for two or more camping units.
- (4) **Game management.** An activity or facility where wild animals, birds, or fish are raised and/or hunted for food or sport.
- (5) **Golf course, public or private.** A facility, other than a miniature golf course or stand-alone golf driving range, primarily intended for the playing of golf. A golf course may include a clubhouse, pro-shop, restrooms, driving range, shelters, and other uses that are typically accessory to a golf course. Eating and drinking establishments associated with golf courses will require separate land use approvals.
- (6) **Outdoor shooting range.** The use of land for archery or the discharging of firearms for the purpose of target practice, skeet and trap shooting, and competition shooting.
- (7) **Public park and recreation.** Any recreational use, predominantly conducted outdoors and located on property owned by the public, or on a public use easement owned by the public. Such land uses may include parks, natural areas, wildlife areas, trails picnic areas, picnic shelters, play courts, play fields, athletic fields, tot lots, public outdoor swimming pools, swimming beach areas, fitness courses, playground equipment, boat launches, waterfront access points, outdoor education or interpretive centers, or similar land uses. May include buildings or structures supporting the principal park or playground use, such

as equipment storage sheds, shelters, restrooms, concession stands, and grandstands. Not included in this category are privately owned and operated recreational uses or golf courses whether publicly or privately owned.

- (8) **Retreat.** One or a group of facilities used for professional, educational, or religious conclaves, meetings, conferences, or seminars and which provide meals, housing, and recreation for participants during the period of the retreat or program only. Such centers may not be used by the general public for meals or overnight accommodations. Housing for participants may be lodges, dormitories, sleeping cabins (with or without baths), or in temporary quarters as may be approved, but kitchen and dining facilities shall be located in a single centrally located building or buildings.
- (9) **Road side stand.** A location, structure, or group of structures intended to provide for limited on-site sales of agricultural products.
- (10) **Ski hill.** An area developed for snow skiing and snowboarding, with trails and lifts, and including equipment rental and sales, instruction, and eating facilities.
- (11) **Farm animal and commodity trucking service.** Includes a property used for the parking, storage and servicing of commercial vehicles or other motor vehicles used for the transport of farm animals or commodities used by agricultural uses.

### SEC. 12.155.03 RESIDENTIAL USE GROUP

The residential use group includes uses that provide living accommodations to one or more persons and consists of two categories: Household Living and Group Living.

- (1) **Household Living.** Includes residential dwelling units occupied by individual households. For renter-occupied dwellings, tenancy is arranged for 29 consecutive days or longer basis. Uses where tenancy may be arranged for shorter periods of time are not considered residential; they are considered a form of lodging or camping. Household living uses include the following types of uses:
  - (a) **Single-family use.** The use of a dwelling unit designed for, converted to or occupied by one family, located on one lot, and not attached to another dwelling unit.
  - (b) **Two-family use.** The use of a dwelling designed or altered to provide two attached dwelling units for two separate families, including two-flats, duplexes, and two-unit condominium buildings. In the case of duplexes, the two dwelling units may or may not be located on separate lots.
  - (c) **Preexisting residence.** A specific subset of either a single-family use or two-family use that has all of the following characteristics:
    - 1. Was legally established before January 1, 2014; or is a replacement for any such residence, if located within 200 feet or on another site on the same parcel if approved by the Planning and Zoning Committee.
    - 2. Is located within the A-1 or AO-1 zoning district.
  - (d) **Multiple-family use.** The use of a dwelling designed or altered to provide three or

- more attached or detached dwelling units on one lot, with each dwelling unit occupied by a separate family, including townhouses, rowhouses, multi-unit condominium and apartment buildings, and garden apartments.
- (e) **Manufactured home park or mobile home park.** A parcel of land or subdivision used for the placement of two or more mobile homes and/or manufactured homes. Manufactured home developments and subdivisions shall not be included under this land use category where all manufactured homes meet all standards that are applicable to all single-family uses in this chapter.
  - (f) **Family day care home (4 – 8 children).** A use within an occupied dwelling in which a qualified person or persons provide child care for four to eight children. The care of fewer than four children is not subject to any regulations of this chapter. Family day care homes are also regulated under Wisconsin Statutes. In the A-1 District this use is only allowed in preexisting residences.
  - (g) **Intermediate day care home (9 – 15 children).** A use within an occupied dwelling in which a qualified person or persons provide child care for nine to fifteen children. Intermediate day care homes are also regulated under Wisconsin Statutes. In the A-1 District this use is only allowed in preexisting residences.
- (2) **Group Living.** Includes residential dwellings not occupied by households typically providing communal kitchen or dining facilities. Examples of group living uses include but are not limited to boarding houses, group homes, fraternities, sororities, convents, monasteries, nursing homes, convalescent homes, rehabilitation centers, assisted living facilities, congregate care facilities, retirement communities, and similar group living arrangements not otherwise included as a separate land use in this chapter.
  - (3) **Community living arrangement.** Includes all facilities provided for in Wis. Stats. §§ 46.03(22), 48.743(1), 48.02, 48.02(17q), and 50.01(1)(a) or (b), including child welfare agencies, group homes for children or adults, and community based residential facilities; along with adult family homes. Community living arrangement facilities are regulated depending upon their capacity as provided for in Wisconsin Statutes. In the A-1 District this use is only allowed in preexisting residences.

#### **SEC. 12.155.04      CIVIC AND INSTITUTIONAL USE GROUP**

The civic and institutional use group includes public and quasi-public facilities and services, non-profit, and religious uses.

- (1) **College or university.** Any institution of higher learning or post-secondary education that offers courses of general or specialized study leading to a degree or certification. Such uses are certified by the state or by a recognized accrediting agency. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, conservatories, training centers, and seminaries.
- (2) **Detention or correctional facility.** A facility for the judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by peace officers, except when on an approved leave. Examples of such uses include prisons, jails, probation centers and juvenile detention homes.

- (3) **Fraternal organization.** The use of a building or parcel by a not-for-profit organization that restricts access to its facility to bona fide, annual dues-paying members and their occasional guests.
- (4) **Governmental, institutional, religious, or nonprofit community use.** A grouping of civic and institutional uses as allowed in Agricultural and Open Space zoning districts and further regulated by the standards in Section 12.125.09, in order to meet the requirement of Wisconsin Statutes Chapter 91.
- (5) **Hospital.** A use providing medical or surgical care to patients and offering inpatient (overnight) care.
- (6) **Library or cultural exhibit.** Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collection of literature for study and reading.
- (7) **Municipal service, town hall, or community center.** A generally public use that provides services including fire stations, police stations, and ambulance services, post offices, town halls and other government buildings, post offices, and community centers or meeting halls.
- (8) **Religious assembly.** Religious services involving public assembly such as those that customarily occur in synagogues, temples, mosques, and churches, but not including cemeteries.
- (9) **School.** An early childhood learning, elementary, junior high, or high school educational center that provide state-mandated basic education.

## SEC. 12.155.05 COMMERCIAL USE GROUP

The commercial use group includes uses that provide commercial, professional, and personal services to individual persons or other clients or involves the selling, leasing, or renting of merchandise to the general public.

- (1) **Adult use:** Includes, but is not limited to, adult entertainment establishments, adult bookstores, adult motion picture theaters, adult cabarets, “strip clubs,” “gentleman’s clubs,” or related establishments, as some such terms are defined in [Section 12.160.02](#). It further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

The incorporation of this Subsection into this chapter is designed to reflect the County’s official finding that adult-oriented commercial uses have a predominant tendency to produce certain undesirable secondary effects on the surrounding community, as has been demonstrated in other, similar jurisdictions. Specifically, the County is concerned with the potential for such uses to negatively impact the following:

the attractiveness of nearby locations for new development, the ability to attract or retain customers, and the ability to market and sell nearby properties at a level consistent with similar properties not located near such facilities. It is explicitly not the intent of this Subsection to suppress free expression by unreasonably limiting alternative avenues of communication, but rather to balance the need to protect free expression opportunities with the need to implement the County's Comprehensive Plan and to protect the character and integrity of its commercial, residential, and rural areas. This finding is based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the County Board, and on findings included in the cases *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *City of Erie v. Pap's A.M., TDA "Kandyland"*, 529 U.S. 277 (2000), and *City of Los Angeles v. Alameda Books, Inc.*, 121 S. Ct. 1223 (2001), and on studies in other communities, including but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and also on the findings from the Report on the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota).

(2) **Animal services.**

- (a) **Animal sales and grooming.** Includes pet stores, dog bathing and clipping salons, pet grooming shops and similar facilities.
- (b) **Commercial animal shelter, commercial boarding kennel, or commercial breeding facility.** Includes animal shelters, commercial kennel services, pet resorts or hotels, dog training centers, doggie day cares, animal rescue shelters, and principal uses where animals are bred for sale to other persons or entities. Does not include residential kennels. Also, does not include uses or facilities where the breeding, sheltering, or boarding of animals is accessory to an agricultural use, which instead are permitted as accessory to the agricultural use if they meet other applicable requirements of this chapter and of Wisconsin Statutes Chapter 91.
- (c) **Residential kennel.** Includes the breeding, rearing, or boarding of more than four dogs or cats, in association with a residential principal use of land and related buildings or structures. A litter of pups or kittens, kept for less than 6 months from birth shall not contribute to the limit of four, provided there is not more than one litter per year on the premises. Does not include commercial boarding kennels as described in Subsection 2 above.
- (d) **Veterinary services.** Includes large and small animal clinics, animal hospitals and similar uses for the medical treatment of animals.
- (e) **Commercial stable.** Includes principal uses and facilities for the keeping of horses and similar large riding animals for hire. Does not include uses where the stabling is accessory to an agricultural use, which instead are permitted as accessory to the agricultural use if they meet other applicable requirements of this chapter and of

## Wisconsin Statutes Chapter 91.

- (3) **Commercial entertainment or recreation, Indoor.** Includes land uses that provide entertainment or commercial recreation services within an enclosed building. Such activities often have operating hours that extend later than other commercial land uses, have greater impacts on the surrounding area, and have the potential to be associated with nuisances related to noise, lighting, dust or trash. Examples of such land uses include indoor theaters; health or fitness centers; all forms of training studios (dance, art, martial arts, etc.); bowling alleys; arcades; roller rinks; and pool halls.
- (4) **Commercial entertainment or recreation; Outdoor.** Includes ball fields; outdoor commercial swimming pools; golf driving ranges; miniature golf facilities; amusement parks; waterslides; marinas; drive-in theaters; go-cart tracks; paintball facilities, and any track, course, circuit, strip, or loop designed for use by motorized vehicles such as automobiles, trucks, ATVs, motorcycles, motocross bikes, “dirt bikes,” snowmobiles, go-carts, or boats.
- (5) **Commercial services.** Includes all indoor land uses of which the primary function is the provision of commercial services directly to an individual on a walk-in or on-appointment basis. Examples of such uses include barber shops, beauty shops, indoor repair and maintenance land uses (except for motor vehicles), and related land uses.
- (6) **Commercial apartment.** An accessory dwelling unit that is in a building which the principal use is a commercial or institutional land use.
- (7) **Day care center.** Includes land uses in which qualified persons provide care services for nine or more children or adults. Examples of such land uses include child care centers, nursery schools, and adult day care facilities. Such uses may be operated in conjunction with another principal land use on the same lot, such as a church, school, business, or civic organization, but not in a dwelling. In such instances, a day care center is not considered an accessory use, but instead is considered an additional principal use. Distinguished from day care homes in that day care centers are principal uses of a property, not accessory to a principal residential use.
- (8) **Drive-in or drive-through use, including fueling.** Includes all land uses that perform sales or services to persons in vehicles, or from a vehicle such as a food truck or trailer (or any other structure for an outdoor food vendor) in place for more than 30 consecutive days. This category includes include any business with a drive-in, drive-up or drive-through facility, vehicular fuel stations, and car washes.
- (9) **Eating and drinking establishment.**
  - (a) **Restaurant.** Includes commercial establishments where food and beverages are prepared, served, and consumed primarily within the principal building. Any drive-through or drive-in facilities associated with a restaurant, and any outdoor food vendors or food trucks or trailers in place for more than 30 days, shall also be classified as a “drive-in or drive-through” use, which requires a separate land use review.
  - (b) **Tavern or nightclub.** An establishment used primarily for the serving of liquor by the drink to the general public. The sale of food and packaged goods may be served

or sold only as incidental to the serving of liquor.

(10) **Financial services.**

- (a) **Bank.** A federal- or state-chartered bank, credit union, savings and loan association, or trust company.
- (b) **Check cashing or loan service.** A business engaged in cashing checks or providing short-term loans for members of the general public as a principal purpose of its operation and that is not a bank, savings and loan association, or other financial service, including businesses offering payday loans, title loans, signature loans, small loans, and other similar loans.
- (c) **Pawn shop.** A business that lends money on the security of pledged goods or that are engaged in the business of purchasing tangible personal property on condition that is may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

(11) **Funeral and interment services.**

- (a) **Cemetery or columbarium or mausoleum.** Land, including any mausoleum or columbarium on the land, which is used or intended to be used for the burial of human remains.
- (b) **Crematory services.** Includes facilities wherein human bodies are purified and reduced by fire.
- (c) **Undertaking services.** Includes facilities where the dead are prepared for burial and funerals are arranged and managed, including funeral homes.

(12) **Lodging facility.**

- (a) **Tourist rooming house.** A single-family dwelling licensed by the state used as a lodging place or tourist cabin or cottage rented to tourists or transients for the purpose of overnight lodging for a period of not less than 1 night and not more than 30 consecutive days other than ongoing month-to-month tenancy granted to the same renter for the same unit.
- (b) **Hotel, motel, or lodging resort.** Includes land uses that provide two or more overnight dwelling units on one lot or on contiguous lots, including groups of individual cabins, rooms, or suites of rooms, with each cabin, room, or suite having a private bathroom.
- (c) **Bed and breakfast establishment.** An indoor lodging facility that provides breakfasts only to paying lodgers and that are licensed as bed and breakfasts under State Statutes.

(13) **Office.**

- (a) **Administrative, professional, or general office.** Includes indoor professional, governmental, executive, management, or administrative offices of private organizations or government agencies. Typical uses include administrative offices, law offices, architectural firms, insurance companies, and government offices.
- (b) **Medical office.** Personal health services including prevention, diagnosis and



- treatment, rehabilitation services provided by physicians, dentists, nurses and other health personnel and medical testing and analysis services. Typical uses include medical and dental offices, including chiropractic offices, physical and massage therapy offices, psychologist and psychiatrist offices, medical clinics without overnight stays, health maintenance organizations, blood banks, plasma centers and government-operated health centers. Excludes use types more specifically classified, such as hospitals.
- (14) **Retail sales, indoor.** Includes all principal land uses that conduct or display sales or rental merchandise or equipment completely or nearly completely within an enclosed building, including the provision of incidental service and indoor repair uses. Includes general merchandise stores, grocery stores, bait shops, sporting goods stores, antique stores, gift shops, laundromats, bakeries, and a number of other uses meeting this definition.
- (15) **Retail sales, outdoor.** Includes uses that conduct or display merchandise outside of an enclosed building that is for sale or rent and land uses that conduct maintenance or repairs on merchandise or equipment outside of an enclosed building. Examples of such land uses include vehicle sales, vehicle rental, manufactured and mobile home sales, monument sales, lawn mower repair, boats, garden supplies, building and landscape materials, and lumber yards.
- (16) **Vehicle repair or maintenance service.** Includes all principal land uses that perform repair, maintenance, painting or towing services for motorized vehicles.

## SEC. 12.155.06 INDUSTRIAL USE GROUP

- (1) **Artisan workshop.** Includes uses primarily involving the limited on-site production of goods by hand manufacturing that requires only the use of hand tools, domestic mechanical equipment, or a single kiln, and the incidental sale to consumers. Examples of products produced at artisan workshops include custom furniture, ceramics, blown glass, candles, custom jewelry, stained and leaded glass, unique pieces of woodwork, custom tiles, and other crafts.
- (2) **Asphalt or concrete rock crushing facility or batch or ready-mix plant.** Any use in which the principal activity is the processing, mixing, handling, sale or transport of concrete, asphalt, rock, brick, cement, or other similar paving or building materials. Any “non-metallic mineral extraction use” associated with such a facility shall be allowed as separately listed under this chapter.
- (3) **Brewery.** A facility used for the manufacture of more than 5,000 barrels or cases per year of fermented malt beverages other similar spirits, or that has mechanized bottling capacity. Establishments that manufacture up to 5,000 barrels of malt beverages per year are instead considered a brewpub under the “tavern or nightclub” category.
- (4) **Contractor shop.** Includes any business engaged in contract services or labor, such as contractors involved with landscaping; building construction or carpentry; and electrical, well and septic, and plumbing or heating systems. Often involves accessory equipment storage yards and rental of equipment commonly used by contractors. Retail outlets

associated with this principal use shall be considered an accessory use, and shall be subject to the requirements applicable to the “indoor sales accessory to industrial use” category.

- (5) **Distribution center.** Includes any land use engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by rail, air, or motor vehicle.
- (6) **Freight or bus terminal.** Includes land and buildings representing either end of one or more truck carrier line(s) that may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings, outdoor storage areas, freight stations, and truck maintenance and repair facilities. Such uses typically serve the trucking needs of several businesses on a contract basis.
- (7) **General manufacturing.** Includes any land use engaged in the manufacture of finished products or parts that does not meet the description of the “light manufacturing” category. More specifically, general manufacturing land uses may include activities wholly or partially located outside of an enclosed building and may have the potential to create certain nuisances which are detectable at the lot line. Examples of general industrial land uses include animal or poultry slaughtering or processing facilities; lumber milling; meat product producers; distillation of bone; fat rendering; garbage, rubbish, offal, or dead animal reduction or dumping; canneries; alcoholic beverage producers; paper, pulp or paperboard producers; chemical and allied product producers including poison or fertilizer producers; gelatin, glue, or size manufacturers; drug producers; petroleum, ethanol, and coal product producers; tanneries; stone, clay, or glass product producers; primary metal producers; charcoal distillation; ammunition or explosives manufacture; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; power production facilities; and railroad switching yards.
- (8) **Junkyard or salvage yard.** Includes all buildings or parcels of land, or portions thereof, where the principal use is or includes the above-ground storage, collection, salvage, recycling, buying, or sales of “junk,” as defined in [Section 12.160.02](#); or two or more inoperable motor vehicles not kept in a completely enclosed building. Also includes the accumulating or wrecking of automobiles, trucks, tractors, snowmobiles, boats, trailers, recreational vehicles, or other motor vehicles or parts thereof and all such junk at all times must be stored in an enclosed environment within the lot boundaries of the premises, thereby securing it from public view.
- (9) **Light manufacturing.** Includes any land use engaged in the manufacture of finished products or parts, predominantly from previously prepared materials, including the processing, fabrication, assembly, treatment, packaging, individual storage, and distribution of such products, but excluding basic industrial processing predominantly and directly from extracted, forested, or other raw materials. Light manufacturing uses include, but are not limited to, the production or processing of apparel and other finished products made from fabrics; computers and accessories, including circuit boards and software; electronic components, assemblies, and accessories, film, video, and audio; blueprints; food and beverage products, except no live slaughter, grain milling, or processing of cereal, vegetable, oil, or vinegar; jewelry, watches, and clocks; milk, ice

cream, and confections; musical instruments; novelty items, pens, pencils, and buttons; precision dental, medical, and optical goods; signs, including electric and neon signs, and advertising displays; toys; wood crafting and carving; wood furniture and upholstery. This category also includes establishments that conduct research, development, or the controlled production of high technology, electronic, industrial, or scientific products or commodities for sale, or establishments conducting educational or medical research or testing. Such uses may include limited accommodations for researchers or research subjects. Retail outlets associated with this principal use shall be considered an accessory use, and shall be subject to the requirements applicable to the “indoor sales accessory to industrial use” category.

- (10) **Non-metallic mineral extraction use.** Includes land uses involving the systematic removal of soil, clay, sand, gravel, rock, non-metallic minerals or other related material. May include on-site processing of extraction material if part of the application and conditional use permit approval. Any “asphalt or concrete rock crushing facility or batch or ready-mix plant” associated with such a facility shall be allowed as separately listed under this chapter.
- (11) **Outdoor storage.** The keeping, in an unenclosed area, of any goods, junk, material, or merchandise or vehicles in the same place for more than 24 hours as a principal (rather than accessory) use of a property. Examples of this land use include equipment yards, coal yards, tank farms, construction materials yards, and shipping materials yards. Retail outlets associated with this principal use shall be considered an accessory use, and shall be subject to the requirements applicable to the “indoor sales accessory to industrial use” category.
- (12) **Personal storage facility or mini-warehouse.** Includes uses oriented to the indoor storage of personal or small business-related items entirely within partitioned buildings having an individual access to each partitioned area or indoor storage in a non-partitioned building. Such storage areas may be available on either a condominium or rental basis. Also known as “mini-warehouses.” Does not include storage within agricultural accessory buildings on farms.
- (13) **Water Extraction.** Includes activities such as pumping, storing, packaging, transporting and distribution of surface or groundwater for consumption outside or beyond the recharge area of the extraction point.
- (14) **Wholesaling.** Includes any land use primarily engaged in selling merchandise to retailers or industrial, commercial, institutional, or professional businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of these land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities.

## **SEC. 12.155.07      UTILITY, COMMUNICATION AND TRANSPORTATION USE GROUP**

- (1) **Airport or landing strip.** Includes transportation facilities providing takeoff, landing, servicing, storage and other services to any type of air transportation. The operation of

any type of air vehicle (including ultra-light aircraft, helicopters, hang gliders, but excepting model aircraft) shall occur only in conjunction with an approved airport or landing strip or helipad or heliport.

- (2) **Composting, recycling or waste transfer operation.** Includes a facility or any area for the transfer of solid waste to a final disposal site, recycling centers, and any operation or land uses devoted to the collection, storage, processing or disposal of vegetation (composting operation).
- (3) **Public utility or service.** Includes all county, town, state, and federal facilities; emergency service facilities; and public utilities such as, but not limited to wastewater treatment plants; utility substations; dams; water towers; transmission lines; fire towers; wind energy systems, solar energy generating facilities, battery energy storage systems, and similar land uses. Utilities with a certification of public convenience and necessity issued by the Public Service Commission are not subject to this chapter.
- (4) **Waste disposal operation.** Includes a facility or any area used for the final disposal of solid waste, including those defined by State Statutes and not regulated elsewhere in this Subsection, but not including allowable land spreading of agricultural waste.

## **SEC. 12.155.08 HOME OCCUPATION**

- (1) **Minor home occupation.** An accessory use that provides a means to accommodate a small home-based family, commercial service or professional business on a parcel with a principal residential use without the necessity of a rezoning to a commercial zoning district. Examples include, but are not limited to, personal and professional services, home offices, handicrafts, and small machine repair, subject to the associated limitations and standards in Section 12.125.28(1).
- (2) **Major home occupation.** An accessory use that, compared to a minor home occupation, provides a means to accommodate a more intensive home-based family, commercial service or professional business on a parcel with a principal residential use without the necessity of a rezoning to a commercial zoning district. The performance standards for major home occupations, within Section 12.125.28(2), are more flexible than for minor home occupations; as such, where allowed major home occupations require the issuance of a conditional use permit.

## SUBSECTION 12.160: DEFINITIONS

### SECTIONS:

[12.160.01 Purpose](#)  
[12.160.02 Definitions](#)

### SEC. 12.160.01 PURPOSE

The purpose of this Subsection is to establish definitions for terms used within this chapter, particularly those terms for which common English definitions may be unavailable, incomplete, or not specific enough for the purposes required under this chapter. Words used in this chapter shall be defined first by referring to this Subsection. If this Subsection does not contain a definition for the word or words, then the word or words shall be as defined in a common English dictionary.

Definitions of land uses listed in Tables 12.105.02(1), 12.110.02(1), and 12.115.02(1) are located in Subsection 12.155 of this chapter.

### SEC. 12.160.02 DEFINITIONS

ACCESSORY STRUCTURE. See definition in [Section 12.130.02](#).

ACCESSORY USE. See definition in [Section 12.130.02](#).

ACRE. 43,560 square feet.

ADDITION. An enlargement of an existing structure that is physically attached to the existing structure.

ADJACENT. Abutting, or located directly across a street or rail right-of-way or easement from, a separate lot.

ADULT BOOKSTORE. A type of adult use having as a substantial or significant portion of its stock in trade, for sale, rent, lease, inspection or viewing, books, films, video cassettes, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or related to specific sexual activities or specified anatomical areas, or an establishment with a segment or Subsection devoted to the sale, rent, or display of such material.

ADULT ENTERTAINMENT ESTABLISHMENT. A type of adult use and business having as its substantial or significant business purpose the offering to the public or its members of a product or service, including, but not limited to, entertainment, intended to provide sexual stimulation or sexual gratification, and which product or service is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

AGRICULTURAL ACCESSORY STRUCTURE. See definition in [Section 12.130.02](#).

ALTERNATIVE SUPPORT STRUCTURE. A structure including but not limited to a clock

tower, steeple, silo, light pole, water tower, free-standing chimney, utility pole, tower, building or similar structure that may also support one or more wireless communications facilities.

**ANIMAL, EXOTIC.** An animal raised for commercial purposes that does not fall into traditional categories of livestock raised in Columbia County, including but not limited to ostrich, emu, alpaca, and bison, but not including dangerous or predatory species as defined in Section 16.901 of this Columbia County Code of Ordinances which are not permitted within any zoning district.

**ANIMAL HOSPITAL.** A building or premises for the medical or surgical treatment of animals or pets, including dog, cat and veterinary hospitals.

**ANIMAL UNIT.** A measure that represents a common denominator for the purpose of defining in what quantity farm animals may be kept. The animal unit measure is related to the amount of feed various farm animal species consume and the amount of waste they produce. Tables 2A and 2B in Wisconsin Administrative Code NR 243 indicates the number of common farm animal species that comprise a single animal unit. For animal types not listed in the tables, 1,000 pounds of live animal weight is equal to one animal unit.

**ANTENNA.** Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include devices having active elements extending in any direction, and directional beam type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

**ANTENNA, BUILDING MOUNTED.** Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building.

**ANTENNA, GROUND MOUNTED.** Any antenna with its base placed directly on the ground.

**APPURTENANCE.** An attachment or addition to the main volume of a building, such as a porch, deck, stoop, or balcony.

**AWNING.** A roof-like cover that projects from a wall or building and overhangs the wall or building primarily intended to provide shelter from sun or rain.

**BASE ZONING DISTRICT.** A zoning district that primarily regulates the use of land and intensity or density of such use.

**BASEMENT.** An area of a building located wholly underground; or an area of a building located partly underground, and having a ceiling grade not more than three feet above the grade at the front elevation of the building. Basements that contain the appropriate number and dimension of exits under ILHR 21.03 (Wisconsin Uniform Dwelling Code) are considered livable areas to be included in calculations of gross floor area as is applicable to this chapter.

**BUILDABLE LOT.** A lot on which a principal building may legally be constructed, not including outlots or lots dedicated for public park or stormwater use.

**BUILDING.** Any structure having a roof supported by columns, poles or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

**BUILDING COVERAGE.** The percentage of a lot covered by the footprint of principal buildings and accessory buildings. Not usually the same as lot coverage, which also included other impervious surfaces as defined in this Subsection.

**BUILDING ELEVATIONS.** A graphic depiction of the exterior walls of a proposed building or expansion to an existing building, drawn to scale, which shows features such as wall materials, colors, windows, doors, and other features as may be specified in this chapter.

**BUILDING FOOTPRINT.** The land area covered by a building, defined as the surface area projected on the ground that falls directly beneath all areas that are included in the definition of a building. The surface area projected on the ground of any part of the building, including roof overhangs, that projects outward beyond its supporting exterior columns, poles or walls by more than three feet shall be included in the surface area.

**BUILDING, PRINCIPAL.** A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

**CAMPING.** Human habitation of a camping cabin, camping unit or resort cabin.

**CAMPING CABINS.** A camping unit that is a hard-sided tent or shelter less than 400 square feet in area whose foundation is not part of the cabins structure that is designed to be moveable which may or may not have an inside water connection or water using sanitary fixtures.

**CAMPING UNIT.** Any structure, equipment or vehicle intended for temporary sleeping accommodations for recreation or travel, not more than 400 square feet in area, including recreational vehicles (RV's), pick-up trucks with sleeper attachments, motor homes, camping trailers, tents, park models, yurts, camping cabins, and similar equipment.

**CAMP SITE.** A clearly signed piece of land within a camp ground that provides a location for camping units (s), with its location delineated on a campground site plan map.

**CAMPING TRAILER.** A camping unit that is a vehicle with a collapsible or folding structure and towed upon a highway by a motor vehicle.

**CARPORT.** A space for the housing or storage of motor vehicles and enclosed on not more than two sides by walls.

**CEMETERY AUTHORITY.** A person or organization who owns or operates a cemetery.

**CERTIFIED SURVEY MAP.** See definition within Chapter 12, Subchapter 200.

**CIVIC USE.** A facility that provides a public or community service, and is operated by a governmental entity.

**CLINIC.** An establishment where patients are not lodged overnight, but are admitted for examination or treatment by a group of physicians, dentists, or other medical professionals practicing together.

**CLUB.** A building, facility, or site owned or operated or both for social, educational, recreational, or athletic purposes for members and their guests, but not primarily for profit and not primarily to render a service customarily carried on as a business activity.

**CLUSTER.** A contiguous grouping of three or four allowable residential lots within the RR-1 Rural Residence zoning district.

**COLOCATION.** The act of placing multiple antennas, dishes, or similar devices owned or used by more than one wireless communications provider on a single wireless communications facility, such as a tower or alternative support structure.

**COMMERCIAL VEHICLE.** Any motor vehicle used for business or institutional purposes or having painted thereon or affixed thereto a sign identifying a business or institution or a principal product or service of a business or institution. Agricultural equipment used as part of a permitted agricultural principal use shall not be considered a commercial vehicle.

**COMMON OWNERSHIP.** Any combination of contiguous parcels singly owned by one uniquely named entity as identified by deed. Such an entity includes, but is not necessarily limited to, an individual person, a married couple or family trust, or a partnership or corporation.

**COMMUNITY CHARACTER.** The impression that an area makes on people with regard to the type, intensity, density, quality, appearance, placement, and age of development or open lands.

**COMPREHENSIVE PLAN, COUNTY.** The Comprehensive Plan of Columbia County, Wisconsin, from time to time amended, as prepared and defined under Wisconsin Statutes, and which is intended to guide the physical development of the County over a 20-year planning period. This chapter also draws reference to duly adopted Town Comprehensive Plans. The County Comprehensive Plan includes the Farmland Preservation Plan as a detailed component.

**CONDITIONAL USE.** A land use that is of a special nature due to its unique impact on surrounding uses, utilities, community character, transportation or the environment, and that as a result requires approval by the Columbia County Planning and Zoning Committee of a conditional use permit prior to commencement of the use.

**CONDITIONAL USE PERMIT.** A discretionary permit for a listed conditional use, granted by the Columbia County Planning and Zoning Committee, under the notice and hearing procedures of [Section 12.150.07](#) of this chapter, upon application by an owner, and to which various conditions of use may be attached and adhered to by the applicant.

**CONDOMINIUM.** Ownership of single units in a facility with common area and meeting all requirements of Wisconsin Statutes Chapter 703. A condominium is a legal form of ownership, and not a specific land use, or building type or style.

**CONTIGUOUS.** Lots or parcels shall be considered contiguous if they share a common boundary. Parcels in common ownership which are directly across from a public street, rail right-of-way, easement, or navigable river, stream, or creek, along with parcels that meet only at a corner, shall be considered contiguous.

**CONVENTIONAL DEVELOPMENT.** Any land development that does not meet all of the criteria and regulations for classification as a “conservation neighborhood development” under [Section 12.125.10\(3\)](#).

**COUNTY.** The County of Columbia, Wisconsin, unless otherwise specifically indicated in this chapter.

**COUNTY BOARD.** The Columbia County Board of Supervisors, the legislative body for Columbia County. Also, may be referred to as “Board,” where not immediately preceded by a reference to the Zoning Board of Adjustment.

**COUNTY PLANNING AGENCY.** The Columbia County Planning and Zoning Committee as



authorized by Wis. Stats. § 59.69. “Agency” and “Committee” are used interchangeably herein.

**CULTURAL RESOURCE.** A historic or archeological site or other human-made resource depicted on maps or through text in the County Comprehensive Plan, or through a more detailed inventory, which contributes to the community character of Columbia County.

**CUT.** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below the original ground surface or excavated surface.

**DECK.** An outdoor platform without sides or roof, usually above ground grade, intended to support persons and outdoor furniture such as chairs and a picnic table. A deck may be attached to a principal building, often a dwelling, or detached, and may be subject to different regulations depending on whether it is attached or detached to such principal building.

**DENSITY.** A term used to describe the number of dwelling units per acre(s), but not necessarily the size of individual lots. For example, a zoning district that allows a density of one dwelling for every 35 acres owned may also permit a minimum lot size of 43,560 square feet without any inconsistency.

**DEPARTMENT.** The Columbia County Department of Planning and Zoning.

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate including but not limited to the construction or placement of buildings, structures, the construction of additions or improvements to buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations and the deposition or extraction of materials for which permission may be required pursuant to this chapter.

**DISTRICT.** Any geographic area covered by this chapter within which the zoning regulations are uniform. Also referred to as a “zoning district.”

**DRIVEWAY, PRIVATE.** A private roadway providing access for vehicles to a parking lot, garage, dwelling or other structure.

**DWELLING.** A habitable structure or portion thereof that is used exclusively for human habitation.

**DWELLING, ATTACHED.** A dwelling that is joined to another dwelling at 1 or more sides by an approved wall or walls, hallways, breezeways or garages.

**DWELLING UNIT.** A room or rooms in a dwelling that are used as living quarters for one family and contains legal cooking and sanitary facilities reserved for use by the occupants of the room or rooms.

**EASEMENT.** A non-possessory interest in real property that entitles its holder to a specific limited use or enjoyment, such as for utilities or ingress and egress, as may be specified with the specific easement.

**EASEMENT, CONSERVATION.** A non-possessory interest in real property imposing certain limitations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining air or water quality.

**EMPLOYEES ON THE LARGEST WORK SHIFT.** The maximum number of employees working at a business at any one time.

**ENCROACHMENT.** Any structure, building, use, or development within a normal minimum yard or building setback area.

**EROSION CONTROL PLAN.** A detailed plan developed to address pollution caused by soil erosion and sedimentation during a land disturbing construction activity.

**EXCAVATION.** Any activity by which earth, sand, gravel, mineral or mineral substance, rock, is dug into, cut quarried, uncover, removed, displaced or relocated.

**EXTRATERRITORIAL ZONING.** A technique authorized under Wis. Stats. § 62.23(7a) under which a city or village and adjoining town joint share the authority for general zoning of unincorporated lands.

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

**FARM.** All land under contiguous common ownership that is primarily devoted to agricultural use, as described in Section 12.155.02(1).

**FARM ANIMAL.** Any animal that is customarily raised for a profit on farms or to supplement household food supplies or income, and that has the potential for causing a nuisance or public health concerns if not properly maintained. Includes but is not limited to livestock, equine animals, bison, farm-raised deer, fish, captive game birds, camelids, mink, ratites (e.g., emu), and rabbits, but not including pigmy goats or pot-bellied pigs.

**FARM ANIMAL FACILITY.** A feedlot, dairy farm or other operation where farm animals are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. Includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area.

**FARMLAND PRESERVATION PLAN.** The Farmland Preservation Plan for Columbia County, Wisconsin, prepared as the County's State-certified farmland preservation plan under Wisconsin Statutes Chapter 91 and as a component of the County Comprehensive Plan, which is intended to guide County farmland preservation-related decision making and may be amended from time to time.

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

**FENCE, OPEN.** Open fences are those with more than 50% of the surface open for free passage of light and air. Examples of such fences include barbed wire, chain link, picket and rail fences.

**FENCE, SOLID.** Solid fences are those with 50% or less of the surface area open for free passage of light and air. Examples of such fences are stockade, board-on-board, board and batten, basket weave and louvered fences.

**FILL.** 1. A deposit of earth, sand, gravel, rock or any other suitable material placed by artificial means; and act by which act by which earth, sand, gravel, rock or other suitable material is placed, pushed, dumped, pulled, transported or moved to a new location above the original ground surface or on top of the stripped surface. 2. The difference in elevation between a point on the original ground or a designed point of higher elevation on the finished grade, as measure on a vertical plane.

**FLAG LOT.** A lot with its widest point set back from the road, and having a thin, long strip (“the flagpole”) of land connected to the road to provide legal access and frontage.

**FLOOR AREA.** The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, certain basements (see definition), attached accessory buildings, fitting rooms, stairs, escalators and porches (decks are not included in the measurement).

**GARAGE, PRIVATE.** An accessory building or portion of the principal building used for the parking and storage of licensed motor vehicles and other materials and equipment associated with the occupant of the principal building on the lot.

**GRADE, EXISTING.** The existing condition of the ground elevation at the time of permit request that represents either: 1. The grade of the natural ground prior to the placement of any fill on the site or the excavation or removal of earth from the site; or 2. The manufactured grade following the completion of an approving grading operation including grading approved in conjunction with the approval of a subdivision for the purposes of measuring building height, means the ground elevation prior to any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development.

**GRADE, FINISHED.** The final ground elevation after the completion of any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development.

**GRADING.** Any activity which involves the physical movement of earth material, including any excavation, filling, stockpiling, movement of material, or compaction of soil.

**GROSS DENSITY.** The result of dividing the number of dwelling units on a site by the gross site area.

**GROSS FLOOR AREA.** The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, certain basements (see definition), attached accessory buildings, fitting rooms, stairs, escalators, unenclosed porches, along with detached accessory buildings utilized as dead storage, heating and utility rooms and inside off-street parking or loading space (decks are not included in this measurement). Measurements shall be made from the inside of the exterior walls and to the center of interior walls.

**GROSS SITE AREA.** The entire land area located within a single lot or parcel, including land within all easements (including roadway easements but not dedicated road or rail rights-of-way) and environmentally constrained land, such as floodplains and wetlands, but not including land on the water side of the ordinary high-water mark of navigable lakes, ponds, rivers and streams.

**GUY TOWER.** A wireless communications tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

**HABITABLE STRUCTURE.** Any structure or portion thereof used or designed for intermittent or permanent occupation by humans for the purpose of cooking, eating and sleeping.

**HAMLET.** A collection of mainly older, but possibly newer, buildings located at or near the crossroads of two highways outside of a city or village, and typically including a mixture of both residential and nonresidential land uses. Also referred to as “unincorporated community.”

**HEIGHT, MOBILE SERVICE SUPPORT STRUCTURE OR RADIO TOWER.** The distance

measured from the original grade at the base of the facility to the highest point of the facility, excluding any attached antennas and lighting.

**HOUSEHOLD.** See definition for “Family”.

**HUMAN HABITATION.** The act of occupying a structure for the purposes either separately or in combination of cooking, eating or sleeping, whether recreationally, temporarily or as a principal residence.

**HYDRIC SOIL.** A soil type formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part. Hydric soils are depicted on a map in the Columbia County Comprehensive Plan. These soils are frequently unstable for building construction.

**IMPERVIOUS SURFACE.** An area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surface excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots and streets unless specifically designed to be pervious.

**INCOMPATIBLE USE.** A land use, which by virtue of its scale, density, noise, odors, traffic, hours of operation, activity levels, lighting, or other impacts may not be desirable if located near less intensive or more sensitive land uses.

**INOPERABLE MOTOR VEHICLE.** Any motor vehicle such as automobiles, trucks, tractors, snowmobiles, boats, trailers, recreational vehicles, or other motor vehicles 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, waterways or trails legally and safely. The following shall be considered an inoperable vehicle; a motor vehicle with improperly operating tail and headlights, flat tires, missing battery or motor, and any motor vehicle upon which no current license plate is displayed.

**INOPERABLE SEMI-TRAILER.** Any semi-trailer that is used for storage or is unable to operate on roads legally and safely, which includes those with improperly operating lights, flat tires, or no current license plate.

**INSTITUTIONAL USE.** A facility that provides a public or community service, is operated by a governmental, tax exempt or not-for-profit entity, and is not otherwise classified as another type of use in this chapter. Includes but is not limited to a town hall, public works garage, school, religious institution, and cemetery.

**JUNK.** Garbage, waste, refuse, trash, including waste paper, rags, scrap metal, wood, demolition material, cordage, glass, and other worn-out, discarded, or second-hand materials; any inoperable motor vehicle, any inoperable machinery, equipment or appliances, any used tire or used motor vehicle part, and any inoperable semi-trailer.

**LAND DISTURBING ACTIVITY.** Any construction related activity that exposes soil to the erosive forces of wind, rain, and snow melt, including removal of vegetative cover, grading, excavating, and filling, but not including planting, growing, and harvesting agricultural crops or forestry products.

**LANDSCAPED AREA.** The area of a site which is planted and continually maintained in water or living vegetation, including grasses, flowers, herbs, garden plants, groundcovers, shrubs, bushes, trees, and planters. Does not include land area within public road or rail easements or

rights-of-way. In certain zoning districts, this chapter includes a minimum landscaped area percentage for the lot.

**LANDSCAPED TRANSITIONAL YARD.** See definition for “transitional yard.”

**LATTICE TOWER.** For the purposes of this chapter, a wireless communications tower that consists of vertical and horizontal supports and crossed metal braces.

**LIVESTOCK.** Domestic animals traditionally used in this state in the production of food, fiber, or other animal products. Livestock includes cattle, swine, poultry, sheep and goats. Livestock does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites (e.g., emu), camelids, mink, rabbits, pigmy goats, or pot-bellied pigs. See also definition of “farm animal” which includes livestock plus many of these other animals.

**LOT.** A designated part of a subdivision or certified survey map having an assigned number through which it may be identified and meeting the requirements of this chapter. A lot abuts a public street or other officially approved access. For purposes of this chapter, a lot may also include the terms outlot, parcel, tract site or building site in determining the applicability of a provision of this chapter.

**LOT, CORNER.** A lot situated at the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

**LOT COVERAGE.** The percentage of a lot covered by impervious surfaces as defined in this Subsection.

**LOT CREATION DATE.** Lot creation date shall be determined based on the earliest evidence of title recorded in the County Register of Deeds’ office specifying area, size, shape, depth and width of a particular lot, which shall control for purposes of determining conformity with building site dimensional requirements.

**LOT, DOUBLE FRONTAGE.** A lot in which both the front yard and rear yard abut separate public streets.

**LOT FRONTAGE.** Lot width as measured at the public street right-of-way or public road easement line.

**LOT LINES.** The lines bounding a lot as defined herein.

**LOT LINE, FRONT.** A lot line which abuts a public street. In the case of a corner lot, the lot line with the shortest frontage shall be the front lot line. In the case of a double frontage lot where two street frontages are opposite one another, there shall be two front lot lines. The front lot line for a lot that does not abut a public street is the lot line where there is approved access to the lot. See Figures [12.140.03\(1\)](#) and [\(2\)](#).

**LOT LINE, INTERIOR SIDE.** Any lot line which is not a front lot line, a street side lot line, or a rear lot line. See Figures [12.140.03\(1\)](#) and [\(2\)](#).

**LOT LINE, REAR.** The lot line opposite and most distant from the front lot line. See Figures [12.140.03\(1\)](#) and [\(2\)](#).

**LOT LINE, STREET SIDE.** On a corner lot, a lot line that abuts a public street and which is not the front lot line. See Figures [12.140.03\(1\)](#) and [\(2\)](#).

**LOT SIZE, NET.** The total area within a lot or parcel excluding any public road or railroad right of way or prescriptive easement.

**MANUFACTURED HOME.** A residential dwelling for one family as defined in Wis. Stats. § 101.91(2), fabricated in an off-site facility for installation or assembly at the building site, bearing a HUD label or insignia certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards under 42 U.S.C. § 5401 to 5426, and built after June 14, 1976.

**MANUFACTURED HOME COMMUNITY.** Any plot or plots of land upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes.

**MATURE WOODLAND.** An area of stand of trees with a combined canopy area of one acre or greater, with at least 50 percent of the trees having a diameter of at least six inches at a height of four feet above grade. However, no area or stand of trees specifically planted and grown for commercial purposes shall be defined as a mature woodland for the purposes of this chapter.

**MOBILE HOME.** A transportable factory-built structure as is defined in Wis. Stats. § 101.91(10), designated for long term occupancy by one family and built prior to June 15, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act.

**MONOPOLE.** A wireless communications, wind, or other tower of a single pole design, as opposed to a lattice or guy tower.

**MOTOR HOME.** A motor vehicle designed to be operated upon a highway for use as a temporary dwelling and having the same characteristics as a mobile home.

**MUNICIPALITY.** Includes any town, village, or city.

**NAVIGABLE WATERS OR NAVIGABLE WATERWAY.** As defined in Chapter 12, Subchapter 500.

**NONCONFORMING STRUCTURE.** Except as provided elsewhere in this chapter, a structure, or portion thereof, that was legally established prior to the effective date of this chapter, or subsequent amendments thereto, which does not conform with one or more of the dimensional requirements applicable within the zoning district in which the structure is located.

**NONCONFORMING USE.** An active and actual use of land, structures, or both that was legally established prior to the effective date of this chapter, or subsequent amendments thereto, which has continued the same use to the present, and which does not conform to the use regulations applicable within the zoning district in which the use is located.

**NONRESIDENTIAL USE.** Any land use not occupied or intended for human habitation. Also referred to as “nonresidential land use.”

**OFFICIAL ZONING MAP.** The map adopted and designated by the County as the “Official Zoning Map.”

**ON-SITE.** Located on the lot or parcel in question. Also referred to as “on-premise.”

**OPERATION.** A land use that is initiated and used regularly and continuously.

**ORDINARY HIGH-WATER MARK.** As defined in Chapter 12, Subchapter 500.

**OUTLOT.** A parcel of land so designated and consecutively numbered on a plat or certified

survey map and which is any of the following:

- (a) A parcel of land left over at the time of platting and which is intended to be divided further in the future.
- (b) A platted parcel which does not meet the requirements of a lot at the time of platting and is unbuildable for this or other reasons stated in writing.
- (c) A platted parcel which is intended for open space or other designated use and held in common ownership or which is transferred to a public agency or utility.

**OVERLAY ZONING DISTRICT.** A zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the base zoning district covering those same properties, as well as the general restrictions of this chapter.

**OWNER.** The person, persons, or entity having the right of legal title to a lot or parcel of land.

**PARCEL.** A contiguous area of land described in a single description in a deed or lot or outlot on a subdivision plat or Certified Survey Map, separately owned or capable of being separately conveyed. Not necessarily the same as a “tax parcel.”

**PARK MODEL.** A camping unit that is built on a single chassis mounted on wheels, that has a gross trailer area of not more than 400 square feet in the setup mode and that is certified by the manufacturer as complying with ANSI Standard A119.5.

**PARKING LOT.** An off-street area for temporary storage of motor vehicles consisting of parking spaces, accessdrive/driveways, and aisle ways, which are those portions of the parking lot by which vehicles enter and depart parking spaces.

**PARKING SPACE.** A graveled or all-weather surfaced area whether covered or not have a size of not less than 9 feet in width and 18 feet in length. Exclusive of driveways permanently reserved for the temporary storage of a motor vehicle. Said space shall afford ingress or egress for a motor vehicle without requiring another motor vehicle to moved, except for single family and two-family dwelling where the driveway may serve as parking spaces.

**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.

**PERMANENT ADDRESS.** The address of a person’s principal residence.

**PORCH.** An impervious structure attached to a principal building with a roof partially supported by columns or wall sections, commonly open to the weather in part.

**PREMISE.** A lot together with all structures thereon.

**PRINCIPAL RESIDENCE.** The residence of a person where the person’s habitation is fixed, without any intent to move, and to which when absent, the person intends to return.

**PRINCIPAL STRUCTURE.** Any structure in which the principal use of the premise takes place.

**PRINCIPAL USE.** Any and all of the primary uses of a property, treated as a use permitted by right or as a conditional use, rather than as an accessory use or a temporary use.

**PRIVATE COVENANT.** An agreement that binds and restricts the land in the hands of present owners and subsequent purchasers, such as a homeowner’s association. Private covenants are

enforced by the land owners involved and not by County government, town government, or other public agencies, except where specifically indicated within the private covenants. Sometimes referred to as a “deed restriction” or “declaration of restrictions.”

**PRIVATE GROUP WASTE TREATMENT SYSTEM (“PGWTS”).** A sewage treatment and disposal system serving more than one principal building or a system located on a different lot than the principal building. A private group waste treatment system may be owned by the property owner or by a special purpose district or association. Private group waste treatment systems are regulated under DSPS 383, Wis. Adm. Code, other state regulations, and Chapter 12, Subchapter 300 of the Columbia County Code of Ordinances.

**PRIVATE ON-SITE WASTE TREATMENT SYSTEM (“POWTS”).** A sewage treatment and disposal system serving a single principal building with a septic tank and soil absorption field, holding tank, or alternative private sewage system located on the same lot as the principal building. Private on-site waste treatment systems are regulated under DSPS 383, Wis. Adm. Code, other state regulations, and Chapter 12, Subchapter 300 of the Columbia County Code of Ordinances.

**PROVIDER.** A company licensed by the Federal Communications Commission (“FCC”) to build personal wireless telecommunications facilities and operate personal wireless telecommunications services. Sometimes referred to as a “carrier.”

**PUBLIC SANITARY SEWER SERVICE.** All facilities of a public utility district or sanitary district with taxing authority for collection, transporting, storing, pumping, treatment and final disposition of sewage. Also referred to as “municipal sewer service.”

**RECREATIONAL VEHICLE.** A vehicle designed to be towed upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for temporary or recreational human habitation, that has walls of rigid construction and that does not exceed 45 feet in length.

**RESORT CABIN.** A structure used for temporary sleeping accommodations for recreation or travel that is more than 400 square feet in area permanently attached to the ground and may have a water connection inside the cabin with indoor sanitary fixtures or both.

**RETAINING WALL.** A structure more than 24 inches in height as measured from finished grade or combination or series of multiple structures more than 24 inches in height from finished grade, constructed of manmade or natural materials for the main purpose of containing soil or stone and resisting the lateral pressure of the soil or stone. The top of the wall shall not measure more than 6 inches in height above the average level of the abutting ground on one side.

**ROAD, PRIVATE.** See definition of “Street, Private.”

**ROAD, PUBLIC.** See definition of “Street, Public.”

**ROOF.** The overhead cover of any building or camping unit, including eaves and projections.

**RUNOFF.** Stormwater or precipitation including rain, snow or ice melt, or similar water that moves on the land surface via sheet or channelized flow.

**SATELLITE DISH.** A device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped and is used to transmit or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs, and satellite microwave antennas.



**SCREEN PORCH.** A partially enclosed structure attached to a principal building with a roof and no solid material over three feet in height on any side not attached to the principal building.

**SEASONAL USE.** A land use that is occupied or in operation for not longer than 6 months in any calendar year.

**SETBACK.** The distance between a structure and any property line. See [Figure 12.140.03\(1\)](#).

**SETBACK, FRONT.** The minimum setback required from the building, through the front yard, to the front lot line or the centerline of the public street, whichever is greater, extending along the full length of the front lot line between the side lot lines. See [Figure 12.140.03\(1\)](#).

**SETBACK, INTERIOR SIDE.** The shortest distance from the building, through the interior side yard, to the nearest point on the interior side lot line, and measured at right angles to the interior side lot line. See [Figure 12.140.03\(1\)](#).

**SETBACK, REAR.** The shortest distance from the building, through the rear yard, to the nearest point on the rear lot line, and measured at right angles to the rear lot line. See [Figure 12.140.03\(1\)](#).

**SETBACK, STREET SIDE YARD.** The shortest distance from the building, through the street side yard, to the street side lot line or the centerline of the public street, whichever is greater. See [Figure 12.140.03\(1\)](#).

**SHED.** An accessory building used primarily for storage purposes for a principal building(s) or use(s) on the same lot, and in no case suitable for habitation.

**SHORELAND ZONE.** All the lands in the unincorporated areas of Columbia County, which are subject to the standards in Chapter 12 Subchapter 500, Shoreland Zoning Ordinance.

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

**SIGN, 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.

**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 12.145.02\(4\)\(2\)](#) 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, light bulbs, diodes, or plastic copy panels on a sign do not constitute components.

**SIGN, COMMERCIAL SPEECH.** Any sign wording, logo or other representation advertising a business, profession, commodity, service or entertainment for business purposes.

**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.** A 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, MARQUEE.** Any sign attached to, in any manner, or made a part of a marquee.

**SIGN, MONUMENT.** A freestanding sign where the base of the sign structure is on the ground, rather than attached to a pole or pylon that is attached to the ground.

**SIGN, 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

**SIGN, NONCONFORMING.** Any sign which was lawful prior to September 25, 2008 but which does not comply with the terms of this ordinance (or its amendment).

**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 premise 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*, 413 U.S. 15, 93 S. Ct. 2607 (1973), and subsequent court 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 to the ground or building.

**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 or 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.

**SINGLE HOUSEKEEPING UNIT.** Living quarters for the occupants where the following criteria exist.

- (a) A common entrance to the dwelling unit.
- (b) Common access to and share the use of all living areas including bathroom, kitchen and eating areas within the dwelling unit.
- (c) Household activities and responsibilities such as meals, chores, expenses and maintenance of the premises are shared or carried out according to a household plan or other customary method.

- (d) If all or part of the dwelling unit is rented, the lessees must jointly occupy the unit under a single lease, either written or oral, whether for monetary or non-monetary consideration.

**SINGLE OWNER OR OWNERSHIP.** See definition of “Common Owner or Ownership.”

**SITE PLAN.** An overhead plan for a land or building development proposal, drawn to scale, that shows existing and proposed buildings, other structures, parking areas, and other existing and proposed features as may be specified in this chapter.

**STATE.** The State of Wisconsin.

**STATE NATURAL AREAS.** Outstanding examples of natural communities, significant geological formations, and archeological sites in the State. The following are State Natural Areas in Columbia County. Gibraltar Rock, Audubon Goose Pond, Lost Lake, Baraboo River Floodplain Forest, Rocky Run Oak Savanna, Dells of the Wisconsin River, French Creek Fen, Springvale Wet Prairie, Grassy Lake, Pine Island Savanna.

**STREET, PRIVATE.** A street or driveway owned and maintained by a non-public entity placed on private property, or placed within a public right-of-way or public road easement only where there is a binding, recorded agreement with the government with jurisdiction for ongoing private maintenance.

**STREET, PUBLIC.** A street located within a public right-of-way or a public road easement, which is owned and maintained, upon public dedication, or deeding by the government with jurisdiction. Also referred to as a “public road.”

**STORMWATER MANAGEMENT PLAN.** A detailed plan designed to manage the rate, quantity, quality, and sometimes temperature of stormwater runoff after a development site has undergone final stabilization following completion of construction activity.

**STORY.** That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. Neither a basement nor a cellar shall be counted as a story, unless it is a livable basement containing the appropriate number and dimension of exits under ILHR 21.03 (Wisconsin Uniform Dwelling Code).

**STRUCTURAL ALTERATIONS.** Any change in the supporting members of a building or any substantial change in the roof structure or in exterior walls.

**STRUCTURE.** Anything man-made that is constructed, erected or placed either permanently or temporarily on the ground including but not limited to any building, dwelling, manufactured building, manufactured home, mobile home, house trailer, recreational vehicle, boathouse, camping unit, sign, deck, patio, or other improvements. The term structure does not include small objects that are easily move by hand by one person.

**SUBDIVISION.** See definition within Chapter 12, Subchapter 200.

**SUBSTANDARD LOT.** A lot that does not conform to one or more of the dimensional requirements of this chapter.

**TAX PARCEL.** An existing tract of land as defined by the governing jurisdictional body for purpose of assessment and taxation. May or may not coincide with the boundaries of a “parcel”

as otherwise defined in this Subsection.

**TELECOMMUNICATIONS TOWER.** Any structure designed and constructed primarily for the purpose of supporting one or more antennas, including lattice towers, guy towers, or monopole towers, including radio and television transmission towers, microwave towers, and common-carrier towers but excluding alternative support structures.

**TEMPORARY STRUCTURE.** See definition in [Section 12.130.05](#).

**TEMPORARY USE.** See definition in [Section 12.130.05](#).

**TENT.** A portable easily collapsible sleeping shelter made of canvas, plastic, or other woven or foldable materials and supported by poles or framework.

**TENT GARAGE.** A portable structure, generally constructed of a metal or plastic frame covered by a fabric material, and generally sized and utilized to shelter a motor vehicle.

**TOURIST.** See Transient

**TRAFFIC IMPACT ANALYSIS.** A technical analysis prepared by a qualified traffic professional that evaluates the adequacy of the existing and planned transportation system to serve future traffic growth and new development.

**TRANSIENT.** A person who travels to a location away from his or her permanent address for a short period of time for a vacation, pleasure, recreation, culture, business or employment.

**TRANSITIONAL YARD.** Any permitted combination of distance, vegetation, fencing or berming which results in a reduction of visual and other interaction with an adjoining property. Also referred to as “landscaped transitional yard.”

**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.

**UNINCORPORATED AREA.** Within the geographic area of a town government; outside of the corporate limits of an incorporated city or village.

**USE.** The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained. Also referred to as “Land Use.”

**UTILITY POLE MOUNTED ANTENNA.** An antenna attached to or upon an existing or replacement electric transmission or distribution pole, street light, traffic signal, athletic field light, or other approved similar structure.

**VACANT.** A parcel of land that does not contain any structures or a building that does not contain any use. For parcels of land, also referred to as “undeveloped.”

**VARIANCE.** Permission to depart from the literal requirements of this chapter, which may be granted by the Board of Adjustment in accordance with the procedures and standards of [Section 12.130.05](#).

**VEHICLE.** Every device in, upon, or by which any person or property is or may be transported, and designed primarily for transportation of persons or goods along public streets or waterways. Includes boats, pontoons, and boat trailers; does not include non-licensed personal recreational devices such as ATVs, snowmobiles, or personal watercraft, or personal lawn or garden

equipment, except where specifically indicated in this chapter.

**WIS. ADM. CODE.** Abbreviation for Wisconsin Administrative Code, which are the rules of the administrative agencies having rule-making authority in Wisconsin, most recently published at <http://www.legis.state.wi.us/rsb/code/index.html>.

**WisDNR.** The Wisconsin Department of Natural Resources, an administrative agency of the State of Wisconsin. Also referred to as “DNR.”

**WisDOT.** The Wisconsin Department of Transportation, an administrative agency of the State of Wisconsin. Also referred to as “DOT.”

**WISCONSIN STATUTES.** The laws of the State of Wisconsin as adopted by the state legislature, most recently published at <http://www.legis.state.wi.us/rsb/stats.html>.

**YARD.** An open space portion of a lot that is unoccupied by a principal building and unobstructed from the ground upward, except as otherwise provided herein.

**YARD, FRONT.** The yard between the side lot lines extending from the front lot line(s) to the nearest part of the nearest principal building. In the case of a double frontage lot where two street frontages are opposite one another, there shall be two front yards. See Figures [12.140.03\(1\)](#) and [\(2\)](#).

**YARD, INTERIOR SIDE.** The yard between the front and rear yards extending from the side lot line to the nearest part of the nearest principal building to that side lot line, and which is not adjacent to a public road right-of-way. See Figures [12.140.03\(1\)](#) and [\(2\)](#).

**YARD, REAR.** The yard between the side lot lines extending from the rear lot line to the nearest part of the nearest principal building to the rear lot line. See Figures [12.140.03\(1\)](#) and [\(2\)](#).

**YARD, STREET SIDE.** On a corner lot, a yard between the side lot lines extending from the street side lot line to the nearest part of the nearest principal building to the street lot line. See Figures [12.140.03\(1\)](#) and [\(2\)](#).

**YURT.** A round domed camping unit constructed of wood and fabric that is less than 400 square feet.

**ZONING ADMINISTRATOR.** The person authorized and charged by Columbia County with the administration of this chapter, except where otherwise indicated.

**ZONING MAP.** See “Official Zoning Map” above.

**ZONING PERMIT.** Written approval by Planning and Zoning Department staff that is required before commencing any development as defined in this chapter or before establishing, extending or changing any use on any parcel.

Adopted by Columbia County Board of Supervisors on May 21, 2014 – Ordinance No. 141-14;  
Amended by Columbia County Board of Supervisors September 16, 2015 – Ordinance No. 150-15;  
Amended by Columbia County Board of Supervisors on October 21, 2015 – Ordinance No. 156-15;

Amended by Columbia County Board of Supervisors on July 19, 2017 – Ordinance No. 178-17;  
Amended by Columbia County Board of Supervisors on June 20, 2018 – Ordinance No. 191-18;  
Amended by Columbia County Board of Supervisors on December 18, 2018 – Ordinance No.

199-18;

Amended by Columbia County Board of Supervisors on April 23, 2019 – Ordinance No. 200-19;

Adopted by Columbia County Board of Supervisors on March 17, 2021 – Ordinance No. ;

Amended by Columbia County Board of Supervisors on July 21, 2021 – Ordinance No. 2-2021;

Amended by Columbia County Board of Supervisors on June 19, 2024 – Ordinance No. 36-24;

Amended by Columbia County Board of Supervisors on March 19, 2025 – Ordinance No. 50-2025.





## APPENDIX A: DEVELOPMENT REVIEW PROCESS SUMMARIES

The checklists on the following pages summarize Columbia County's development review processes for the following actions:

- Amendments to the Official Zoning Map (Rezoning), as more completely described in Section [12.150.06](#).

While a companion to the Columbia County Zoning Code (Chapter 12, Subchapter 100), this Appendix A itself is not regulatory and has not been adopted as part of the Zoning Code. As a result, this check list may be amended on an as-needed basis, provided that the processes continue to reflect the official development review process requirements in [Subsection 12.150](#) of the Zoning Code. In the event of any conflict or need for interpretation, the requirements of [Subsection 12.150](#) shall control over the checklists and information in this Appendix A.

### CHECKLIST FOR REZONING REQUESTS

**Checklist for Rezoning Requests:** A completed checklist must be attached to the rezoning application and no application will be accepted for filing or scheduled for a public hearing until Steps 1, 2, and 3 are accomplished. The dates requested in Steps 3, 4, and 5 will be filled in by the Department after which a copy of this checklist will be given to the petitioner.

**Step 1:** Make an appointment for a preapplication meeting with staff from County Planning & Zoning Department to discuss the proposed rezoning. This is required to confirm the current zoning status of the of the subject property(s), either affirm or help determine the appropriate district to request, to determine the proposal's consistency with the Columbia County Comprehensive Plan and to identify any other relevant local, state or federal land use issues. The petitioner must bring at least the following information to the preapplication meeting: property address (if available), legal description of property (tax bill, deed, survey, etc.), survey or sketch of the area to be rezoned, proposal for developing the land. At the meeting you will be given the appropriate application forms and if necessary assistance in completing the forms. **After the meeting the Department will prepare a summary report of issues and potential alternatives, but will not make specific recommendations and the report will be sent to the petitioner/owner and the town chair, clerk and plan commission chair prior to the petitioner meeting with the town.** Completion of the forms is considered informal at this time and no filing fees are required.

Date of Preapplication Meeting: \_\_\_\_\_

**Step 2:** Contact the Clerk of the Town affected by your proposal. Some towns have land use plans and ordinances and application fees that must be considered when requesting a rezoning. Generally, each town will have the proposal reviewed both by a Plan Commission/Committee and the Town Board. The Columbia County Planning & Zoning Committee requires a recommendation from the Town Board on the rezoning. **A copy of the town board minutes/resolution is required with the application submitted to the County. – Please note an official rezoning petition has not been filed at this point so a town has not lost the capability to initiate the process to file a certified resolution of disapproval and maintain its ability to veto a petition should an applicant decide to proceed without the town taking a position on a proposal.**

Date of Town Board Meeting: \_\_\_\_\_

**Step 3:** Submit a complete application and petition to the Planning & Zoning Department. The application must include the items listed below. Applications that are not complete will not be accepted for publication and placement on the Planning & Zoning Committee Agenda. Upon review the Department may ask for additional information. **All applications must contain original signatures of the property owner.**

- ☐ Application/Petition Page
- ☐ Rezoning Information Sheet
- ☐ Scaled drawing of proposed rezone area and if not vacant the location of all buildings
- ☐ Legal description of area to be rezoned (Certified Survey Map, Metes & Bounds description)
- ☐ Proof of an existing approved driveway or copy of driveway access permit (County highways require approval by the County Highway Department and Town roads require approval by the Town).
- ☐ Application fee - \$400

A complete application and petition must be filed by the filing deadline to be considered for the next Planning & Zoning Committee meeting. Please note a property owner may petition the County for a rezoning which will be considered by the County Board even if the town is not in favor of the rezoning, but if the town has followed statutory procedure it may veto a rezoning approved by the County Board.

Date Application is Filed: \_\_\_\_\_

**Step 4:** The Planning and Zoning Department will mail a notice of the public hearing to property owners within 300 feet of the property proposed for rezoning. The Department will also analyze the petition and prepare a staff report with recommendations for the Planning & Zoning Committee which will be sent to the owner/petitioner and town chair and clerk about one week before the Committee meeting along with a notice of the meeting. The Committee will hold a public hearing on the proposal and make a recommendation to the County Board. The petitioner or an agent must be at this meeting.

Date of Planning & Zoning Committee Meeting: \_\_\_\_\_

If the petitioner submits a petition and expresses no desire to meet with the town prior to the Committee public hearing, the Committee will either lay the item over one month or if approved will not submit an ordinance to County Board for at least 30 days after the public hearing.

**Step 5:** The rezoning petition is put on the next County Board meeting agenda, which meeting is usually about two weeks after the Planning & Zoning Committee meeting. An ordinance to amend the Zoning Map per the petitioner's request cannot be presented to the County Board without a legal description. If there was a reason the Department accepted an application without an exact legal description, the petitioner's request for an amendment to the Zoning Map will not be submitted to the County Board until the legal description is filed with the Department. It is up to the petitioner if they want to attend the County Board meeting, but it is not necessary because there is no public hearing by the Board. The petitioner/owner and town clerk will be notified of

the results of the County Board meeting by the County Clerk.

Date of County Board Meeting: \_\_\_\_\_

If the Town has filed a resolution of disapproval, the Town then has 40 days after the date of the County Board enactment of the zoning change to veto a rezoning approved by the County Board, if it so desires, otherwise the rezoning will be recorded in the County zoning records and County overlay zoning maps will be adjusted.