DUNN COUNTY COMPREHENSIVE ZONING ORDINANCE

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CHAPTER 13

DUNN COUNTY COMPREHENSIVE ZONING ORDINANCE

Section 1. Chapter 13 of the Dunn County Code of Ordinances is created to read as follows:

13.1.0 GENERAL PROVISIONS

13.1.0.01 Compliance

The use, size, shape and placement of lots on any land as well as the use, size and location of structures on land shall be in full compliance of this ordinance.

13.1.0.02 Interpretation

The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the county. These provisions shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes.

13.1.0.03 Severability

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

13.1.0.04 Determination of District Boundaries

General Zoning Maps: The boundaries of the general zoning districts established in Section 13.2.1 of this ordinance are shown on the maps entitled "Zoning Maps of Dunn County". These maps on file in the office of the County Zoning Administrator are the official version and shall control in any cases where differences occur between it and other copies. All notations and references shown on the zoning maps are a part of this ordinance by reference. The Zoning Administrator shall update the official zoning maps to reflect adopted amendments. Where uncertainty exists as to the boundaries of districts as shown on the official zoning maps, the following shall apply:

(a) Boundaries indicated as approximately following the centerlines of streets, highways, railroads, or lakes, streams and other water bodies, shall be construed to follow such centerlines.

(b) Boundaries indicated as approximately following platted and certified survey lot lines, quarter-quarter section lines, or municipal boundaries, shall be construed to follow such lines.

(c) Boundaries indicated as being parallel to or an extension of the features listed in subsection (a) or (b) above shall be so construed. Distances not specified on the map shall be determined by the map scale.

(d) In situations not covered by Section 13.1.0.04 (a) through (c) above, or when there is a dispute over a determination of district boundaries made by the Zoning Administrator, the Planning, Resource and Development Committee shall determine district boundaries.

Effective Date of Town Zoning Maps: Such map shall become effective in a town as of the date a certified copy of approving town resolution is filed with the County Clerk. The County Clerk shall record the dates of adoption in the following format:

TOWNSHIP	DATE OF ADOPTION	TOWNSHIP	DATE OF ADOPTION
COLFAX		RED CEDAR	
DUNN		ROCK CREEK	
EAU GALLE		SAND CREEK	
ELK MOUND		SHERMAN	
GRANT		SHERIDAN	
HAY RIVER		SPRING BROOK	
LUCAS		STANTON	
MENOMONIE		TAINTER	
NEW HAVEN		TIFFANY	
OTTER CREEK		WESTON	
PERU		WILSON	

13.1.0.05 Abrogation

General Supersession: This Comprehensive Zoning Ordinance supersedes all inconsistent provisions of any county zoning ordinance enacted under Section 59.69, Wis. Stats.

Non-Impairment of Deeds: It is not otherwise intended by the ordinance to repeal, abrogate, or impair any existing deed restrictions, easements, covenants, or permits already issued, or ordinances other than zoning to the extent specified in Section 13.1.0.05 General Suppression of this ordinance; however, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

Buildings Under Construction: Nothing herein contained shall require any change in the plans, construction size, or designated use of any building or structure or part thereof on which construction has started, or a particular use has been commenced, or upon which a bona fide construction contract has been entered into before the effective date of this ordinance provided that such construction, use or construction contracts are in compliance with all ordinances existing at the time of commencement.

13.1.0.06 Jurisdiction

The jurisdiction of this ordinance shall apply to all land located outside the limits of incorporated cities and villages subject to town approval as provided in Section 59.69, Wis. Stats.

13.1.0.07 Purpose

It shall be the purpose of this ordinance through the regulation of the use of lands and structures, through the establishment of physical standards, through the creation of separate zoning districts and through the mechanisms provided herein for enforcement and administration to:

(a) Promote the public health, safety, convenience and general welfare of the citizens of Dunn County;
(b) To encourage planned and orderly land use development;
(c) To aid in the implementation of the Dunn County Comprehensive Land Use Plan as required by 66.1001 Wis. Stats.;
(d) To protect property values and the property tax base;
(e) To permit the careful planning and efficient maintenance of highway systems;
(f) To ensure adequate highway, utility, health, educational and recreational facilities;

(g) To recognize the needs of agriculture, forestry, industry and business in future growth;
(h) To encourage uses of land and other natural resources which are in accordance with their character and adaptability;
(i) To provide adequate light and air;
(j) To encourage the protection of groundwater resources, the preservation of wetlands and the conservation of soil, water and forest resources;
(k) To protect the beauty and amenities of landscape and man-made developments;
(l) To provide healthy surroundings for family life; and
(m) To promote the efficient and economical use of public funds.

13.2.0 GENERAL ZONING

Introduction and Explanation

This chapter contains the central core of the Comprehensive Zoning Ordinance. This chapter indicates what uses may be made of property, the permissible lot size, height of buildings, and dimensions of required yards and open spaces. The ordinance divides the area in which it applies into thirteen (13) districts. Each district has its own set of rules on use, yard space, lot size, and building height. Zoning districts are parcel-based, which means a zoning district shall be defined by the parcel boundaries. There shall be no more than one zoning district per parcel. (01/18/2017)

The locations of the thirteen (13) districts are shown on the official zoning maps that are available in the Zoning Administrator's Office.

Within each district, there are listed "permitted uses" and "special exceptions." **Permitted Uses** are uses which are allowed in that district provided that the property owner obtains a permit by showing that the proposed use is listed as a permitted use and conforms to all applicable provisions of this ordinance. **Special Exceptions** are uses that are allowed only after the County Board of Adjustment reviews the proposed use, holds a public hearing, and decides whether to approve or deny the permit based upon the application of standards found in this Section and Section 13.4.0.

In any zoning district, whenever a use is neither specifically permitted nor specially permitted, the Zoning Administrator may determine which zoning district, if any, is most appropriate for the use contemplated and determine if it is a permitted use or special exception.

The Zoning Administrator shall designate the zoning district applicable to public property when such property or portions thereof become privately owned or when a public use requires such designation.

13.2.1 Districts

For the purpose of this ordinance the county is hereby divided into zoning districts which shall be as follows:

1 Residential District (R1)
2 Residential District (R2)
3 Residential District (R3)
4 Intensive Agriculture District (IA)
5 Primary Agriculture District (PA)
6 General Agriculture (GA)
7 Limited Commercial District (LC)
8 General Commercial District (GC)
9 Light Industrial District (LI)
10 Heavy Industrial District (HI)

11 Shoreland & Recreational District (SR)
12 Non-metallic Mining Overlay District (NMM)
13 Conservancy District (CON)

13.2.2 General Provisions of Height and Area. Minimum lot size shall be that specified by the zoning district that applies.

(a) A mobile recreational vehicle shall not be used as a permanent principal residence, and is defined as: "A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as permanent dwelling, but as temporary living quarters for recreation, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

(1) Temporary use of a mobile recreational vehicle is permitted in all districts where a single family dwelling is allowed providing:
a. Zoning and sanitary permit(s) have been issued for the permanent dwelling.
b. Use does not exceed 365 days out of 547 days.

(2) Temporary use of a mobile recreational vehicle is permitted in all Agriculture districts providing:
(a) It is for the recreational use of the owner/lessee of the property.
(b) The use does not exceed more than 180 days in a calendar year.
(c) The mobile recreational vehicle is not connected to any private on-site waste disposal system or well.

(b) Except in the case of condominiums, or as otherwise provided in this ordinance, not more than one principal building or use and its accessory buildings or uses may be located on a lot or parcel of land.

(c) When a lot has an area less than the minimum number of square feet as required for the district in which it is located and was of record as such as of the effective date of this ordinance, such lot may be used subject to the provisions of Section 13.3.7.

(d) Measurements for determining setbacks will be taken from the parcel lot lines to the foundation of the building, excluding the ordinary projection of sills, belt courses, cornices, eves, landings and ornamental features projecting not more than 48 inches. When a structure or use is proposed to be constructed or created across a parcel line, within the required setbacks, or on a contiguous lot, the two parcels must be replatted by certified survey map procedures prior to issuance of any permits. (01/18/2017)

(e) For the purpose of this ordinance, the highway/front property line of a corner lot/parcel shall be determined by the landowner for only undeveloped lots/parcels. For developed lots/parcels the highway/front property line shall be the same side of the lot/parcel as the E911 address sign. (01/18/2017, 09/20/2017)

(f) The regulations contained herein relating to the height of building or structures and the size of yards and other open spaces shall be subject to the following exceptions:

(1) Structures used for religious purposes, schools, and other public and quasi-public buildings may be erected to a height not exceeding 60 feet, nor more than five stories, provided the front, side, and rear yards required in the district in which such building or structure is to be located, are each increased at least one foot for each additional foot of

height above the height limit otherwise established for the district in which such building or structure is to be located.

(2) Chimneys, cooling towers, symbolic extensions on structures used for religious purposes, tanks and water towers are hereby exempt from the height regulations of this ordinance and shall be erected in accordance with other state or federal height regulations. Governmental communication towers, amateur radio towers, and television receiving antennas and dishes are exempt from the requirements of Section 13.3.12 when a permit is required.

(3) (Repealed 01/18/2017)

(4) Agricultural structures are hereby exempt from the height regulations provided that the applicable setbacks are increased at least one foot for each additional foot of height above 35 feet.

(h) The following standards shall apply in all **Residential and Shoreland Recreation Districts (R1, R2, R3 and SR):**

Minimum Lot Area

(1) Lots served by community sewer shall be a minimum of 10,000 square feet and a minimum of 60 feet wide at the highway or building setback line. (01/18/2017)

(2) Lots not served by community sewer shall be a minimum of one acre excluding road right-of-way and a minimum of 85 feet wide at the highway or building setback line. (01/18/2017)

Height

(1) The maximum height for principal and accessory structure shall be 35 feet. (01/18/2017)

Side Yard

(1) The minimum side yard setback shall be 10 feet for principal structures.
   (a) In the R2 & R3 Districts a zero side lot line is permitted provided the dwelling to be developed is constructed as one building with one or more common walls and the lot size of each lot shall meet the minimum lot size.

(2) The minimum side yard setback shall be 5 feet for accessory structures. Principal structure setbacks apply for accessory structures greater than 1000 square feet.

(3) When an accessory structure is attached to the principal structure, it shall be considered as one structure and the conditions set forth for the principal structure shall apply.

(4) The side yard setback on corner lots shall be 25 feet for all principal structures and 10 feet for all accessory structures.

Rear Yard

(1) The minimum rear yard setback shall be 25 feet for principal structures.

(2) The minimum rear yard setback shall be 5 feet for accessory structures. Principal structure setbacks apply for accessory structures greater than 1000 square feet.

(3) When an accessory structure is attached to the principal structure, it shall be considered as one structure and the conditions set forth for the principal structure shall apply.

Highway/Front Yard: The minimum highway and front yard setbacks shall be regulated under Section 13.3.2.

(i) The following standards shall apply in all **Agriculture Districts (IA, PA, GA):**

Minimum Lot Area

(1) The minimum lot size for non-farm single / two family residence and non-farm residential cluster shall be one acre in the IA and PA districts.
(2) The GA District shall have a minimum lot size of one acre, excluding road right-of-way.

Height
(1) The maximum height of a residential structure shall be 35 feet
(2) Agricultural structures such as barns, silos, tanks, and windmills are hereby exempt from the height regulation provided the front, side and rear yard setbacks are each increased at least one foot for each additional foot of height above 35 feet.

Side Yard
(1) The minimum side yard setback shall be 10 feet for principal structures.
(2) The minimum side yard setback shall be 5 feet for accessory structures. Principal structure setbacks apply for accessory structures greater than 1000 square feet. (09/20/2017)
(3) The minimum side yard setback for livestock facilities greater than 500 animal units are as per Section 13.3.5.

Rear Yard
(1) The minimum rear yard setback shall be 25 feet for principal structures.
(2) The minimum rear yard setback shall be 5 feet for accessory structures. Principal structure setbacks apply for accessory structures greater than 1000 square feet. (09/20/2017)
(3) The minimum rear yard setback for livestock facilities greater than 500 animal units are as per Section 13.3.5.

Highway/Front Yard: The minimum highway and front yard setbacks shall be regulated under Section 13.3.2.

(j) The following standards shall apply in the **Limited Commercial and General Commercial Districts**

Minimum Lot Area
(1) There shall be no minimum lot area required for these districts. The lot shall accommodate the principal and accessory structures with regard to:
a. Highway, side yard and rear yard setbacks
b. On-site waste disposal
c. Off-street parking and loading

Height
(1) The maximum height of all structures shall be 35 feet. (09/20/2017)

Side Yard
(1) The minimum side yard setback for all structures shall be one of the following:
a. Zero feet if sharing a common wall(s)
b. 10 feet if abutting a commercial district
c. 20 feet if abutting a residential district or agriculture district

Rear Yard
(1) The minimum rear yard setback for all structures shall be one of the following:
a. 10 feet if abutting a commercial district
b. 20 feet if abutting a residential district or agriculture district

Highway/Front Yard: The minimum highway and front yard setbacks shall be regulated under Section 13.3.2.

(k) The following standards shall apply in the **Light Industrial and Heavy Industrial Districts:**

Minimum Lot Area

(1) There shall be no minimum lot area required for these districts. The lot shall be of sufficient size to accommodate the principal and accessory structures with regard to:
a. Highway, side yard and rear yard setbacks
b. On-site waste disposal
c. Off-street parking and loading

Height

(1) The maximum height of a principal and accessory structure shall be 35 feet.
(2) The height of the principal and accessory structures exceeding 35 feet shall be setback at least one foot for each additional foot of height above 35 feet.

Side Yard

(1) The minimum side yard setback for all structures shall be 20; or
(2) The minimum side yard setback for all structures shall be 50 feet if abutting a Residential or Agriculture District (01/18/2017)

Rear Yard

(1) The minimum rear yard setback for all structures shall be 20 feet; or
(2) The minimum rear yard setback for all structures shall be 50 feet if abutting a Residential or Agriculture District (01/18/2017)

Highway/Front Yard: The minimum highway and front yard setbacks shall be regulated under Section 13.3.2.

Prohibited Uses of Yards: Any yard which abuts a boundary of a non-industrial district shall not have a stockpile, waste or salvage pile, equipment storage or other accumulation of material or equipment in the open, placed in such yard, except that loading platforms may be established in a yard if it abuts a railroad.

13.2.3 Residential District (R1)

13.2.3.01 Purpose: To identify those areas where predominately single family residential development has occurred or will likely occur.

13.2.3.02 Permitted Principal Uses

(a) Single family housing
(b) Schools, public and parochial and their accessory uses
(c) Essential services
(d) Religious activities
(e) Public parks and playgrounds
(f) Family child care centers as per DCF 250 Wis. Admin. Code and 66.1017 Wis. Stats.
(g) Adult family home, community based residential facility and community living arrangement, with a capacity for eight (8) or fewer persons. (See 59.69(15) (c) Wis. Stats.)
(h) Adult daycare facility as defined in Section 13.7.0 with a capacity for eight (8) or fewer persons
(i) Electric distribution, gas distribution, gas transmission, renewable energy generation facility (small) and town border station. (06/17/2015)
(j) Maximum of 2 animal units as per Section 13.3.13. See Appendix A for the Animal Units Calculator applicable in R1, R2 and R3 Districts. (06/17/2015)

13.2.3.03 Permitted Principal Structures:

(a) Structures necessary to house the permitted uses.
(b) Single family dwelling, excluding mobile homes constructed before June 15, 1976, as defined in Wis. Stats.§ 101.91 (10) (01/18/2017)

13.2.3.04 Permitted Accessory Uses

(a) Home occupations and professional offices as per Section 13.3.3
(b) Private recreational uses including but not limited to swimming, tennis, horticulture and playground activities.
(c) Bed and breakfast establishments pursuant to Chapter 254.61 Wis. Stats
(d) Crop farming on un-improved lots. (09/20/2017)

13.2.3.05 Permitted Accessory Structures: Those structures necessary to house the accessory uses. Permits must be issued for a permitted principal structure (13.2.3.03) before permits will be issued for accessory structures. Accessory structures shall not be designed or used in part or whole for human habitation or any unauthorized accessory use.

13.2.3.06 Special Exceptions

The following uses and related structures may be allowed as a special exception upon the approval by the Board of Adjustment as provided in Section 13.4.0.04:
(a) Adult family home, community based residential facility, and community living arrangement, (with a capacity for nine (9) or more persons). (See 59.69(15)(d) Wis. Stats.)
(b) Group child care center as per DCF 251 Wis. Admin. Code
(c) Keeping of honey bees as per Section 13.3.4
(d) Keeping of chickens as per Section 13.3.1
(e) Public or private club and fraternity to include but not limited to tennis courts, golf course and archery ranges. (02/18/2015)
(f) Electric transmission, renewable energy generation (large and intermediate) and substations. (06/17/2015)
(g) More than 2 animal units and up to a maximum of 5 animal units. (06/17/2015, 09/20/2017)

13.2.4 Residential District (R2)

13.2.4.01 Purpose: To identify those areas when predominately single family and two family residential development has or will occur, along with certain community and recreational uses to serve the residents of the district.

13.2.4.02 Permitted Principal Uses

(a) Those permitted principal uses found in the Residential (R1) district
(b) Two family housing

13.2.4.03 Permitted Principal Structures

(a) Those structures necessary to house the permitted uses.
(b) Single/two-family dwelling, excluding mobile homes defined in 101.91(10) Wis. Stats.

13.2.4.04 Permitted Accessory Uses: Those permitted accessory uses found in the Residential (R1) district

13.2.4.05 Permitted Accessory Structures: Those structures necessary to house the accessory uses. Permits must be issued for a permitted principal structure (13.2.4.03) before permits will be issued for an accessory structure. Accessory structures shall not be designed or used in part or whole for human habitation or any unauthorized accessory use.

13.2.4.06 Special Exceptions

The following uses may be allowed as a special exception upon the approval by the Board of Adjustment as provided in Section 13.4.0.04:

(a) Those special exceptions found in the Residential (R1) District
(b) Mobile/manufactured home communities subject to the provisions of Section 13.3.6 and Chapter 66.0435 Wis. Stats. (02/18/2015)
(c) Public swimming places pursuant to Chapter DHS 172 Wis. Admin. Code. (02/18/2015)

13.2.5 Residential District (R3)

13.2.5.01 Purpose: To identify those areas when predominately residential development has or will occur, along with certain community and recreational uses to serve the residents of the district.

13.2.5.02 Permitted Principal Uses

(a) Those permitted principal uses found in the Residential (R1, R2) Districts
(b) Multiple family housing
(c) Mobile and manufactured home communities subject to the provisions of Sec.13.3.6 and Chapter 66.0435 Wis. Stats.
(d) Rest and nursing homes

13.2.5.03 Permitted Principal Structures

(a) Those structures necessary to house the permitted principal uses.
(b) Single/two-family/multiple dwellings, excluding mobile homes defined in 101.91(10) Wis. Stats.
(c) Public buildings excluding sewage disposal plants, landfill and garbage incinerations, transfer stations and buildings for the repair or storage of road maintenance equipment. (09/20/2017)

13.2.5.04 Permitted Accessory Uses: Those permitted accessory uses found in the Residential (R1, R2) Districts

13.2.5.05 Permitted Accessory Structures: Those structures necessary to house the permitted accessory uses. Permits must be issued for a permitted principal structure before permits will be issued for an accessory structure. Accessory structures shall not be designed or used in part or whole for human habitation or any unauthorized accessory use.

13.2.5.06 Special Exceptions: Those special exceptions found in the Residential (R1) and (R2) Districts

13.2.6 Intensive Agriculture District (IA)

13.2.6.01 Purpose: The (IA) Intensive Agriculture District is established to:

(a) Preserve agricultural land and maintain land owner rights by harmonizing agricultural preservation and land development.

(b) Minimize current and future conflicts among agricultural practices, infrastructure needs and land uses.
(c) Provide tools and tax incentives for farmers to maximize their incomes and save taxes while protecting farmland through soil and water conservation practices.
(d) Permit, provide and encourage uses which are consistent with farm businesses and farm economic activities.
(e) Comply with the Farmland Preservation Program under Chapter 91 of the Wisconsin Statutes. (06/17/2015)

13.2.6.02 Permitted Principal Uses

(a) Agricultural uses with the purpose of earning an income or livelihood. Subject to the requirements of Wis. Stat. § 91.01(2), such uses include, but are not limited to, the following (06/17/2015), (06/15/2016):

1. Apiculture
2. Aquaculture
3. Crop or forage production
4. Enrolling land in a federal agriculture commodity payment program or a federal or state agricultural land conservation payment program
5. Floriculture
6. Forest and game management
7. Fur farming
8. Horticulture
9. Livestock facilities less than 500 animal units
10. Keeping of livestock to include bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish
11. Nursery, sod and Christmas tree production
12. Orchards

(b) Undeveloped natural resources and open space areas
(c) A single-family/two-family farm residence that is the only residential structure on the farm
(d) A single-family/two family farm residence that is occupied by any of the following:
    1. An owner or operator of the farm
    2. A parent or child of an owner or operator of the farm
    3. An individual who earns more than 50 percent of his or her gross income from the farm
(e) A migrant labor camp that is certified under s. 103.92, Wis. Stats.
(f) Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law
(g) Electric distribution, gas distribution, gas transmission, renewable energy generation facility (small and intermediate), town border stations and substations that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law (06/17/2015), (06/15/2016)

13.2.6.03 Permitted Principal Structures: Those structures used to house permitted principal uses and meeting the requirements of Wis. Stat. § 91.01(1). (06/15/2016)

13.2.6.04 Permitted Accessory Uses

(a) Sales of agriculture-related products including temporary seasonal roadside sales
(b) Sales of agriculture-related products such as feed, seed, fertilizer, herbicides and pesticides by a farmer to supplement farm income and customarily carried on as part of the farm operation.

(c) Home occupations and professional offices that meet the requirements of section 13.3.3 of this ordinance and section 91.01(1)(b) or (d) of the Wisconsin Statutes. (06/17/2015)
(d) Second housing unit pursuant to Section 13.2.6.02(d)
(e) Bed and breakfast establishments pursuant to Chapter DHS 197, Wis. Admin. Code, that meet the requirements of section 91.01(1)(b) of the Wisconsin Statutes. (06/17/2015)
(f) Family child care centers as per DCF 250.03(9), Wis. Admin. Code, that meet the requirements of section 91.01(1)(b) of the Wisconsin Statutes.
(g) Adult family home, community based residential facility and community living arrangements, with a capacity for eight (8) or fewer persons. (See 59.69(15)(c) Wis. Stats)
(h) Adult daycare facility with a capacity of fewer than eight (8) persons as defined in Section 13.7.0 that meet the requirements of section 91.01(1) of the Wisconsin Statutes. (06/15/2016)

13.2.6.05 Permitted Accessory Structures: Those structures used to house permitted accessory uses and meeting the requirements of Wis. Stat. § 91.01(1). (06/15/2016)

13.2.6.06 Special Exceptions: The following uses may be allowed as a special exception upon the approval by the Board of Adjustment as provided in Section 13.4.0.04(f) and in accordance with the applicable standards in Wis. Stat. § 91.46. (06/15/2016)

(a) New or expanded livestock facilities that will have 500 or more animal units subject to the Livestock Facility Siting provisions contained in 13.3.5.
(b) A grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms
(c) A dairy plant that processes or handles milk from farms
(d) A meat slaughter establishment
(e) A food processing plant that processes raw agricultural commodities
(f) A feed mill or rendering plant that processes raw agricultural commodities or agricultural by-products received directly from farms, or supplies animal feed directly to farms.
(g) An ethanol plant, bio-diesel plant, communal manure digester, pelletizing plant or other facility that processes raw agricultural commodities, agricultural by-products or agricultural wastes (received directly from farms) to produce fuel or other products.
(h) A sawmill or other facility that processes wood or other forest products received directly from farms
(i) A facility that is engaged in sale and servicing of farm vehicles or other farm equipment.
(j) A facility that is engaged in providing agronomic or veterinary services to farms
(k) Telecommunication and Broadcast facilities as per Sec. 13.3.12 and Wis. Stat. § 91.46(4
(l) Religious activities, subject to section 91.46(5) of the Wisconsin Statutes. (06/17/2015)
(m) Schools, public and parochial, and their accessory uses subject to section 91.46(5) of the Wisconsin Statutes. (06/17/2015)
(n) Cemeteries, not ancillary to a permitted use subject to section 91.46(5) of the Wisconsin Statutes. (06/17/2015)
(o) Non-farm residences not constructed as a residential cluster, provided the following standards are met:
    1. The ratio of non-farm residential acreage to farm acreage in the base farm tract will not exceed 1:20.
    2. There will not be more than 2 non-farm residences, nor more than 5 residences of any kind, in the base farm tract.
    3. Neither the non-farm residence, nor the parcel on which the non-farm residence is located, will convert prime farmland, or cropland other than a woodlot, from agricultural use, unless no reasonable alternative site is available, or significantly impair or limit the current or future agricultural use of any other protected farmland.
    4. The request includes a certified survey of the parcel(s). (06/17/2015)

(p) Non-farm residences constructed as a residential cluster, provided the following standards are met (03/23/2016):

1. The ratio of non-farm residential acreage to farm acreage in the base farm tract will not exceed 1:20.
2. There will not be more than 2 non-farm residences, nor more than 5 residences of any kind, in the base farm tract.
3. Neither the non-farm residence, nor the parcel on which the non-farm residence is located, will convert prime farmland, or cropland other than a woodlot, from agricultural use, unless no reasonable alternative site is available, or significantly impair or limit the current or future agricultural use of any other protected farmland.
4. Each parcel must share a boundary with at least one other parcel.
5. The request includes a certified survey of the parcels. (06/17/2015)

(q) Transportation, communications, pipeline, electric transmission, electric generation facility, utility, or drainage uses subject to section 91.46(4) of the Wisconsin Statutes. (06/17/2015), (06/15/2016)

(r) Governmental mining operations of less than twenty-five (25) acres, excluding industrial sand mining, (based on the life of the mine) meeting the requirements of section 13.3.8 of this ordinance and section 91.46(5) of the Wisconsin Statutes. (06/17/2015)

(s) Governmental nonmetallic mining operations of less than twenty-five (25) acres, excluding industrial sand mining, (based on the life of the mine) meeting the requirements of section 13.3.8 of this ordinance and the requirements of section 91.46(5) of the Wisconsin Statutes. (06/17/2015), (06/15/2016)

(t) Nonmetallic mining, when the product is used by the property owner for their own use on the same parcel or on parcels under the same ownership and the requirements of section 91.46(6) of the Wisconsin Statutes are met. (06/17/2015)

(u) Repealed (06/15/2016)

13.2.6.07 Rezoning land out of this district

(a) Except as provided in sub. (b), the Dunn County Board of Supervisors may not rezone land out of this district unless the Planning, Resource and Development Committee does all of the following prior to the rezoning:

1. Finds all of the following in writing, after public hearing, as part of the official record of the rezoning:
   a) The rezoned land is better suited for a use not allowed in this district
   b) The rezoning is consistent with any comprehensive plan, adopted by Dunn County which is in effect at the time of rezoning.
   c) The rezoning is substantially consistent with the Dunn County Farmland Preservation Plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
   d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

(b) Subsection (a) does not apply to any of the following:

1. A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.
2. A rezoning that makes the farmland preservation zoning ordinance map more consistent with Dunn County's Farmland Preservation Plan map, certified under ch. 91, Wis. Stats, which is in effect at the time of the rezoning.

(c) On or before March 1 of each year the Dunn County Zoning Office will provide to the Department of Agriculture, Trade and Consumer Protection (DATCP) a report of the number of acres rezoned out of a farmland preservation zoning district during the previous year and a map showing the location of those acres. (06/17/2015)

(d) On or before March 1 of each year all political subdivisions (not a county) within Dunn County will submit a copy of the information that it reports to DATCP the Dunn County Zoning Office. (06/17/2015)

(e) Comply with the Farmland Preservation Program under Chapter 91 of the Wisconsin Statutes. (06/17/2015)

13.2.7 Primary Agriculture District (PA)

13.2.7.01 Purpose: The (PA) Agriculture District is established to:

(a) Preserve agricultural land and maintain land owner rights by harmonizing agricultural preservation and land development.

(b) Minimize current and future conflicts among agricultural practices, infrastructure needs and land uses.

(c) Provide tools and tax incentives for farmers to maximize their incomes and save taxes while protecting farmland through soil and water conservation practices.

(d) Permit, provide and encourage uses which are consistent with farm businesses and farm economic activities.

(e) Comply with Farmland Preservation Program under Chapter 91 of the Wisconsin Statutes. (06/15/2016)

13.2.7.02 Permitted Principal Uses:

(a) Those permitted principal uses found in the IA District;

(b) New or expanded livestock facilities that will have no more 500 animal units subject to the Livestock Facility Siting provisions in section 13.3.5 of this ordinance. (06/17/2015)

13.2.7.03 Permitted Principal Structures: Those permitted principal structures found in the Intensive Agriculture (IA) District

13.2.7.04 Permitted Accessory Uses: Those permitted accessory uses found in the Intensive Agriculture (IA) District

13.2.7.05 Permitted Accessory Structures: Those permitted accessory structures found in the Intensive Agriculture (IA) District

13.2.7.06 Special Exceptions: The following uses may be allowed as a special exception upon the approval by the Board of Adjustment as provided in section 13.4.0.04(f) and in accordance with the applicable standards in section 91.46 of the Wisconsin Statutes:

(a) Those special exception uses listed in 13.2.6.06(b) through (t), subject to all additional or modified requirements provided in this section. (06/15/2016)

(b) Non-farm single/two family residences not constructed as a residential cluster shall meet all requirements of section 13.2.6.06(o), except that there shall be not more than 4 non-farm residences nor more than 5 residences of any kind in the base farm tract.

(c) Non-farm residential clusters for single/two family residences creating two or more lots shall meet all requirements of section 13.2.6.06(p), except that there shall be not more than 4 non-farm residences nor more than 5 residences of any kind, in the base farm tract. (06/17/2015)

13.2.7.07 Rezoning land out of this district shall meet those standards found in the Intensive Agriculture (IA) District 13.2.6.07.

13.2.8 General Agriculture District (GA)

13.2.8.01 Purpose: This district is created to establish areas within which agricultural uses, commercial uses serving agriculture and residential uses may be located. This district preserves the county's natural resources and open spaces and recognizes the importance of historic agricultural structures. (06/17/2015)

13.2.8.02 Permitted Principal Uses

(a) Those permitted principal uses found in the IA and PA districts
(b) Public parks and playgrounds
(c) Governmental uses such as town halls, garages, solid waste transfer stations, and recycling collection centers or depots
(d) Rest and nursing homes
(e) Religious activities
(f) Schools, public and parochial and their accessory uses
(g) Cemeteries, not ancillary to a permitted use
(h) Single family housing (02/18/2015)
(i) Seed sales (09/20/2017)
(j) Buildings for the repair or storage of governmental road maintenance equipment. (09/20/2017)

13.2.8.03 Permitted Principal Structures: Those structures necessary to house the permitted principal uses.

13.2.8.04 Permitted Accessory Uses

(a) Those permitted accessory uses found in the agriculture districts (IA, PA)
(b) Private recreational uses to include but not limited to swimming pools, tennis courts, playground equipment (not including motorized vehicles or rides) and playhouses. (06/17/2015)
(c) Greenhouses and storage sheds
(d) Agri-tourism (06/17/2015)

13.2.8.05 Permitted Accessory Structures:

(a) Those structures necessary to house the permitted accessory uses.
(b) (Repealed 09/20/2017)

13.2.8.06 Development Standards: Development in this district shall be according to either the default standards (Parent Tract Standards) or according to the optional standards (Contiguous Tract Standards).

(a) Parent Tract Standards

(1) Maximum Residential Density shall be 1 residential parcel per 8 acres (1:8).
(2) Maximum Residential Density shall be calculated by dividing the area of the Parent Tract by 8. (Example 26acre Parent Tract divided by 8 = Maximum Residential Density of 3.25 residential dwellings.) Any fractional dwelling unit resulting from the calculation which is at least 0.80 (80%) shall be rounded up to the next whole number.
(3) Any dwelling unit which exists on the Parent Tract shall be counted towards residential density.
(4) No parcel shall be created which does not carry with it the allowance for at least one dwelling unit under the density calculation.
(5) Density shall be based on the area of a parent tract. For the purpose of calculating density, the parent tract shall not cross a line of a government protracted quarter-quarter section or shall not cross a line of a government lot.
(6) If a land division causes a parent tract to reach Maximum Residential Density and an area of land remains within the parent tract:
    a. Dunn County shall draft a deed restriction, declaring the residential density shall be zero for said remainder of land within the parent tract.

b. The parent tract landowner or designee, shall file such deed restriction with the Register of Deeds prior to County approval of said land division.

(7) Allowable density shall be recorded on an Official Maximum Residential Density Map kept on file in the Zoning Office.

(8) Parcels of land existing prior to the adoption of this ordinance which are 8 acres or less shall be allowed to continue as non-conforming parcels and cannot be further subdivided.

(9) Parcels of land existing prior to the adoption of this ordinance which are greater than 8 acres and smaller than 16 acres may be subdivided to create one additional parcel. (09/20/2017)

(b) Contiguous Tract Standards

(1) Maximum Residential Density shall be 1 residential parcel per 8 acres (1:8).

(2) The allowable number of residential parcels shall be calculated by dividing the area of the Contiguous Tract by 8. (Example 26 acre Contiguous Tract divided by 8 = 3.25 parcels.) Any fractional lot resulting from the calculation which is at least 0.80 (80%) shall be rounded up to the next whole number.

(3) Any dwelling unit which exists on the Contiguous Tract shall be counted towards residential density.

(4) No parcel shall be created which does not carry with it the allowance for at least one dwelling unit under the density calculation.

(5) Density shall be based on the area of a contiguous tract.

(6) Allowable density shall be recorded on an Official Maximum Residential Density Map kept on file in the Zoning Office.

(7) Transfer of density between contiguous parcels shall be permitted, provided:

a. The applicant, the County Surveyor and the Zoning Administrator meet and agree on transfer of density conditions.

b. Dunn County shall draft a deed restriction, declaring the number of density credits for each parcel in the Contiguous Tract.

c. The applicant shall pay a Transfer of Density fee (see fee schedule).

d. The applicant shall file such deed restrictions with the Register of Deeds prior to County approval of any land division. (02/15/2015)

13.2.8.07 Special Exceptions

The following uses may be allowed as a special exception upon the approval by the Board of Adjustment as provided in Section 13.4.0.04.

(a) The following uses may be allowed as a special exception upon the approval by the Board of Adjustment as provided in Section 13.4.0.04:

1. Governmental mining operations and nonmetallic mining operations of less than twenty-five (25) acres, excluding industrial sand mining (based on the life of the mine). See additional requirements in Section 13.3.8.
2. Construction aggregate nonmetallic mining operations. See additional requirements in Section 13.3.8.
3. Telecommunication and broadcast facilities as per Section 13.3.12.
4. Agriculture-related businesses, other than those permitted accessory uses as defined in Section 13.2.8.04 which includes but not limited to:
   1) Veterinary services and animal hospitals
   2) Livestock sales facilities
   3) Farm machinery dealers and repair services
   4)Fertilizer and chemical dealers
   5) Processing of agricultural products produced on farms.

5. Temporary pavement mixing plants serving public transportation projects. (06/17/2015)
6. Transfer stations and buildings for the repair or storage of privately owned road maintenance equipment
7. Commercial kennels
8. Airports, air strip, heliport, and landing fields
9. Vehicular-related outdoor activities to include but not limited to automobile, motor-cross, snowmobile, and ATV racing and related activities.
10. Public or private landfills, automobile wrecking yards and junk yards (06/17/2015)
11. Concrete and asphalt mixing plants (06/17/2015)
12. Automotive and general machinery repair services and fabrication
13. Public and private campgrounds, recreational and educational camps (See DHS 175 & 178)
14. Exotic animals as defined in 13.7.0
15. Metallic mining. See additional requirements in Section 13.3.8.
16. Agricultural entertainment (6/17/2015)
17. Electric generation facility, renewable energy generation (large), and electric transmission. (06/17/2015, 09/20/2017)

(b) All materials stored outside must be screened from view when abutting a residential use. (09/20/2017)

13.2.9 Limited Commercial District (LC)

13.2.9.01 Purpose: This district is intended to provide for commercial establishments using less than 3,000 sq. ft. for its operation not including parking. Non-owner-occupied single family and/or multi-family dwellings shall be included in the 3,000 sq. ft. restriction. (01/18/2017)

It is recognized that it is neither possible nor practical to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right of review by the Zoning Administrator for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

13.2.9.02 Permitted Principal Uses

(a) The following classified uses with examples are permitted in the Limited Commercial District.

<u>Food/Grocery</u>
1. Bakeries
2. Bars and taverns
3. Convenience stores
4. Fruit and vegetable stores
5. Grocery stores
6. Restaurants, including fast food and drive-in (01/18/2017)
7. Butcher Shops (09/20/2017)

<u>Financial/Professional/Business</u>
1. Banks and other financial institutions
2. General and professional office buildings

<u>Retail/Sales</u>
1. Antique and collector stores
2. Drug stores
3. Florist, Floriculture
4. Hardware stores

5. Hobby and craft stores
6. Jewelry and artisan sales
7. Liquor stores
8. Shoe sales and repair stores (09/20/2017)
9. Variety stores

Service

1. Barber shops and beauty shops
2. Clinics and labs to include medical, dental, optical, and veterinary (09/20/2017)
3. Dry cleaning and laundry establishments
4. Health and fitness centers
5. Libraries and museums
6. Nursery schools and daycare centers
7. Utility substations
8. Contractor's storage yard (09/20/2017)
9. Sawmills (09/20/2017)
10. Machining facilities (09/20/2017)
11. Mini-warehouses for storage of personal goods such as furniture, boats and recreational vehicles (09/20/2017)
12. Transportation Terminals (09/20/2017)
13. Airports, air strip, and landing fields (09/20/2017)
14. Courier, logistics services (09/20/2017)
15. Educational facilities (09/20/2017)

Seasonal or Temporary Artisan Sales

1. Fruit and vegetable stands, farmers market
2. Christmas tree sales
3. Crop farming on un-improved lots (09/20/2017)

(b) Electric generation facility, electric transmission, renewable energy generation (small, intermediate and large), electric distribution, gas distribution, gas transmission and town border station and substations are permitted in the Limited Commercial District. (06/17/2015, 09/20/2017)

(c) All materials stored outside must be screened from view when abutting a residential use. (09/20/2017)

13.2.9.03 Permitted Principal Structures

(a) Temporary structures necessary for the sale of seasonal and artisan products
(b) Non-owner occupied dwelling, including single and multi-family dwellings (01/18/2017)
(c) Other structures appropriate for permitted principal uses of this district (01/18/2017)

13.2.9.04 Permitted Accessory Uses

(a) Single and multi-family dwelling (01/18/2017)
(b) Parking of trucks or delivery vehicles used in conjunction with the principal or allowed special exception uses
(c) Activities and uses which are customarily associated with the principal uses

13.2.9.05 Permitted Accessory Structures

(a) Structures which are used in conjunction with principal or special exception uses
(b) Single and multi-family dwelling adjacent to the principal use (01/18/2017)
(c) Parking lot structures

13.2.9.06 Special Exceptions

(a) The following uses and related structures may be allowed as a special exception upon the approval by the Board of Adjustment as provided in Section 13.4.0.04.

1. Flea markets
2. Automobile, marine and agriculture sales, service and repair (09/20/2017)
3. Indoor archery and shooting ranges
4. Telecommunication and Broadcast facilities as Per Sec. 13.3.12
5. Renewable energy generation facility with a name plate rating 501kW p to 1,500kW. (6/17/2015); (03/23/2016)
6. Adult entertainment (09/20/2017)
7. Concrete and asphalt mixing plants (09/20/2017)

(b) All materials stored outside must be screened from view when abutting residential use. (09/20/2017)

13.2.10 General Commercial District (GC)

13.2.10.01 Purpose: This district is intended to provide for commercial establishments.

It is recognized that it is neither possible nor practical to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right of review by the Zoning Administrator for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

13.2.10.02 Permitted Principal Uses

(a) Those uses found in the Limited Commercial District as well as those commercial establishments greater than 3000 sq. ft. are permitted in the General Commercial District:

<u>Food/Grocery</u>

1. Candy, confectionaries and ice cream
2. Dairy stores
3. Delicatessens
4. Fish Markets
5. Frozen Food lockers
6. Supermarkets
7. Meat markets
8. Brewpubs, Microbrewery, Boutique Winery, Microdistillery (01/18/2017, 09/20/2017)

<u>Retail/Sales</u>

1. Appliance, carpet and furniture stores
2. Art supply stores, art galleries, artist studios or schools
3. Book stores, bookbinding
4. Building materials, lumberyards
5. Cabinets and woodworking sales and supplies
6. Camera and photographic supply and processing stores
7. Clothing and apparel stores
8. Crockery
9. Department stores
10. Fireworks sales (commercial grade)
11. Furnace and wood burning stove stores
12. Furriers and fur apparel

13. Gift stores
14. Grain storage
15. Greenhouse and garden supply stores
16. Luggage stores
17. Music stores, accessories and studios
18. Newspaper and magazine stores and pressrooms
19. Office supply
20. Paint, glass and wallpaper stores
21. Pawn shops
22. Parking lots
23. Pet stores
24. Second-hand stores
25. Leather goods stores
26. Sporting good stores
27. Tobacco shops
28. Toy stores
29. Automobile, marine and agriculture sales
30. Open sales lots for the purpose of buying and selling automobiles, trucks, motorcycles, boats, trailers, recreational vehicles, mobile/manufactured homes and similar products (09/20/2017)

Seasonal or Temporary Artisan Sales

1. Christmas tree sales
2. Fruit and vegetable stands, Farmers markets

Service

1. Car washes
2. Caterers
3. Churches and other religious entities
4. Crematoria and funeral homes
5. Dressmaking, seamstress, tailor
6. Essential services
7. Government or municipal buildings
8. Interior decorators
9. Locksmiths
10. Motels, motor lodges, hotels
11. Personal service establishments
12. Plumbing, electrical and heating sales and service
13. Printing and duplicating
14. Radio – TV broadcast studios
15. Taxidermy shops
16. Travel bureaus or agencies
17. Upholstery shops
18. Warehousing
19. Wholesaling (09/20/2017)

Social/Fraternal/Recreation

1. Athletic clubs, including tennis and handball courts, swimming pools and other recreational uses
2. Boat launches
3. Commercial indoor recreation, such as bowling alleys, skating rinks and other recreational uses
4. Fraternal buildings
5. Lodges and clubs, public and private

6. Theaters (except drive-in)
7. Union halls

(b) All materials stored outside must be screened from view when abutting a residential use. (09/20/2017)

13.2.10.03 Permitted Principal Structures

(a) Those permitted principal structures found in the Limited Commercial (LC) district
(b) Structures as may be appropriate for permitted principal uses of this district.

13.2.10.04 Permitted Accessory Uses

(a) Those permitted accessory uses found in the Limited Commercial (LC)
(b) Activities and uses which are customarily associated with the principal uses.

13.2.10.05 Permitted Accessory Structures

(a) Those permitted accessory structures found in the Limited Commercial (LC)
(b) Structures which are used in conjunction with principal or special exception uses

13.2.10.06 Special Exceptions

(a) In addition to those special exceptions found in the Limited Commercial (LC) District, the following uses and related structures may be allowed as a special exception upon the approval by the Board of Adjustment as provided in Section 13.4.0.04:
1. Arenas and stadiums
2. Drive-in theaters
3. Outdoor commercial recreational uses, such as go-carting, golf courses and driving ranges, motor cross, ATV trails
4. Festival grounds
5. Resource recovery facilities
6. Truck stop service
7. Microbrewery Large, Large Boutique Winery, Microdistillery Large (09/20/2017)

13.2.11 Light Industrial District (LI)

13.2.11.01 Purpose: This district is intended for any manufacturing or industrial operation which, on the basis of actual physical and operational characteristics would not be detrimental to the surrounding area or to the County as a whole, by reason of noise, dirt, smoke, odor, traffic, physical appearance or other similar factors.

It is recognized that it is neither possible nor practical to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right of review by the Zoning Administrator for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

13.2.11.02 Permitted Principal Uses

(a) Permitted principal uses include, but are not limited to, the following:
1. Cleaning, pressing and dyeing establishments
2. Commercial greenhouses
3. Food locker plants

4. Manufacture and fabrication of products except those uses listed in 13.2.12.02 and 13.2.12.06.
5. Manufacture and bottling of nonalcoholic beverages
6. Painting
7. Printing and publishing
8. Professional offices
9. Research and testing laboratories
10. Schools and training centers
11. Building materials, lumberyards, warehousing and outside storage
12. Wholesalers and distributors.
13. Transportation terminals
14. Processing of biomass materials
15. Electric generation facility, electric transmission, renewable energy generation (small, intermediate and large), electric distribution, gas distribution, gas transmission, town border station, substations and renewable energy generating facility with a name plate rating 501kW up to 1,500kW.
16. Automobile, construction and farm machinery sales or service businesses
17. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelter, parks, playgrounds and museums
18. Commercial service facilities
19. Crematories (09/20/2017)

(b) All materials stored outside must be screened from view when abutting a residential use. (09/20/2017)

13.2.11.03 Permitted Principal Structures: Structures as may be appropriate for permitted principal uses of this district

13.2.11.04 Permitted Accessory Uses

(a) Dwellings, single-family, only as an accessory to a principal use, for the caretaker or owner and his family only.
(b) Parking of trucks or delivery vehicles used in conjunction with the principal or allowed special exception uses.
(c) Activities and uses which are customarily associated with the principal uses.

13.2.11.05 Permitted Accessory Structures

(a) Structures which are used in conjunction with principal or special exception uses
(b) Owner-occupied or caretaker dwelling utilized for a principal use.
(c) Parking lot structures

13.2.11.06 Special Exceptions

(a) The following are special uses permitted when the location of the use shall have been approved and a special exception permit granted after a public hearing by the Board of Adjustment:

1. Airports, air strip, heliports, and landing fields
2. Governmental mining operations and nonmetallic mining operations of less than twenty-five (25) acres, excluding industrial sand mining, (based on the life of the mine) See additional requirements in Section 13.3.8.
3. Construction aggregate nonmetallic mining operations. See additional requirements in Section 13.3.8.
4. Telecommunication and Broadcast facilities as per Sec. 13.3.12

5. Renewable energy generation facility with a name plate rating greater than 1,500kW.
6. Temporary pavement mixing plants serving public transportation projects.
7. Concrete and asphalt mixing plants
8. Monument works (09/20/2017)

13.2.12 Heavy Industrial District (HI)

13.2.12.01 Purpose: This district is intended for manufacturing or industrial operation which by their nature could exhibit characteristics that would be harmful, noxious, or detrimental to surrounding uses of this land. Such facilities that produce, use or store any of the extremely hazardous substances in quantities equal to or greater than threshold quantities as defined in the EPA chemical list of lists referred to in Section 11002(a) of 42 USC 11002 are required to be in this district. The facilities in this district are required to have an emergency operations plan as defined by the Emergency Planning and Community Right to Know Act, EPCRA as defined in Wisconsin Statute 323.60.

It is recognized that it is neither possible nor practical to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right of review by the Zoning Administrator for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

13.2.12.02 Permitted Principal Uses

(a) In addition to those industrial and office uses permitted in the Light Industrial District, the processing, manufacturing and/or storage of the following are permitted in the Heavy Industrial District:
1. Automotive heavy repair and upholstery, body shop including the storage of up to ten (10) unlicensed or inoperative vehicles when stored inside a structure, or behind a screen.
2. Freight yards and depots
3. Breweries, Wineries and Distilleries
4 Ethanol processing and production facilities
5. Concrete and asphalt mixing plants
6. Resource Recovery Facility
7. Monument Works (09/20/2017)

(b) All materials stored outside are screened from view when abutting a residential use. (09/20/2017)

13.2.12.03 Permitted Principal Structures

(a) Those permitted principal structures as found in the Light Industrial (LI) district
(b) Structures as may be appropriate for permitted principal uses of this district.

13.2.12.04 Permitted Accessory Uses: Those permitted accessory uses found in the Light Industrial (LI) district

13.2.12.05 Permitted Accessory Structures: Those permitted accessory structures found in the Light Industrial (LI) district.

13.2.12.06 Special Exceptions

(a) In addition to those special exceptions found in the Light Industrial (LI) District, the following are special uses permitted when the location of the use shall have been approved and a special exception permit granted after a public hearing by the Board of Adjustment:

1. Creameries, condenseries, canneries
2. Forges, foundries, smelting plants, and non-metal casting
3. Tanneries
4. Fertilizer manufacturing
5. Slaughterhouses, animal rendering
6. Bone distillation, glue manufacture
7. Manufacture and/or storage of explosives
8. Chemical manufacture
9. Drug and pharmaceutical product manufacture
10. Medical and laboratory instrument and supply manufacture
11. Electrical products, lighting, and appliance manufacture
12. Power plants (Non-permitted)
13. Refineries (Non-permitted)
14. Cement, gypsum, lime, or plaster of paris manufacture
15. Medical waste facility
16. Commercial composting facilities
17. Bulk fuel sales and storage
18. Automobile wrecking yard, junk yard
19. Municipal sewage disposal plants and related facilities.
20. Solid waste and recycling transfer stations
21. Metallic mining. See additional requirements in Section 13.3.8.
22. Landfills
23. Industrial coating processes
24. Manufacture and/or storage of radioactive materials (09/20/2017)

(b) All materials stored outside must be screened from view when abutting a residential use. (09/20/2017)

13.2.13 Shoreland Recreational District (SR)

13.2.13.01 Purpose: The Shoreland recreational district is created to provide limited use of the shoreland for recreational purposes.

13.2.13.02 Permitted Principal Uses

(a) Public parks and playgrounds
(b) Single-family dwelling for year round or seasonal use for owner occupancy, rent or lease (01/18/2017)
(c) Restaurants, dinner clubs, night clubs and taverns
(d) Gift and specialty shops customarily found in recreational areas
(e) Marines, boat liveries, sale of bait, hunting and fishing equipment, boats and off-road recreational vehicles
(f) Family child care centers as per DCF 250 WI. Admin. Code and Wis. Stats. 66.1017
(g) Adult family home, community based residential facility and community living arrangement with capacity for eight (8) or fewer persons. (See 59.69(15)(c) Wis. Stats.)
(h) Adult daycare facility as defined in Section 13.7.0 with a capacity for eight (8) or fewer persons.
(i) Electric distribution, gas distribution, gas transmission, renewable energy generation facility (small) and town border station. (06/17/2015)
(j) Public or private club and fraternity to include but not limited to tennis courts, golf courses and archery ranges. (01/18/2017)

(k) Churches and other structures used for religious purposes and other buildings integral to the functioning of religious organizations. (01/18/2017)
(l) Public swimming places pursuant to Chapter DHS 172, Wis. Admin. Code. (01/18/2017)
(m) Crop farming on un-improved lots. (01/18/2017)

13.2.13.03 Permitted Principal Structures: Those structures necessary to house the permitted uses.

13.2.13.04 Permitted Accessory Uses

(a) Private recreational uses including but not limited to swimming, tennis, horticulture and playground activities
(b) Bed and breakfast establishments pursuant to Chapter 254.61 Wis. Stats.
(c) Parking in conjunction with the principal or allowed special exception uses
(d) Home occupation/Professional office as per Section 13.3.3

13.2.13.05 Permitted Accessory Structures: Those structures necessary to house the permitted accessory uses.

13.2.13.06 Special Exceptions

The following uses may be allowed as a special exception upon the approval by the Board of Adjustment as provided in Section 13.4.0.04:

(a) Multi-family dwellings, provided that the minimum lot size shall increase 2000 square feet for every unit over two
(b) Hotels, motels and tourist rooming houses (See DHS 195)
(c) Public and private campgrounds, recreational and educations camps (See DHS 175 & 178)
(d) Mobile and manufactured home communities subject to the provisions of Section 13.3.6 and Chapter 66.0435 Wis. Stats.
(e) Electric transmission and substations. (06/17/2015)

13.2.14 Nonmetallic Mining Overlay District (NMM)

13.2.14.01 Purpose: It is the primary purpose of this overlay district to apply impartial standards to regulate the extraction, processing, utilization and transport of nonmetallic mineral resources and products to ensure maximum protection to surrounding properties and the physical environment, protect the public health, safety and general welfare, and to promote aesthetic values. This district is also created to protect mineral extraction operations against problems caused by intrusion of incompatible land uses, and to allow for protection of deposits of minerals.

Findings of Fact: While Industrial Sand Mining and Nonmetallic Mineral Mining are legitimate and permissible parts of the state and local economy, and while they may provide good jobs and beneficial economic activity, the activities, processes and chemicals employed can adversely affect groundwater and surface water, drastically alter aesthetic appearance of natural landscape, and produce harmful levels of soil erosion, dust, noise and other negative impacts. Industrial sand mining and nonmetallic mining operations can have negative impacts and present safety concerns to members of the public, create traffic problems, road damage, and lead to other off-site impacts that may adversely affect the safety and well-being of county residents and landowners. Property values may also be adversely affected by such mines and the transportation of nonmetallic minerals on nearby roads. Other potential impacts from Industrial Sand Mining and Nonmetallic Mineral Mining and processing include potentially detrimental changes in land use, storm water runoff, excessive groundwater use and the addition of potential sources of surface and ground water contamination, exposure to respirable silica dust, noise and light, all of which may adversely impact human health and the environment.

Furthermore, there are substantial cumulative impacts associated with industrial sand mining and the permitting of multiple industrial sand mining locations. Whereas gravel and other construction aggregates are typically mined sporadically on an as needed, project by project basis at a local level, industrial sand mining is a continuous, daily process wherein operators attempt to mine continuously and as quickly as possible given the immediate and far-reaching need for the commodity. The incremental impacts of each individually permitted industrial sand mine on the environment, human health and land use are much greater when considered cumulatively. Industrial sand mining operations are deemed to be collectively significant which necessitates considerable review. When considered cumulatively, industrial sand mining presents vastly different impacts than other nonmetallic mineral mining operations or construction aggregate and requires more stringent regulations due to the cumulative nature of these impacts. Thus, all industrial sand mining operations shall be performed in the Nonmetallic Mining Overlay District and shall be subject to the review and permitting procedures of Section 13.3.8.

Applicability.

(a) Overlay district boundaries will follow platted lot lines, government lot lines, CSM lot lines, quarter-quarter section lines, or municipal boundaries, centerlines of streets, highways, railroads, or lakes, streams, and other water bodies.
(b) The overlay district does not remove land use restrictions from the underlying zoning district. However, should there be a conflict between the underlying zoning and the overlay district the overlay district supersedes the underlying zoning.
(c) The overlay district will remain in effect until the applicant receives a certificate of compliance from the Environmental Services Department in accord with the nonmetallic mining reclamation standards and County reclamation standards and any other applicable County ordinance provisions. In the event that a reclamation plan is not required under NR135, the overlay district will remain in effect until the nonmetallic mining operation is discontinued for a period of 12 months or otherwise in accordance with County standards.
(d) The Nonmetallic Mining Overlay District is only available in an underlying GA, LI or HI districts.

13.2.14.02 Permitted Principal Uses

(a) Uses allowed by the underlying zoning district.
(b) Nonmetallic mining operations that have been previously permitted with a specialexception use permit and/or by a nonmetallic mining reclamation permit to operate shall be allowed to continue to operate under the terms and conditions of those permits on file prior to the effective date of this ordinance.

13.2.14.03 Permitted Principal Structures

(a) Structures allowed by the underlying zoning district.
(b) Any structures permitted by previously permitted mines.

13.2.14.04 Permitted Accessory Uses: Uses allowed by the underlying zoning district.

13.2.14.05 Permitted Accessory Structures: Accessory structures allowed by the underlying zoning district.

13.2.14.06 Special Exception Uses: In the nonmetallic mining overlay district, the following are special exception uses and are subject to the
provisions of Section 13.3.8:

(a) Nonmetallic Mining Operations, subject to the provisions of Section 13.3.8.
(b) Industrial Sand Mining Operations, subject to the provisions of Section 13.3.8
(c) Special exception uses allowed by the underlying zoning district.

13.2.14.07 Structures Subject to Special Use Permits

(a) Structures associated with Nonmetallic Mining Operations and its accessory uses.
(b) Structures associated with Industrial Sand Mining Operations and its accessory uses.
(c) Structures for temporary hot mix and concrete batch plant operations.
(d) Structures allowed by the underlying zoning district.

13.2.14.08 Lot, height and yard requirements: The following lot, height and yard requirements are established for the nonmetallic mining overlay district:

(a) Lot size and access
1. The minimum lot size of the district shall conform to the underlying zoning district lot size.
2. The overlay district shall directly abut a public highway and shall have direct access to that highway.

(b) Height: All structures, except nonmetallic mining structures and industrial sand mining structures, shall conform to the underlying zoning district provisions.

(c) Setbacks
1. The minimum highway setback for structures shall be 200 feet from the right of way, except when railroad access for a transloading facility is within 200 feet of the right of way.
2. The minimum side-yard setback for nonmetallic mining structures shall be 100 feet.
3. The minimum rear-yard setback for nonmetallic mining structures shall be 100 feet.

(d) More restrictive use, lot, height and yard requirements may be established at the time of special exception use permit approval.

13.2.14.09 Standards for overlay zoning: Zoning to the nonmetallic mining overlay district shall be based on findings that consider the following factors:
(a) The land use is consistent with Dunn County's comprehensive plan and the general purpose of this ordinance as stated in Section 13.1.07.
(b) The suitability of the land for mining based on the nonmetallic mineral deposits.
(c) The potential that the mining operation will unduly burden facilities in the County or otherwise impact the County's ability to meet the demands of users of County facilities including roadways, utilities, sanitary/sewer, waste facilities and other County facilities.

13.2.14.10 Petition for Overlay District: A petition to amend the district boundaries (rezone) to include a parcel of land in the nonmetallic mining overlay district shall be done in accord with Section 13.6.0 of this ordinance and may be applied for at the same time as a request to amend the underlying zoning district of the parcel.

13.2.15 Conservancy District

13.2.15.01 Purpose: The Conservancy District is established to preserve and perpetuate in an open state certain areas such as lowland swamps, marshes and wetlands, floodplains and stream beds, slopes, bluffs, wooded areas and other areas of aesthetic value which, because of their unique physical features, are deemed desirable to be retained for the benefit of this and future generations. The regulations of the Conservancy District are intended not only to preserve and perpetuate open space land and water areas consistent with the intent and purpose of this chapter, but also to protect the community and the County from costs and consequences which may be incurred when unsuitable development occurs in such areas.

13.2.15.02 Permitted Uses

(a) Grazing

(b) The harvesting of any wild crop such as marsh hay, ferns, wild rice, berries, tree fruits and tree seeds
(c) Sustained yield forestry, or enrolled in Managed Forest Law. (01/18/2017)
(d) Hunting, fishing, trapping, preservation of scenic, historic and scientific areas, wildlife preserves
(e) Nonresident buildings used solely in conjunction with the raising of waterfowl, minnows and other similar lowland animals, fowl or fish
(f) Hiking trails or bridle paths
(g) Accessory uses
(h) Public and private parks, picnic areas, golf courses and similar uses
(i) (Repealed (09/20/2017)
(j) Electric distribution, gas distribution, gas transmission, renewable energy generation facility (small) and town border station. (06/17/2015)

13.2.15.03 Special Exceptions: The following uses may be allowed as a special exception upon the approval by the Board of Adjustment as provided in Section 13.4.0.04:

(a) General farming, provided farm animals shall be kept at least 100 feet from any nonfarm residence
(b) Dams, power plants, flowages, ponds, utility uses such as, but not restricted to telephone, telegraph and power transmission lines
(c) Relocation of any watercourse
(d) Filling, drainage or dredging of wetlands
(e) Removal of topsoil or peat
(f) Cranberry bogs
(g) (repealed 01/18/2017)
(h) Electric transmission and substations. (06/17/2015)

13.3.0 SUPPLEMENTARY USE REGULATIONS

13.3.0.01 Purpose: This chapter contains additional regulations applicable to specific types of uses that supplement the requirements found in other chapters. Supplementary use regulations apply to the following:

(a) Chickens, Keeping of, in a Residential District – Sec. 13.3.1 (09/20/2017)
(b) Highway Setback – Sec. 13.3.2
(c) Home Occupation and Professional Offices - Sec. 13.3.3
(d) Honeybees, Keeping of , in a Residential District – Sec. 13.3.4 (09/20/2017)
(e) Livestock Siting Facilities - Sec.13.3.5
(f) Mobile Manufactured Home Communities – Sec. 13.3.6
(g) Non-Conforming Uses, Structure and Lots - Sec. 13.3.7
(h) Nonmetallic and Metallic Mining Standards – Sec. 13.3.8
(i) Off-Street Parking and Loading - Sec. 13.3.9
(j) Setback Areas, Allowable Uses in – Sec. 13.3.10
(k) Signs, Regulation of - Sec. 13.3.11
(l) Telecommunication, radio and television broadcast facilities – Sec. 13.3.12

13.3.1 Keeping of Chickens in Residential Districts

13.3.1.01 Purpose: To Protect the Public Health, Safety, and General Welfare by:

(a) Establishing certain requirements of sound practices which are intended to avoid problems that may otherwise be associated with the keeping of chickens in Residential Districts (01/18/2017);
(b) The keeping of chickens not in compliance with this section is prohibited.

13.3.1.02 Standards Applicable to the Keeping of Chickens Provided that:

(a) It shall be unlawful for any person to permit or allow any domesticated fowl to run at large.

(b) It shall be lawful for any person to keep, permit or allow any fowl under the following terms and conditions:

1. No more than four (4) hens shall be allowed for each single-family dwelling
2. Roosters shall not be allowed
3. There shall be no outside slaughtering of chickens.
4. All chickens must be kept at all times in a secure enclosure.
5. Enclosures must be situated at least twenty-five (25) feet from the nearest neighbor's residence
6. Enclosures must be kept in a neat and sanitary condition at all times and must be cleaned on a regular basis so as to prevent offensive odors
7. All chicken feed must be stored in rodent-proof containers

13.3.2 Highway Setback Provisions

13.3.2.01 Purpose: In order to promote the public safety, general welfare, and convenience, it is necessary that highway setback lines be established, and they are hereby established in Dunn County outside the limits of incorporated villages and cities, along all public highways, and the intersection of highways and highways with railroads.

13.3.2.02 Jurisdiction Boundaries: Where a highway is located on a village or city boundary, this ordinance is not intended to be effective on the side within the village or city nor on the side within another county where the highway is located on a county boundary.

13.3.2.03 Structures Prohibited Within Setback Lines: Unless provided otherwise by this ordinance, no new building, sign, or part thereof, shall be placed between the setback lines established by Section 13.3.2.05 of this ordinance and the highway.

13.3.2.04 Classification : For the purpose of this ordinance, the highway classifications are divided into functional classifications as follows:

FUNCTIONAL CLASSIFICATION	HIGHWAY CLASSIFICATION
Class A	Principal arterial highways (interstate)
Class B	Minor arterial highways (state highways)
Class C	Major collector highways, and all state trunk highways not in Class A or Class B (county highways)
Class D	Minor collector highways, local highways, town roads, and all county trunk highways not in Class A, B, or C (town highways)
Class E	Town roads located within subdivisions (platted streets)

13.3.2.05 Setback Distances: Along public highways, the setback distance from the right-of-way (R/W) line at any point for the respective classes of highways shall be as follows:

Class A Highways, setback distance: 50 feet (interstate)
Class B Highways, setback distance: 50 feet (state highways)
Class C Highways, setback distance: 50 feet (county highways)
Class D Highways, setback distance: 42 feet (town highways)
Class E Highways, setback distance: 30 feet (platted streets)

13.3.2.06 Setbacks where the road does not extend across the entire frontage: In situations where the road serving a property terminates within the property, the setback shall be measured from the road and from a computed extension of the road, unless the Zoning Administrator determines after diligent inquiry that it is not likely the road will ever be so extended.

13.3.2.07 Reduced Setback from Right-of-Way: A setback less than that required in Section 13.3.2.05 may be permitted by the Zoning Administrator in areas where existing building development has occurred which does not meet right-of-way setback requirements, provided that:

(a) an existing principal structure or accessory structure having less than the required right-of-way setback exists on an adjoining lot or lots and exists within 200 feet of the lot requesting a reduced setback.
(b) in such case, the reduced setback shall be the average of the setback of the existing principal structure or accessory structure and the required right-of-way setback, or
(c) when existing principal or accessory structures exist on either side of the lot requesting the reduced setback, meeting the condition of Section 13.3.2.08 the reduced setback shall be the average of the two existing principal structures or accessory structures.
(d) the reduced setback for the proposed principal structure shall be determined by using the setback of the adjoining existing principal structures. The reduced setback for the proposed accessory structure shall be determined by using the setback of the adjoining existing accessory structures.

13.3.2.08 Vision Triangles: In each quadrant of every public street intersection, except Class E highways, there shall be a visual clearance triangle that is bounded by the street center lines and a line connecting points on them 200 feet from a state highway intersection, 150 feet from a county highway intersection, and 100 feet from a town road intersection. Any structure, excluding required traffic control signs, within the vision triangle shall have a maximum height of 24 inches. (09/20/2017)

13.3.2.09 Driveway Standards: The following standards shall apply to the portions of all driveways within the jurisdiction of the right-of-way of all Class B, C, and D highways.

(a) Access/Driveway permits. A permit shall be obtained from the jurisdiction having control over the highway prior to issuance of a zoning permit. The Wisconsin Department of Transportation and the Dunn County Highway Department require a permit, pursuant to WI. Stat. ch. 86.07, for construction or modifications on or across any highway right-of-way under their jurisdiction. Individual municipalities may also require a permit for roads under their jurisdiction. Applications for these permits are available at the Wisconsin Department of Transportation, Eau Claire, WI for state highways and at the Dunn County Highway Department for county highways. Township permits can be acquired from the town business office or the town chair where applicable.
(b) All new driveways proposed to be installed or any existing driveway or alleged existing driveway on which the landowner proposes improvements or changes in use shall be subject to these requirements.
(c) The driveway requirements set forth by the issuing agency shall govern.

13.3.3 Home Occupations - Professional Offices

13.3.3.01Purpose: The purpose of this section is to set standards under which home occupations and professional offices may be conducted so that such occupations do not undermine the purpose and intent of this section and the zoning district in which it is located.

13.3.3.02 Standards for home occupations: Home occupation is allowed in all residential, shoreland recreational and agriculture districts, upon completion of the application and approval by the Zoning Administrator. A home occupation is a gainful occupation conducted by persons residing on the premises and conducted entirely within the dwelling or its accessory building, providing:

(a) No stock-in-trade shall be displayed outside or as a window display.
(b) Only two persons, other than the residents of the dwelling, shall be employed
(c) One occupation sign is permitted per property denoting only the business name and not exceeding nine square feet.
(d) No alteration to the dwelling or accessory building shall indicate from the exterior that the building is being utilized in part for any purpose other then a residential use or residential accessory use.
(e) The home occupation shall be continuously conducted in such a manner so as not to create any public nuisance, including, but not limited to, offensive noise, vibration, smoke, dust, odors, heat or glare, noticeable at or beyond the property line.
(f) The floor area devoted does not exceed 750 square feet.

Examples of permitted home occupations include, but are not limited to:

(a) Artists, sculptors, authors, composers, or photographers
(b) Barber and beauticians; provided that only one operator shall be permitted
(c) Home crafts, such as model making, rug weaving, lapidary work, cabinet making, picture framing, and the like
(d) Office facilities for route salesmen or manufacture's representatives
(e) Teachers, including music and dance instructions, provided that instructions shall be limited to five pupils at anytime, except occasional groups
(f) Seamstresses or tailors
(g) Sale of firearms or ammunition; and the repair of firearms
(h) Home cooking and preserving
(i) Telephone answering or soliciting
(j) Computer sales and repair
(k) Internet consulting and sales
(l) Mail order business
(m) Small appliance repair
(n) Similar uses at the discretion of the Zoning Administrator

13.3.3.03 Standards for professional offices: A professional office is allowed in all residential, shoreland recreational and agriculture districts upon completion of the application and approval by the Zoning Administrator. A professional home office is a gainful occupation conducted by persons residing on the premises and conducted within the dwelling or its accessory buildings.

(a) No alteration to the dwelling or accessory building shall indicate from the exterior that the building is being utilized in part for any purpose other than a residential use or residential accessory use.
(b) Only two persons, other than the residents of the dwelling, shall be employed
(c) The floor area devoted does not exceed 750 square feet
(d) Professional nameplate sign not exceeding nine square feet

Examples of permitted professional home offices include, but are not limited to:

(a) Accountants
(b) Architecture
(c) Art
(d) Dentistry
(e) Engineering
(f) Industrial design
(g) Insurance brokerage
(h) Law
(i) Medicine
(j) Music

(k) Optometry
(l) Planning
(m) Real Estate brokerage
(n) Science
(o) Teaching
(p) Theology
(q) Writing

13.3.4 Keeping of Honeybees in a Residential District

13.3.4.01 The Purpose of this Section is to Protect the Public Health, Safety, and General Welfare by:

(a) Establishing certain requirements of sound beekeeping practices which are intended to avoid problems that may otherwise be associated with the keeping of honey bees in Residential Districts (09/20/2017;

(b) The keeping of honey bee colonies in the county not in compliance with this section, by any person, is prohibited.

13.3.4.02 Standards:

(a) Hives may be located only on lots with residential use.
(b) No more than six (6) hives may be located on a lot.
(c) No hive shall exceed twenty (20) cubic feet in volume.
(d) No hive shall be located closer than ten (10) feet from any property line.
(e) No hive shall be located closer than one-hundred (100) feet from a principal building on an abutting lot.
(f) A constant supply of fresh water shall be provided for all hives.
(g) A flyway barrier at least six (6) feet in height shall shield any part of a property line that is within twenty-five (25) feet of a hive.
(h) The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded.
(i) The applicant shall notify all adjoining property owners of the intent to keep honeybee hives.
(j) All honey bees shall be kept in hives with removable frames which shall be kept in sound and useable condition.

13.3.5 Livestock Facilities

13.3.5.01 Purpose: The purpose of this section is to comply with requirements of Sec. 93.90 of WI. Statutes and ch. ATCP 51, WI. Adm. Code, and to establish standards and authority to protect the public health and safety of the people of the County of Dunn. This section sets forth the procedures for obtaining a permit for the siting of new and expanded livestock facilities.

13.3.5.011 "Livestock" Defined. For purposes of livestock facility and siting regulation pursuant section 13.3.5, "Livestock" means domestic animals traditionally used in this state in the production of food, fiber or other animal products. "Livestock" includes cattle, swine, poultry, sheep and goats. "Livestock" does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink. (06/15/2016)

13.3.5.02 Permit Required

(a) General

1. A Special Exception permit is required for new or expanded livestock facilities that will have 500 or more animal units in the IA district.
2. A Special Exception permit is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:
   a) The applicable size threshold for a permit,
   b) The maximum number of animal units previously approved, or if no maximum number of animal units was previously approved, a number that is 20% higher than what was in existence on the effective date of this ordinance.
3. A Special Exception permit is not required for a livestock facility that was previously issued a special exception permit, except as provided in sub. 2. A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.

13.3.5.03 Permit Standards

(a) The standards for issuing a permit are as follows:

1. The state livestock facility siting standards adopted under ATCP 51, Wis. Adm. Code, inclusive of all appendices and worksheets and any future amendments to this chapter, except as may be noted in this section of the ordinance, are incorporated by reference in this ordinance, without reproducing them in full.
2. The following setbacks shall apply to livestock structures:

   a) Property lines
   Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units.

   The setback requirements do not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirements, except that a structure may not be expanded closer to the property line.

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

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

   c) Waste Storage Structure
   A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.

   A single new waste storage structure may be constructed closer to the property line or public road if the new structure is:

Located on the same tax parcel as a waste storage structure in existence before the effective date of this ordinance

i. No larger than the existing structure

ii. No further than 50 ft. from the existing structure

iii. No closer to the road or property line than the existing structure.

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

13.3.5.04 Application

(a) A livestock operator must complete the application form and worksheets prescribed by ATCP 51, including any authorized local modifications. The application form and worksheets must demonstrate compliance with standards in ATCP 51 and this ordinance.

(b) The operator must file three (3) duplicate copies of the application form, including worksheets, maps and documents (other than engineering design specifications) included in the application.

13.3.5.05 Application Fee: A non-refundable application fee of $750.00 payable to Dunn County Zoning shall accompany an application for the purpose of offsetting the county costs to review and process the application. The Board of Adjustment may retain or appoint third party experts and/or legal professionals as the Board deems prudent to examine the application and to make recommendations to the Board of Adjustment on whether the livestock facility siting application proposed by the applicant will meet the standards of this ordinance, to assist in evaluating special exception requests and considering conditions and to assist the Board in administering and enforcing the ordinance. The applicant shall pay for the reasonable cost of all third party experts as a condition of approval.

13.3.5.06 Application Procedures

(a) Pursuant to ATCP 51.30 (5), within 45 days after staff receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within 14 days after the applicant provides all of the required information, staff shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.

(b) Upon determination of completeness, a public hearing will be held for those livestock facilities that are proposed in the IA district.

13.3.5.07 Criteria for Issuance of a permit

(a) A permit shall be issued if the application for the proposed livestock facility:

1. Complies with this section, and
2. Is complete, and
3. Contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this section.

(b) A permit shall be denied if any of the following apply:

1. The application, on its face, fails to meet the standards for approval in the previous paragraph,
2. The Board of Adjustment finds, based on other clear and convincing information in the

record that the proposed livestock facility does not comply with applicable standards in this ordinance.

3. Other grounds authorized by s. 93.90, Wis. Stats. that warrant disapproving the proposed livestock facility.

13.3.5.08 Transferability of Permit: A permit and the privileges granted by this permit run with the land and remain in effect, despite a change in ownership of the livestock facility, as long as the new operator does not violate the terms of the approval.

13.3.5.09 Expiration of Permit

(a) Except as provided in sub. b) or s. ATCP 51.34(4), the special exception permit:
   1. Runs with the land and remains in effect despite a change in ownership of the livestock facility or the land on which it is located.
   2. Remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under the permit and regardless of whether the livestock operator exercises the full authority granted by the approval.

(b) The Board of Adjustment may withdraw approval granted under this chapter unless the livestock operator does all of the following within 2 years after approval is granted:
   1. Begins populating the approved livestock facility.
   2. Begins construction on every new or expanded livestock housing structure, and every new or expanded waste storage structure, proposed in the application for approval.

13.3.5.10 Terms of Modification: A permit and the privileges granted by a permit issued under this ordinance are conditioned on the livestock operator's compliance with the standards in this ordinance, and the commitments made in the application for a permit. The operator may make reasonable changes that maintain compliance with the standards in this ordinance, and Dunn County shall not withhold authorization for those changes.

13.3.5.11 Appeals of Livestock Facilities Requiring a Special Exception permit

(a) In addition to other appeal rights provided by law, Sec. 93.90(5), States, provides that any "aggrieved person" may request review by the Livestock Facility Siting Review Board of any decision by the Board of Adjustment in connection with a permit application. An "aggrieved person" may challenge the decision on the grounds that the Board of Adjustment incorrectly applied the standards under this ordinance or violated Sec. 93.30, Wis. Stats.

(b) An "aggrieved person" under this section as defined in Sec. 93.90(5) of Wis. Statutes means a person who applied to the Board of Adjustment for approval of a livestock siting or expansion, a person who lives within 2 miles of the livestock facility that is proposed to be sited or expanded, or a person who owns land within 2 miles of a livestock facility that is proposed to be sited or expanded.

(c) Any appeal to the State Livestock Facility Siting Review Board shall comply with Sec. 93.90 of Wis. Statutes and administrative rules of said board.

13.3.6 Mobile Home/Manufactured Home Communities

13.3.6.01 Purpose: The purpose of this section is to regulate the establishment and continuation of mobile/manufactured home communities in order to provide a safe and healthful environment for the residents thereof, to insure environmental protection and to minimize possible adverse effects on neighboring properties.

13.3.6.02 Mobile/Manufactured Home Community Application

(a) Mobile / manufactured home community is a permitted use in the Residential District (R3), and as a Special Exception in the R2 and SR districts.

(b) Mobile / manufactured home community means any plot or plots of ground upon which three (3) or more manufactured homes or mobile homes are occupied for dwelling or sleeping purposes. "Manufactured home community" does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm. (101.91(5m) Wis. Stats.)

(c) A manufactured home is a structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the Federal Department of Housing and Urban Development as complying with the standards established under 42 USC 5401 to 5425.

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

(e) The mobile /manufactured home community operator shall provide a copy of the Department of Safety and Professional Services (or its agent, Dunn County Department of Health) permit.

13.3.6.03 Mobile/Manufactured Home Community Standards

(a) Mobile / manufactured home communities shall meet all requirements of the Comm. 26 WI Administrative Code.

(b) One single family dwelling is allowed for the owner, operator or caretaker.

(c) Service buildings, such as a community office, laundromat, storm shelter, and mini storage, are permitted for the exclusive use of the mobile / manufactured community.

13.3.7 Nonconforming Uses, Structures and Lots

13.3.7.01 Purpose: Within the districts established by this ordinance or amendments hereto, there exist uses, structures or lots which were lawful prior to the adoption of this ordinance but would be prohibited or more greatly restricted under the terms of this ordinance. These uses, structures and lots are declared legal nonconformities. It is the intent to permit legal nonconformities until they are removed, but not to encourage their continuation.

It is the intent to permit these non-conforming lots, structures and uses existing as of the effective date of this ordinance or amendment thereof to remain and continue in accordance with the provisions hereinafter set forth until they are removed by economic forces or otherwise. It is not the intent of this section to encourage the survival of non-conformities since it has been determined that they are incompatible with the character of the districts involved, or to permit non-conformities to be enlarged upon, expanded, or extended except as provided for herein. Existing non-conformities shall not be used to justify adding structures or uses prohibited elsewhere in the same district.

13.3.7.02 Nonconforming Uses: A nonconforming use of land or structure which existed as of the effective date of this ordinance, or amendments thereto, may be continued, but shall comply with the following provisions:

(a) Only that portion of the lands actual use may be continued to be used. The nonconforming use shall not be extended, enlarged, substituted, or moved in a manner to increase its nonconformity, except when required by law or order or to bring the use into conformity with the provisions of this subtitle.

(b) Diminishing assets – Application of the rule extension or enlargement may work a singular hardship where the use in question involves metallic and non-metallic mining. A nonconforming

non-metallic or metallic mine may continue within the property ownership boundaries at the time of it becoming a nonconforming use. No mining operation may expand onto land acquired after enactment of this ordinance, nor expand onto land not contiguous with the original operation, except in conformance with this ordinance.

(c) Once a nonconforming use has been changed to a conforming use, it shall not revert to nonconforming status.

(d) If the nonconforming use has been discontinued for a period of twelve consecutive months, it shall be considered abandoned. Any future use shall conform to the provisions of this ordinance.

(e) Uses which are nuisances shall not be permitted to continue as nonconforming uses.

(f) Nonconforming uses that are located in the shoreland and floodplain of Dunn County may have additional or more restrictive regulations.

13.3.7.03 Nonconforming Structures: A structure which does not conform to the yard, height, parking, loading and access requirement of this ordinance may be continued to be used but shall comply with the following provisions:

(a) Normal maintenance is allowed

(b) Structural repairs, alterations and additions are allowed, provided they do not intensify the nonconforming nature of the structure; additions cannot exceed the total square feet of the existing structure

(c) Non-conforming structures damaged or destroyed by violent wind, fire, flood or vandalism may be reconstructed or repaired, to the size, location, and use it had immediately before the damage occurred if the landowner can establish the damage was not due to a deliberate act by the landowner or by his or her agent, or due to general deterioration or dilapidated condition.

(d) A non-conforming structure shall not be moved or relocated to any other location on the lot unless such structure is made to conform to all regulations of the district in which it is located. Once a nonconforming structure has been moved or altered to comply with the provisions of the ordinance, it shall not revert to nonconforming status.

(e) Nonconforming structures that are located in the shorelands and floodplains of Dunn County may have additional or more restrictive regulations.

13.3.7.04 Nonconforming Lots: A lot of record may be used for any use or structure allowed in the district in which it lies, provided it complies with the following:

(a) All structures shall meet the setback, yard, height, parking, loading, and access requirements of this ordinance insofar as practical, subject to the approval of the Zoning Administrator, or if appealed, the Board of Adjustment.

(b) The lot is of record in the County Register of Deeds office prior to the effective date of this ordinance, and is at least 7,500 square feet in area.

(c) The lot is in separate ownership from abutting lands. If abutting lands and nonconforming lot are owned by the same owner, the nonconforming lot shall not be used without full compliance with the terms of this ordinance.

(d) Dimensional requirements required by DSPS 383 prevail unless a variance is obtained from the Department of Safety and Professional Services (DSPS).

(e) Nonconforming lots that are located in the shorelands and floodplains of Dunn County may have additional or more restrictive regulations.

13.3.7.05 Existing Special Exception Uses: Existing special exception uses shall be treated in the following manner:

(a) An existing special exception use which, under the terms of this ordinance is a permitted use in the district in which it is located, shall be deemed a permitted use, provided the use and structures meet the regulations of the district in which it is located.

(b) An existing special exception use which, under the terms of this ordinance, is a special exception use in the same district in which it is located, may be continued, provided the terms of the permit are being followed.

(c) An existing special exception use which, under the terms of this ordinance, is neither a special exception use nor a permitted use shall be deemed to be a nonconforming use and shall be subject to the provisions of this section.

13.3.8 Nonmetallic and Metallic Mining

13.3.8.01 Purpose: It is the purpose of this section by applying impartial standards to govern the extraction, processing, utilization and transport of mineral resources and products to ensure maximum protection to surrounding properties and the physical environment, protection for the public health, safety and general welfare, and to promote aesthetic values. See provisions of Section 13.3.7.02 (a)-(f) for existing or nonconforming mine sites.

13.3.8.02 Applicability

(a) Nonmetallic mining operations and construction aggregate mining operations less than 25 acres (based on the life of the mine), and government mining operations are special exception uses and may be permitted in IA, PA, GA, LI and HI districts. Construction aggregate non-metallic mining operations 25 acres or larger (based on the life of the mine) are special exception uses and may be permitted in GA, LI and HI districts. All other nonmetallic mining operations 25 acres and greater, (based on the life of the mine) and Industrial Sand Mining operations are special exception uses and may be permitted in the nonmetallic mining overlay district, as regulated by Section 13.2.14 of this ordinance.

(b) Exemptions. This section shall apply to all nonmetallic mineral extraction operations except as follows:

1. Excavations or grading by a person solely for domestic or farm use at that person's residence or farm
2. Excavations or grading conducted for construction, reconstruction, maintenance or repair of a highway, railroad or any other transportation facility where the excavations or grading is entirely within the property boundaries of the highway, railroad or other transportation facility
3. Grading conducted for preparing a construction site or restoring land following a flood or other natural disaster
4. Excavations for building construction purposes conducted on the building site
5. Nonmetallic mining sites where less than one acre is affected
6. Removal from the earth of products or commodities that contain only minor incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock
7. Borrow sites as regulated under Wis. Stat. § 85.193
8. Excavations or grading when its use is exclusively for a municipal, county or state highway construction project

13.3.8.03 Nonmetallic Mining Standards on Sites Twenty-Five (25) Acres or Larger and Industrial Sand Mining Standards

(a) Special Exception/Conditional Use Permit Required

Industrial sand mining and nonmetallic mineral mining on sites 25 acres or larger shall be permitted only as a special use in accordance of section 13.4.0.04 of the County Ordinance and only if a permit is obtained pursuant to the requirements of this section, any other applicable section of this chapter and the County Ordinance in its entirety. All operators seeking a special

exception permit for all industrial sand mining operations or a nonmetallic mining site of 25 acres or more (based on the life of the mine) shall apply on forms provided by the County and according to the policies of the Zoning Division as applicable to the special use permit

(b) Permits

A special use industrial sand mining permit or nonmetallic mineral mining permit shall not be considered under this section unless corresponding nonmetallic mining reclamation and all other necessary permits, licenses and approvals have been properly applied for in accordance with any applicable local, County, State and Federal regulations. Complete regulatory approval applications must be submitted for all applicable County, State, Federal permits and approvals and to each town in which any part of the proposed nonmetallic mineral mine will be located.

(c) Filing for Permit

The filing requirements contained in this section shall be in addition to the filing requirements contained in any other section of this Ordinance, State and/or Federal laws and regulations and shall in no way limit filings related to other applicable permits, licenses or approvals. For nonmetallic mineral mining the filing provisions of this shall control over conflicting sections, if any, of this chapter. An application shall include the following:

1. Filing Fees:
   - a) The applicant shall submit a minimum deposit of $5,000.
   - b) Maintaining an adequate administrative fee deposit balance at all times is a condition of maintaining an application and a license.
   - c) The deposit amount shall be held by the County and used to pay for review expenses, any oversight and/or monitoring by state agencies, the County's administrative and enforcement expenses experts, legal fees and related expenses associated with the evaluation of the application at issue and the administration enforcement, or other matters compelled by the issuance of the license.
   - d) The County will provide a regular accounting of its expenses to the applicant and the applicant shall replace depleted administrative fee deposits within 14 days of being notified by the County to do so.
   - e) Should the permit be approved, the account shall remain funded until the applicant receives a certificate of compliance from the Environmental Services Department in accordance with the nonmetallic mining reclamation standards and County reclamation standards and any other applicable County ordinance provisions. In the event that a reclamation plan is not required under NR135, the deposit account shall remain funded until the nonmetallic mining operation is discontinued for a period of 12 months or otherwise in accordance with County standards.
   - f) Should a permit be denied, the account shall remain funded until all of the applicant's appeals have been exhausted. Should the appeals uphold the Board of Adjustment's decision the exhaustion of appeals results in a final decision and the account shall be settled by returning any remaining funds in the account to the applicant within 14 days of the exhaustion of appeals.
2. A Signed and Notarized Statement. The applicant must provide a signed and notarized statement which includes:
   - a) The name and address of the applicant
   - b) A summary describing the nature and scope of the project
   - c) A legal description of all land proposed to be included in the project including lands to be mined, used for accessory buildings and structures, roadways and any other metallic mineral mining related use
   - d) A description of the applicant's interest in the property including ownership, leasehold or any other interest
   - e) Approximate dates that construction will begin and end
   - f) The applicant's best estimate and explanation of the life expectancy of the project

g) Information explaining the expected total volume of minerals to be extracted at the metallic mineral mine

h) Evidence of the applicant's ability to carry out the project. This evidence must include an explanation of the method of financing, a current and complete financial statement of the applicant, a list of the applicant's experience in similar projects, a list of currently operating projects and the status of compliance at each project site, letters of reference and other materials as determined to be necessary by the County and/or Board of Adjustment.

i) A statement that all information is accurate and complete to the best of the applicant's knowledge

j) A statement that the applicant agrees to abide by all of the provisions and requirements of this chapter, other County ordinances, state and federal laws and any and all permits and licenses granted under such laws and regulations

3. Documents, information and plans as required by the remainder of this section

(d) Content of Application. An application for a special exception permit shall include the following information:

1. All of the information required by Chapter 20 of the Dunn County Code of Ordinances
2. A special exception use application fee as required in accordance with section 13.4.0.06 of this Ordinance in addition to the deposit fee as required under section 13.3.8.03(c)(1)(a) of this Chapter
3. Required information and plans conforming to the requirements of 13.3.8.03(e)
4. Proof of application for local, state and federal permits required to operate the nonmetallic mining operation
5. To avoid duplication, the permit application and submittals required under this subsection may, by reference, incorporate existing plans or materials that meet the requirements of Chapter 20, of the Dunn County Code of Ordinances.
6. Name of company, agent, principal officer, principal stockholders or owners, state of incorporation, date of incorporation; copies of articles of incorporation, lease of mine sites and estoppel certificates

(e) Required Information and Plans. The application submitted for a special exception nonmetallic mining permit shall be accompanied by the following information and/or plans:

1 An ALTA land survey completed by a land surveyor registered in the State of Wisconsin at a scale of not smaller than 200 feet to the inch showing the location of the tract or tracts of land with parcel identification numbers marked, to be included in the proposed mining operation, including the proposed mine boundary

2 The lateral extent of the proposed mine site at a scale not smaller than 660 feet to the inch, with the mine site boundaries clearly shown

3. A topographic map of the property to be affected by the mine operation at contour intervals no greater than 2 feet and extending one half-mile beyond the proposed mine boundary at a scale not smaller than 660 feet to the inch, with the mine site boundaries clearly shown
4. A map of all residential, agricultural and municipal wells within 1 mile of all proposed mine site boundaries
5. A map showing the location of the exploratory borings at a scale of not less than 1 inch equals 660 feet
6. A geologic log of each exploratory boring including the GPS location, collar elevation and diameter of each exploratory boring, depth to groundwater observed, geologic description of the materials encountered, the applicant's interpretation of the geologic formations encountered and identification of the top and bottom elevations of any nonmetallic mineral deposit intersected by the exploratory borehole.
7. A vicinity map showing the location of the site within the town and county, including the following:

a) Names of owners of the tract or tracts of land to be mined and the property owners of the land within one half mile of the mine site

b) Locate and label all existing buildings within 1,320 feet of the outer perimeter of the mine site

c) The location and name of all surface water, including lakes, private or public ponds, streams (including intermittent streams and headwaters), drainage ditches, wetlands, drainage patterns and other water features on the site and within 1 mile of the proposed mine boundaries

8. A map at a scale of not less than 200 feet to the inch, showing the proposed sequence of mining, direction of mining, depth of mining, and estimated volumes of material to be removed on an annual basis for the proposed life of the mine, including:

   a) Cross-sections of the proposed nonmetallic mine at intervals of not more than 200 feet

   b) The dates of the proposed commencement and cessation of the mine operation.

9. Daily hours of operation

10. A map of the mine site at a representative scale not less than 1 inch equals 200 feet, showing the following:

    a) Stockpiles and storage yards

    b) On-site haul roads

    c) Proposed permanent or temporary structures with their identity marked

    d) Location of roadway access points

    e) Parking areas

    f) Setbacks

    g) Existing structures

11. An estimated daily water budget that describes all the ways that water will be used in the nonmetallic mining operation including, but not limited to; the water required for the entire mine site whether for mining, human use or any function; the sources of water and all process in which the water will be used, methods for treating, handling and disposing of water; volume of water consumed and discharged, and all individual volumes of each stream of excess water and waste water diverted from the site as run-off, storm water, dewatering or any other mechanism.

12. A description of all hazardous materials and hazardous wastes as defined by State and /or Federal standards, including fuel supplies that will be stored on site and a description of measures to be used for securing and storing all hazardous materials and hazardous wastes stored on site.

13. A description of the measures that will be used to contain and remediate any spill or accidental discharge and notify, at minimum the following agencies as to the type, volume and location of any hazardous waste kept on a nonmetallic mining site: Dunn County Sheriff's Department, Emergency Management Coordinator, and local fire protection district.

14. A map of all proposed transportation routes, within the county, to be used to transport the nonmetallic mineral materials from the mine to off-site processing plants or markets, including the frequency of traffic, type of vehicle used in transport, average loaded weight of vehicle, and the common schedule of travel to be used for transporting.

15. A transportation impact analysis in accordance with Wisconsin Department of Transportation Standards.

16. A description of which, how and where chemicals will be used on site whether for the manufacturing or processing operations, in controlling dust, maintenance or other facility needs, along with a description of the measures that will be used to secure, store and/or remediate these materials in the event of a spill or accidental discharge.

17. A description of the distribution, thickness, type of existing topsoil and plans for topsoil storage.

18. A description of measures to be taken to control noise, dust and vibrations from the operations, along with a statement of the proposed frequency of blasting, if any, to be used in the operation.

19. A description of the mining methods, machinery and equipment to be used for extraction and processing of extracted material.
20. A description of measures to be taken to screen the operation from view with earth banks, vegetative or other screening devices.
21. A lighting plan for the nonmetallic mining operation; including the type and style of lighting to be used and its power source.
22. A description of measures to be taken to assure compliance with applicable air, water quality and other environmental standards as required by State and Federal laws.
23. The Board of Adjustment may request additional or further information or materials from the applicant beyond that submitted by the applicant to enable the County and/or the Board of Adjustment to adequately analyze the proposed operation in light of the standards imposed by this ordinance. The Board of Adjustment may request additional information at any time during the application process and the applicant shall submit the requested information before further proceedings take place.
24 The Board of Adjustment may retain or appoint third party experts and/or legal professionals as the Board deems prudent to examine the application and to make recommendations to the Board of Adjustment on whether the nonmetallic mining operation proposed by the applicant will meet the standards of this ordinance, to assist in evaluating special exception requests and considering conditions, and to assist the Board in administering and enforcing the ordinance. The applicant shall pay for the reasonable cost of all third party experts as a condition of approval.

(f) Permit Process

1. Ten (10) paper copies and one (1) digital copy of the application shall be submitted to the Zoning Administrator in the County Zoning Office.
2. The Zoning Administrator will distribute one copy of the application to each member of the Board of Adjustment and Corporation Counsel.
3. The Zoning Administrator shall make a completeness determination within 30 business days of receipt of the application. When the Zoning Administrator believes that the application is complete, that he/she needs no further information or clarification, he/she shall notify the applicant in writing and provide a hearing date for the applicant before the Board of Adjustment in accordance with section 13.4.0.05 of this Ordinance.
4. The Board of Adjustment shall render a decision within 60 days of the completion of the public hearing.

(g) General operating requirements. The following requirements shall apply to nonmetallic mining operations:

1. Property Protection
   a) Buffer zone
      A buffer zone of a least 100 feet from the active mine boundary to adjoining property lines and 200 feet from the nearest right of way shall be provided. The buffer zone shall be maintained at all times. This shall not apply when the railroad access for a transloading facility is within 200 feet of the right of way.
      i. Parking areas, unprocessed and processed materials stockpiles, equipment storage, fueling stations, other related accessory uses such as offices and scales, are not allowed within the buffer zone.
      ii. Areas within the buffer zone may be used for earthen berms, topsoil stockpiles, fencing, and egress/ingress but may not be used for internal haul roads. The Board of Adjustment may require additional screening to buffer the nonmetallic mining operation from and neighboring properties and uses.
   b) Boundaries of nonmetallic mining operations that will exceed 25 acres over the life of the mine shall not be located within 1,320 feet of the R1, R2 or R3 district, or 500 feet of any existing residence, not including the residence of the owner of the mine site.
2. Screening

Where practical, an earth berm and/or vegetative screen shall be erected and maintained to screen the mined area. When using vegetation to screen the site, the vegetation must be at least 4 feet in height at the time of planting. The Board of Adjustment shall determine the practicality and necessity of aesthetic screening in each individual mining operation.

3. Gating

The Board of Adjustment may require the nonmetallic mining operation to be gated.

4. Lighting

Lighting shall be limited, to that which is minimally necessary for safe mining operations and security. All lighting shall be shielded and pointed downward to avoid illuminating off-site.

5. Onsite fuel storage

All petroleum products kept onsite and related to the mining operation shall be stored in state approved fuel storage containers and shall be in accordance with all applicable standards for storage and fueling areas. All petroleum product storage tanks shall provide leak proof containment not less than 125% of the tank capacity. Where fueling trucks are used to refuel equipment onsite, all fueling must occur on a fueling absorption pad to minimize any leakage.

6. Maximum Hours of operation

Non-metallic mining operations shall be limited to reasonable hours. The nonmetallic mining site shall only operate and remove materials from 7:00 am. to 7:00 pm. during Daylight Savings Time and 7:00 am. to 5:00 pm. during Standard Time, Monday through Friday. Saturday hours of operation are limited to 7:00 am. to 3:00 pm. with no mining or material removal allowed on Sundays or Holidays unless the owner/operator of a nonmetallic mining site notifies the Zoning Administrator within 48 hours of its operation on Sundays, holidays or outside of stated hours of operation when a natural disaster has occurred necessitating the need for nonmetallic mining materials for emergency repair work.

7. Noise

White noise back up beepers shall be installed on all equipment requiring beepers per OSHA and MSHA standards.

8. Dust

The operator shall utilize appropriate best management practices to control fugitive dust as specified in Wis. Admin. Code NR 415.075. The fugitive dust plan may include the paving of the main interior haul roads, watering processed and unprocessed stockpiles, using sweepers to clean all paved surfaces within the mine and on the public road, minimize the size of stockpiles, increasing the distance stockpiles are located to a property line beyond the buffer zone. Operators of nonmetallic mining operations that process silica sand for industrial use shall monitor the ambient level of airborne particulate matter of 2.5 microns in size (PM2.5) and Total Suspended Particulates (TSP), measured by the method described in Appendices L and B, respectively, of 40 CFR part 50 (2011) or by a method approved by the County in consultation with the County's retained experts. The type and number of monitors, locations, frequency and duration of the monitoring program shall be determined by the County after consultation with its retained experts and operator. Air monitor results inclusive of any applicable regional background concentration and showing more than 35 micrograms of PM2.5 or over 150 micrograms of TSP per cubic meter of air in a twenty-four (24) hour period shall require the operator to evaluate and implement additional best management practices to minimize the PM2.5 emissions or TSP. All costs of air monitoring and corrective measures shall be borne by the operator. The operator shall compile summaries of air monitoring results that shall be provided to the County within ten (10) days of when the test results become available to the operator.

9. Blasting

All blasting shall be done in conformance with state and federal guidelines and requirements. Blasting hours may be regulated by the conditions placed on the special

exception use permit by the Board of Adjustment. Notification must be provided to the Zoning Administrator, adjacent neighbors within 1,320 feet, and any other local resident within a mile who files a written request for notification with the operator. Any required notification shall give at least 24 hours prior to any blasting.

10. Blasting logs

Blasting logs shall be provided to the County on a quarterly basis and within 48 hours of a written request from the Board of Adjustment.

11. Groundwater Protection

a) Nonmetallic mining operations and reclamation shall be conducted in a manner that does not result in; groundwater becoming unfit for human consumption; significant changes from baseline conditions outside the mine site boundary, exceedance of any groundwater quality standard in Wis. Admin. Code chs. NR 140 and NR 809; exceedance of any state or federal health advisory limits.

b) Nonmetallic mining operations and reclamation shall be conducted in a manner that does not cause a lowering of the groundwater table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater available for reasonable use to current and future users.

c) Any wash ponds and settling ponds that have chemicals introduced to them shall have 5 feet of separation distance to bedrock and to the groundwater elevation, and shall have an impervious liner. The operator is responsible for maintaining all aspects of the wash and settling ponds, including impervious liners and ensuring that releases from the ponds to the groundwater shall not occur. Any portion of any pond to which chemicals were introduced that exists at an elevation below the projected post-reclamation water table, shall be fully excavated and removed during the reclamation and prior to allowing the water table to rise to the elevation of the pond bottom.

d) The operator shall submit a detailed hydro geologic report. The operator shall be required to reimburse the county for the expense of professional work or opinions in review of such hydro geologic report. The hydro geologic report shall provide the following information, as well as a description and justification of all hydrologic methods used including determination of existing conditions used to establish baseline data, including but not limited to:

i. Analysis of groundwater quality of private wells within one-half mile of the mine site and on the mining site consistent with Wis. Admin. Code 20 ch. NR 140.20, including any periodic testing required by the Board of Adjustment.

ii. Identification of all known contaminated groundwater resources within one-half mile of the mining site.

iii. Identification and location of all known karst features such as sinkholes, stream sinks, springs, caves, or faults within one-half mile of the mining site.

iv. Identification, location and elevation of all surface waters and headwaters within a minimum of one-half mile of the mining site. Elevations must include the existing water level, as well as the ordinary high water mark where applicable.

v. Identification of all existing groundwater users (e.g. neighboring private water-supply wells, well head protection areas, municipal wells, irrigation wells) within one-half mile of any portion of the mining site consistent with Wis. Admin. Code ch. NR 812. Well construction reports including well location, well depth, depth of casing, depth to water, and aquifers penetrated shall be identified where data exists.

vi. Elevation of the water table, groundwater flow directions, and groundwater velocities.

vii. The information required above shall be presented in the form of a brief report including one or more maps at a scale of not less than 1 inch equals 330 feet and at least two geologic cross-sections passing through the proposed excavation. All horizontal and vertical measurements shall be referenced to a permanent reference point of the Dunn County Coordinate System.

e) Proposed operational data, including but not limited to:

i. Elevation of the lowest point of mining and dewatering activities below the pre-mining water table.

ii. Description of the means planned to prevent surface water running into the excavation.

iii. Where dewatering is proposed, provide pumping rates and times; elevation of the proposed groundwater draw down level; and identification of groundwater discharge locations and quantities.

iv. A groundwater monitoring program to ensure compliance with 11(a) and 11(b) above. Such program shall include the installation of monitoring wells up gradient and down gradient of the proposed area of excavation to measure groundwater elevations, quality, flow directions, and velocities. All proposed monitoring well locations shall be shown on a map provided with the hydro geologic report required above.

f) The Board of Adjustment may require the applicant to provide additional relevant hydro geologic studies such as groundwater modeling, when:

i. Dewatering is proposed at the mining site;

ii. Known contaminated groundwater resources in excess of any NR 140 Preventive Action Limit exist within one-half mile of the mining site;

iii. Known karst features such as sink holes, stream sinks, springs, or caves exist within one-half mile of the mining site;

iv. Exceptional, outstanding, and/or 303d WDNR-listed waters exist within one-half mile of the mining site; or

v. Existing wells using the same or a shallower aquifer exist within 1200 feet of the mine site.

g) If groundwater modeling is required, the following minimum information shall be provided:

i. Description and justification of all input data to groundwater models.

ii. Calibration of all groundwater models.

iii. Sensitivity analysis for all groundwater models.

iv. Detailed output from the hydrologic methods including the elevation of the water, elevation of the cone of depression caused by dewatering, groundwater flow directions, groundwater velocities, mounding elevations, and any potential effects on nearby surface water, springs, or users of surface and groundwater.

v. Description of the possible existence of fractures or solution cavities in the geologic material and their effect on groundwater flow and land stability.

h) As a condition of approval, the operator shall accept responsibility for remediation of any spill, release, accidental discharge, waste accumulation, or similar concern, of a hazardous, chemical, or otherwise actionable nature caused or exacerbated by the mining operation. Should the operator fail to comply with this provision in a timely manner the permit may be revoked.

12. The operator must promptly disclose any and all notices received from any other government body or agency of violation, citation, or other enforcement action affecting or related to the mine site and site operations, including off-site hauling, waste or other activities.

13. Surface Water Protection: Constructed wash ponds and settling ponds shall have at least sufficient capacity to contain all wastewater, sediment, and any precipitation resulting from a 100 year, 24-hour storm event that falls within or flows into the area of containment, with a minimum one (1) foot freeboard above the maximum operating level.

(h) Factors to be Considered.

A special exception use shall only be granted if it is found that the application meets the requirements of Section 13.4.0.04 of this ordinance. In addition to the standards under Section 13.4.0.04, the Board of Adjustment shall consider the cumulative impacts of all land uses within the county of the proposed mining operations. The Board of Adjustment may impose additional conditions that include, but are not limited to, restrictive provisions and proof of financial security for county and town road maintenance and repair, restrictions on hours of operation, restrictions on truck routes on town and county roads, restrictions on truck and traffic volume in to and out of the mine site, restrictions to protect the groundwater quantity and quality, restrictions to safeguard public and private drinking and agricultural wells, restrictions to control air emissions and dust from the mine and its operations and any other restrictions deemed necessary and appropriate to protect the public health, safety and welfare.

(i) Financial Assurance.

To assure site reclamation, the applicant shall submit a financial assurance that conforms to Chapter 20.

(j) Permit Review, Emergency Review, Site Modification, Transfer of Permit, Cancellation and Termination.

1. The Board of Adjustment shall review original permits 2 years from the date of issuance at a public hearing and shall review the permit then in effect every 5 years thereafter. The purpose of this review is to determine compliance with the permit, environmental standards, laws and regulations, and any complaints registered with the Board. The applicant will be responsible for the public hearing fees. Should the review determine that the operator is currently failing to operate in compliance, or has had several violations of the permit terms, county ordinance, or state and/or federal laws, then the Board of Adjustment may appropriately modify or rescind the permit. Should the Board of Adjustment, through the review determine new instances of non-compliance or other violations of county ordinance, state and/or federal law (issues which had never before been the subject of an enforcement action) the Board may allow the operator not less than 60 days to rectify any instances of non-compliance or other violations. If, after the time allowed there remain unresolved compliance violations, the permit may be rescinded.
2. The Board of Adjustment may, with 5 days notice to the operator, require an emergency review. Emergency reviews shall be based on instances of significant non-compliance, or immediate concerns with human health, safety or the environment. Should the Board of Adjustment, through the emergency review determine instances of non-compliance or other violations of the permit, county ordinance, state and/or federal law the Board may allow the operator not less than 60 days to rectify any instances of non-compliance or other violations. If, after the time allowed there remain unresolved compliance violations the permit may be rescinded.
3. Permit Modification

   An operator may apply in writing for a modification or cancellation of a permit or for a change in the nonmetallic mining operation plan for a mining site. The application for permit or plan modification shall be acted on using the standards and procedures of Section 13.3.8. The application for a site modification shall be processed in the same manner as an original special exception use application for a nonmetallic mining extraction permit.
4. Transfer of Permit

   When one operator succeeds to the interest of another in an uncompleted site, the Zoning Administrator shall release the first operator of the responsibilities imposed by the permit only if:

(a) Both operators are in compliance with the requirements and standards of this chapter.

(b) The new operator assumes the responsibility of the former operator to complete the nonmetallic mining operation of the entire project site in writing.

(c) The new operator shows proof of financial responsibility in substantially the same manner and amount as the previous operator and agrees to maintain the fee deposit.

5. Failure to comply with the requirements of this section automatically terminates the permit.

(k) Inspections.

1. Upon issuance of a special exception use permit for the purpose of mining, the operator is deemed to have consented to allow inspections by the Board of Adjustment, County or its approved agents. Such inspections are for the purpose of determining compliance with the provisions of this Chapter and the terms of the permit. Access shall also be provided should the County have concerns related to the protection of human health and safety of the public. Inspections may occur with or without notice to the nonmetallic mineral mine operator and upon showing of proper identification.

2. Approved agents of the Board of Adjustment or County may inspect any required records of a mining operation to determine compliance with the provisions of this section. All required records shall be made available to an approved agent within a reasonable time. Any public or private complaint against an operator may result in an inspection of the mining operation to determine the validity of the complaint.

(l) Other Requirements.

1. Mine operators shall comply with town, county, state, and federal regulations and amendments thereof, including air, water quality and other environmental standards.

2. Any road agreements between the applicant and the town or the County Highway Department shall be incorporated into and become part of the special exception permit.

13.3.8.04 Nonmetallic Mining Standards for site of Less than Twenty-Five (25) Acres

(a) All operators seeking a special exception permit for a nonmetallic mining site of less than 25 acres (based on the life of the mine) shall apply on forms provided by the County and according to the policies of the Zoning Division.

(b) Content of Application

The application for a special exception use permit shall be accompanied by a plan which shall include the following information:

1. A map and/or aerial photograph and accompanying materials which indicates the following:

a) Boundaries of the affected land and abutting properties, including names of the owners of subject property and abutting property owners.

b) Surface drainage of the affected land.

c) Location and names of all streams, roads, railroads, utility lines and pipelines on and/or immediately adjacent to the area.

d) Location of all structures within 1,000 feet of the outer perimeter of the area; present owners and occupants of such structures and purposes for which each structure is used.

e) Proposed location, extent and depth of intended sand, gravel, and rock.

f) Proposed location of the waste dumps, ponds, sediment basins, stockpiles, including setbacks.

g) Estimated depth to groundwater.

2. A description of the excavation and processing equipment to be used.

3. A description of measures to be taken to control noise and vibrations from the operation.

4. A description of the proposed hours of operation.

5. A description of measures to be taken to screen the operation from view.

6. Proposed primary travel routes to be used to transport the excavated material to and from the property.
7. A statement in writing to indicate the timetable of the commencement, duration, and cessation of operations and such other information as may be necessary to determine the nature of operations, its conformance with this ordinance, and the effect of the operation on surrounding properties.
8. A transportation impact analysis.

(c) Non-metallic mineral extraction operations shall conform to the following requirements:

1. Unless waived in writing by the adjoining property owners, all sand, gravel and rock excavation operations shall be set back at least 200 feet from all right of way lines and at least 100 feet from all property lines and the excavation shall be at least 500 feet from any existing residence. The Board of Adjustment may allow the operator to stockpile overburden and construct berms within the setback distances, if such activity does not violate Section 13.4.0.04(f) of the Ordinance.
2. All excavation access roads shall be maintained with dust control measures and a stop sign shall be located where it intersects a public road. Such access roads shall be authorized by evidence of an access permit.
3. All equipment used for the production of rock and gravel shall be constructed, maintained and operated in such a manner as to eliminate, as far as practicable, noise, vibration or dust which are injurious or adversely affects persons living in the vicinity.
4. The Board of Adjustment may require screening and restrict the hours of operation if warranted by existing conditions.
5. Any water to be disposed of must be done so in a manner that will not adversely affect any surrounding property owners.
6. All blasting shall be done by state licensed and certified blasters.
7. All temporary structures, equipment, rubble or other debris shall be removed from the site within 90 days of final operational activities.

(d) Industrial sand mines shall not be permitted in accordance with this section. All industrial sand mines of any size must be permitted in accordance with Section 13.3.8.03

13.3.8.05 Metallic Mining Standards

(a) Metallic mineral extraction operations are special exception uses as regulated by Section 13.4.0.04, and upon approval, are permitted in the GA and the HI Districts. The application for a special exception use permit shall be accompanied by a plan which shall include the following information:

1. An accurately surveyed map or plan on a scale or not less than 1:200 showing the boundaries of the lands affected, including adjacent land;
2. Topography and drainage area of the affected land;
3. Location and names of all streams, roads, railroads, utility lines and pipelines on or immediately adjacent to the area;
4. Location of all buildings within 1000 feet of the outer perimeter of the area, present owners and occupations of such buildings, and purpose for which each building is used;
5. Names of owners of the parcel and adjacent property owners;
6. Cross-sections of the affected land at intervals of not more than 200 feet;
7. The results of test borings, including the location of subsurface water and the analysis of chemical properties of the mineral material and overburden;
8. A description of the mining and processing equipment to be used;
9. A map on a scale of not less than 200 to the inch showing the proposed location of the mine, waste dumps, tailing ponds, sediment basins, stockpiles and storage yards, roads, railroad lines, structures, and other temporary or permanent installations;
10. A series of maps or plans on a scale of not less than 200 feet to the inch, showing the proposed sequence of mining, direction of mining, depth of mining, expansion of waste dumps and tailing ponds, and other materials movement on an annual basis for the

proposed life of the operation, or such time frame as designated by the Board of Adjustment;

11. A map or plan describing the control surface and groundwater, including natural drainages, water accumulations, mine water sources, mine water disposal, process plant water sources and disposal, and mine process plant water requirements;
12. A description of measures to be taken to assure compliance with applicable air and water quality standards;
13. A description of measures to be taken to control noise and vibrations from the operations;
14. A description of measures to be taken to screen the operation from view with earth banks, vegetative or other screening devices;
16. Proposed travel routes to be used to transport the mineral material from the mine to off-site processing plants or markets;
17. A description of the topsoil, including soil types, thickness, and plans for topsoil storage;

(b) All underground mineral-extraction operations shall also submit a complete plan of all entries, working levels, as well as a description of the sloping and group support methods to be used;

1. Such other pertinent information as may be required to determine the nature of the operation and the effect on the surrounding area.
2. The application submitted for a mining permit shall be accompanied by a reclamation plan which shall include the following information;
3. A map or plan and the description of the proposed reclamation, including final land use, final land shape, estimated final topography and the annual sequence of reclamation activity to be conducted;
4. A description of the utility and capacity of the reclaimed land to support the proposed sequential use;
5. A description of soil types, topsoil stripping, topsoil storage, topsoil replacement thickness and time sequence of replacement, and erosion prevention during storage and replacement;
6. A map or plan and description of grading and backfilling sequences, final slope angles, high wall reduction, benching and terracing of slopes, slopes stabilization and erosion control;
7. A map or plan and description of reclamation or removal of waste dumps, tailing ponds, sediment ponds, haulage roads, access roads, surface structures and related facilities;
8. A map or plan and description of final surface drainage, water impoundments and artificial lakes on the affected property;
9. A description of plant types, planting sequences, and maintenance or replacement of vegetative cover both during mining operations and upon completion of site reclamation;
10. A plan for disposal of any harmful or toxic materials found in any formations penetrated by the mining operation, produced during the processing of materials on the affected land, and chemicals or materials used during the mining or processing operations;
11. For underground mining operations, a description of methods to be used for filling and sealing all shafts, adits, inclines and other mine entries;
12. For underground mining operations, a description of the stability of lands overlying the underground workings;
13. The estimated cost of reclamation on a per-acre-of-total-project basis;
14. Such other pertinent information as may be required to determine the nature of the reclamation of the operation and the effect upon the surrounding area.

(c) The Board of Adjustment may establish any additional regulations they deem appropriate.

13.3.9 Off-street and On-street parking and loading

13.3.9.01 Purpose: The purpose of this section is to promote public safety and welfare by reducing congestion on public streets and roads, by requiring on each lot sufficient parking and loading space to accommodate the traffic generated by the use of the lot.

13.3.9.02 General provisions

(a) Minimum size regulations: A minimum of 180 square feet is required for each parking space. Parking spaces shall be not less than nine feet in width and eighteen feet in length, plus adequate access and maneuvering area. All parking spaces shall have direct access to a street or alley. Loading spaces shall be sufficient for the uses they are designed to serve and shall provide space for maneuvering. Required parking and loading spaces shall not be used for storage of goods or storage of vehicles that are inoperable or for sale or rent.

(b) Reduction and use of parking and loading space: On-site parking facilities existing on the effective date of the ordinance shall not be reduced to an amount fewer than required herein. If an existing structure or use with fewer than the number of parking and loading spaces required under this section is expanded by less than fifty percent of its gross area, additional parking shall be required only for the addition. If, however, the expansion is greater than fifty percent of the original structure or use, the number of parking stalls required shall meet the total required under this section.

(c) Computing requirements: In computing the number of spaces required, the following rules shall govern:

1. "Floor space" means the gross floor area of the specific use.
2. For structures containing more than one use, the required number of spaces shall be computed by adding the spaces required for each use.
3. Where parking spaces are calculated according to the number of employees, the number of employees on the main shift, or greatest number of employees present at one time, shall be used to compute the number of stalls required.
4. Parking space requirements for uses not specifically mentioned herein shall be the same as required for a use of a similar nature as determined by the Zoning Administrator.

(d) Location of parking facilities: Required off-street parking facilities shall be located on the same lot as the use they are intended to serve, provided that combined or joint parking facilities may be provided for uses in the Limited Commercial (LC) and General Commercial (GC) and Light Industrial (LI) and Heavy Industrial (HI) districts if the total number of spaces equals the parking space. A parking facility shall not be more than 400 feet from the use it is intended to serve.

(e) Lighting - Lighting used to illuminate on-site parking areas shall be directed away from residential properties and public rights-of-way and shall be downlit/cut off (horizontal) lights. Electrical reflectors, spotlights, floodlights and other sources of illumination used to illuminate buildings, landscaping, street graphics and parking and loading areas must be equipped with lenses or other devices which concentrate the illumination upon such buildings, landscaping, street graphics, and parking and loading areas.

13.3.9.03 Required number of on-site parking spaces. The required number of parking spaces shall be in accordance with the following schedule:

(a) Single-family dwellings, duplexes, mobile/manufactured homes, and multiple-family dwellings: two stalls per dwelling unit;

(b) Hotels, motels, lodging houses, boardinghouses: one stall per guest room plus one stall per employee on the major shift;

(c) Hospitals, convalescent and nursing homes, and similar institutions: one stall per four beds, plus one stall per employee on the major shift;

(d) Business or professional offices, medical or dental clinics, animal hospitals, municipal or governmental buildings, and financial institutions: one stall per 350 square feet of floor area; (01/18/2017)

(e) Churches, theaters, community centers, auditoriums and similar places of assembly: one stall per six seats or one per 150 square feet; (01/18/2017)

(f) Elementary and junior high school: 1.5 stalls per classroom; (01/18/2017)

(g) High schools: one stall per ten students, plus one stall per two employees;

(h) Colleges, trade, vocational and technical schools: one stall per five students, plus one stall per two employees;

(i) Nursery school or day care center: one stall per 14 children, plus one stall per two employees; (01/18/2017)

(j) Manufacturing and processing plants, warehouses, wholesale establishments, research laboratories and similar uses: one stall per two employees on the major shift, plus one stall for every business vehicle normally kept on the premises;

(k) Restaurants (except drive-ins), nightclubs, taverns: one stall per 50 feet of floor area, plus one stall per employee;

(l) Retail stores and service establishments: one stall per 250 square feet of floor area except for furniture, appliance, and home improvement products (i.e. carpets, paint, wall paper, etc.) which require one stall per 450 square feet of floor area; (01/18/2017)

(m) Bowling alleys: three stalls per lane; (01/18/2017)

(n) Funeral homes: twenty per chapel, plus one stall per vehicle kept on the premises;

(o) Recreation facilities, including golf courses, archery ranges, softball fields and tennis courts: one stall per three users (participants and spectators) at maximum capacity, plus one stall per two employees;

(p) Automobile service stations: one stall per each employee on the major shift, plus two stalls per service bay; (01/18/2017)

(q) Drive-in restaurants and fast food establishments: four stalls per employee on the major shift; (01/18/2017)

(r) Shopping centers: 5.5 stalls per 1,000 square feet of gross leasable area;

(s) Convenience stores with gas sales: one stall per 200 square feet of retail area; each parking area adjacent to a pump island or fuel area may count as a parking stall.

13.3.9.04 On-site loading requirements: In commercial and industrial districts, adequate loading berths and areas shall be provided and so located that all vehicles loading, maneuvering or unloading are completely off the public rights-of-way.

13.3.10 Allowable Uses In Setback Areas

13.3.10.01 Purposes: This section determines allowable uses within highway, side and rear setbacks.

13.3.10.02 Permitted Uses

(a) Fences

1. Fences shall be placed within the property line unless the adjacent property owner consents in writing the ability of the applicant to construct and maintain the fence directly on the property line.
2. The side of the fence considered to be its evident finished side or face (the more attractive side) shall front the adjacent property.
3. A fence not exceeding six (6) feet in height may be erected on the rear lot line, the side lot lines and return to the nearest front corner of the principal building. A fence not exceeding four (4) feet may be erected on the side lot lines forward of the principal building and the front lot lines.
4. All fences shall be properly maintained with respect to appearance and safety.
5. No fence shall be placed on or extend into public right-of-way or vision triangle of any highway unless approved by the town chairman or highway commissioner.
6. Fences that are located in the shorelands and floodplains of Dunn County may have additional or more restrictive regulations.
7. Exceptions: Fences used for agricultural purposes. Agricultural purposes shall include lands zoned agriculture and used for the raising of crops, horticulture, and animal and poultry husbandry.

(b) Platforms, terraces, walks, driveways, parking areas and patios providing they do not extend above the plane or average ground level at their margins.
(c) Retaining walls which support ground at or below its natural level.
(d) Telephone, telegraph and power transmissions lines, together with all attachments.
(e) Wells, septic systems, and similar structures. A deed restriction may be required by the Township or County.
(f) Frontage and service roads constructed according to plans approved by the jurisdiction having authority over the highway.
(g) Signs, as regulated by Section 13.3.11.
(h) Trees, shrubbery and field crops.
(i) Where additions are proposed to be attached to an existing structure and where the existing structure does not conform to highway, side or rear setback requirements, the Zoning Administrator may issue a permit for such proposed addition provided:
    1. The addition does not encroach any further onto the setback;
    2. The addition is less in total square feet than the existing structure;
    3. The provisions of the Section 13.3.7.03 shall apply if applicable; and
    4. No other setback requirements are violated.

13.3.11 Regulation of Signs

13.3.11.01 A sign permit is required for signs listed in Section 13.3.11.08 and which are greater than nine square feet. All signs listed in section 13.3.11.09 shall be placed so as not to create a highway traffic safety hazard and shall be removed within one day following an event.

13.3.11.02 The general requirements described in this subsection apply to any sign.

(a) A sign and its supporting structure must be properly constructed, installed, and maintained.
(b) A sign must be securely anchored or otherwise fastened, suspended, or supported so as not to present a hazard to any person or property.
(c) A sign must be designed and constructed to safely withstand a wind pressure of at least 30 pounds per square foot of surface area.
(d) A sign may not be suspended by chains or other devices that allow the sign to swing due to wind action.
(e) Dimensions. The following dimensional limits, which are inclusive of border and trim, but exclusive of supports, apply to all signs:
    1. The maximum width of any sign is 20 feet.
    2. The maximum height of any sign is 20 feet.
    3. The maximum surface area of any sign is 150 square feet.
    4. All signs greater than 50 square feet and less than 150 square feet shall meet the following requirements: Billboards on premises or off premises signs which exceed 50 square feet in total display area, shall be located no closer than 5 feet from the right-of-way line and shall be separated from each other by a minimum distance of 1,000 feet. They shall be permitted only in the Commercial and Industrial districts.
(f) Public Decency. A sign may not display images or text that violate standards of public decency.
(g) Residential Protection. A sign that faces a residential zoning district may not be located within 25 feet of the residential zoning district boundary.

13.3.11.03 Nonconforming signs

(a) A nonconforming sign may continue to be used and the copy displayed on the sign may be changed.

(b) Normal maintenance may be performed on and repairs made to a nonconforming sign, but a nonconforming sign may not be structurally altered unless the alteration brings the sign into compliance with this ordinance.

(c) Normal maintenance may be performed on the structure supporting a nonconforming sign, but the structure supporting a nonconforming sign may not be repaired unless the sign is brought into compliance with this ordinance. If repairs are made to the supporting structure and the sign cannot be brought into compliance with this ordinance, the sign must be removed.

(d) A nonconforming sign may not be enlarged, relocated or replaced.

13.3.11.04 Prohibitions. The design elements, signs, and uses of signs described in this subsection are prohibited.

(a) A sign may not advertise an activity that is illegal under any federal law, state statute, or county ordinance that is in effect where the sign is located or where the advertised activity takes place.

(b) It is unlawful to locate a vehicular sign on public or private property where it is visible from a public right-of-way for the purpose of advertising or providing directions to any private activity, business, person, product or service.

(c) It is unlawful to use any character, phrase, symbol, or word, such as “DANGER,” “LOOK,” “STOP,” or “YIELD,” on a sign in such a manner as to mislead any driver or be confused with any authorized traffic device, sign, or signal.

(d) It is unlawful to locate a sign where, by reason of its color, position, or shape, it may mislead any driver or be confused with any authorized traffic device, sign, or signal.

(e) It is unlawful to locate a sign where it interferes with or obscures a driver’s view of any approaching, intersecting, or merging traffic on any street or highway.

(f) It is unlawful to locate a sign where it interferes with or obscures any official device, sign, or signal.

(g) (Repealed 01/18/2017)

(h) It is unlawful to draw, paint, or place a sign on a rock, tree, or other natural feature.

(i) A sign may not move or have any moving parts.

(j) A sign may not contain reflective elements that sparkle in the sunlight.

(k) It is unlawful to locate a sign, other than a government sign, in any public park, rest area, or scenic area.

13.3.11.05 Directional signs.

(a) Location.

1. A directional sign may not be located within 2,000 feet of any at-grade intersection, interchange, rest area, park, scenic area, or wayside on a freeway or interstate highway or within 300 feet of any at-grade intersection, interchange, rest area, park, scenic area, or wayside on any other highway.
2. A directional sign must be at least one mile from any other directional sign that describes the same place and that faces the same direction.
3. No more than 3 directional signs pertaining to the same place may be located along a single route.
4. A directional sign visible from an interstate highway must be located with 75 miles of the place described on the sign.
5. A directional sign must be located so that it does not affect any agricultural operation.

(b) Changes to Directional Signs. A directional sign may be modified as to its color, copy, lighting, shape, and size provided that the modified sign complies with the requirements of Wis. Stat. § 84.30 and this ordinance.

(c) Illumination Restriction. A directional sign may not be illuminated.

13.3.11.06 Electronic signs

(a) Amber alerts. An electronic sign must be made available for amber alerts and other emergency notifications as deemed necessary by county law enforcement or emergency management officials.
(b) Audio. An electronic sign may not contain or use audio speakers.
(c) Brightness. The brightness level of an electronic sign may not exceed 5,000 nits during daylight hours or 500 nits from dusk to dawn.
(d) Display Requirements. Any image or text displayed on an electronic sign must be a static display that has a duration of at least 8 seconds. The transition time between one display and the next must be no longer than 2 seconds. A black or blank screen may not be used during the transition period.
(e) Malfunctions. An electronic sign must be designed to freeze the display in the event of a control malfunction.
(f) Mounting. An electronic sign that is mounted on a building or any appurtenance to a building may not project more than 18 inches from the face of the structure on which it is mounted.
(g) (Repealed 01/18/2017)
(h) Railroad Crossings. An electronic sign is prohibited within 200 feet of any railroad crossing.
(i) Residential Restriction. An electronic sign may not be located with 200 feet of any residential zoning district.
(j) Scrolling Messages. An electronic sign may not display a scrolling or traveling message.
(k) Pyrotechnics. An electronic sign may not contain or use any form of pyrotechnics.

13.3.11.07 Illuminated signs

(a) An illuminated sign must be effectively shielded so as to prevent light from being directed at any portion of the travel way of a controlled highway and may not glare, impair the vision of the driver of any motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle.
(b) An illuminated sign may not interfere with the effectiveness of or obscure any official traffic device, sign, or signal.
(c) An illuminated sign must be effectively shielded so as to prevent light from being directed at any residence or habitable structure on any adjacent parcel.
(d) Neon tubing that is exposed to view on any sign must have an opaque cover of plexiglass or another similar material.

13.3.11.08 Permit Required Sign-Specific Regulations

(a) Farm Signs. A sign identifying a farm may be placed on the property that it identifies. The maximum size of a farm sign is 32 square feet and must be setback from any road right-of-way by a distance that is at least equal to or greater than two times the height of the sign. A farm sign may not be illuminated.
(b) Freestanding Signs. A freestanding sign must be entirely within the lot lines of the parcel on which it is located and must be setback from any road right-of-way by a distance that is at least equal to or greater than two times the height of the sign. A freestanding sign that is located within 15 feet of a front or corner side lot line may not be more than 3 feet in height unless it has a minimum under clearance of 10 feet as measured from the grade level at the closest right-of-way line to the bottom of the sign.
(c) Marquee signs. A marquee or other projecting sign that is located closer than 15 feet of a front or corner side lot line must have a minimum under clearance of 10 feet as measured from the grade level at the nearest road right-of-way to the bottom of the sign.
(d) Neighborhood Identification A sign that identities a housing complex, neighborhood, or subdivision is permitted in any residential zoning district. The sign may only contain the name of the housing complex, neighborhood, or subdivision and may consist of a landscaping, a masonry wall, or other materials combined to form a display. The maximum height of the sign is 8 feet and the maximum size is 32 square feet and must be setback from any road right-of-way by a distance that is at least equal to or greater than two times the height of the sign. The sign may not be illuminated unless specifically authorized by the Zoning Administrator.

(e) On-premises Business Signs. The maximum size of an on-premises business sign is 32 square feet, excluding supports and must be setback from any road right-of-way by a distance that is at least equal to or greater than two times the height of the sign.

(f) Organizational Identity Signs. A sign not greater than 32 square feet and that consists of or displays an emblem, insignia, plaque, or symbol that identifies any association, corporation, nation, political organization, religious order, or other organized entity may be located on a person's property. Said sign must be setback from any road right-of-way by a distance that is at least equal to or greater than two times the height of the sign. The sign may not be illuminated if it is located in a residential district.

(g) Wall Signs. A wall sign may not exceed 40 percent of the area of the wall upon which it is affixed or 4 square feet per lineal foot of wall, whichever is greater.

(h) Portable electric signs. (01/18/2017)

13.3.11.09 Permit Not Required, Sign-Specific Regulations

(a) Campaign, Ballot Initiative or Political Signs. A sign erected on behalf of a candidate for public office or a ballot initiative may not be erected more than 30 days prior to the primary election and must be removed within 15 days following the general election. A political sign that pertains to a political cause or issue must be removed within 15 days following the date that the political cause or issue is resolved. The maximum size of a campaign, ballot initiative or political sign, other than a billboard, is 32 square feet. A campaign, ballot initiative or political sign may not be located in or over a public right-of-way or within 15 feet of a public right-of-way at an intersection. The aforementioned signs in a residential zoning district may not be illuminated.

(b) Construction Signs. A sign that identifies a contractor or a construction project may be erected on the construction site. The maximum size of a construction sign is 100 square feet. No more than two signs are allowed on a construction site. The sign must be removed within 30 days of completion of construction or upon occupancy, whichever occurs first. A construction sign in a residential zoning district may not be illuminated.

(c) Garage, Rummage, and Yard Sale Signs. A sign for a garage, rummage, yard sale, or similar event ("yard sale sign") must be entirely within the lot lines of the parcel on which the event takes place. A yard sale sign may not be displayed more than one day prior to the start of the sale and must be removed within one day after the sale ends. A sign or signs may not be displayed for more than 10 days per event. The maximum size of a yard sale sign is 4 square feet. One sign is permitted on a lot, except that two signs are permitted on a corner lot provided that the signs are placed on different frontages. A yard sale sign may not be illuminated. A garage, rummage or yard sale sign may not be located in or over a public right-of-way or within 15 feet of a public right-of-way at an intersection.

(d) Home Occupation and Professional Office Signs. A sign that displays the name and home occupation of the occupant may be placed on a property. The maximum size of the sign is 9 square feet and must be setback from any road right-of-way by a distance that is at least equal to or greater than two times the height of the sign. The sign may not be illuminated.

(e) Memorial Signs. The maximum size of a memorial sign which identifies the name of a building and date of erection is 4 square feet unless the sign is cut into a masonry surface or inlaid so as to be part of the building. A memorial sign must be setback from any road right-of-way by a distance that is at least equal to or greater than two times the height of the sign. A memorial sign in a residential zoning district may not be illuminated.

(f) Non Electric Mobile or Portable Signs. Any sign not permanently attached to the ground including real estate signs, construction site signs, banners, decorative-type displays; signs which are designed to be easily moved from one location to another or anything similar to the aforementioned. Signs shall not be greater than 16 square feet and must be setback from any road right-of-way by a distance that is at least equal to or greater than two times the height of the sign. Mobile or portable signs shall not be electronic or manual message units

(g) No trespassing signs. The maximum size of a no trespassing sign is 1½ square feet. A no trespassing sign may not be located in or over a public right-of-way or within 15 feet of a public right-of-way at an intersection

(h) Real Estate Signs. A real estate sign that advertises a building, property, or other real estate for lease, rent, or sale may be placed on the property that is offered for lease, rent, or sale. One sign is permitted on a lot, except that two signs are permitted on a corner lot provided that the signs are placed on different frontages. The maximum size of a real estate sign is 32 square feet in a nonresidential district and 8 square feet in a residential district. The sign must be removed within 30 days of the effective date of the lease, rental, or sale of the property. The sign may not be illuminated. Any real estate sign 4 square feet or smaller may not be located in or over a public right-of-way or within 15 feet of a public right-of-way at an intersection. Any real estate sign larger than 4 square feet must be setback from any road right-of-way by a distance that is at least equal to or greater than two times the height of the sign. (01/18/2017)

13.3.11.10 Removal, Repair, or Compliance Orders

(a) The Zoning Administrator may issue a written order to the person who owns the property on which a sign is located that directs that a sign be removed, repaired, or brought into compliance with the terms of this ordinance if:

1. The sign is abandoned.
2. The sign advertises an activity, business, product, or service that is no longer available or provided.
3. The sign is deteriorated, dilapidated, or in disrepair.
4. The sign is a hazard to any person or property or is otherwise unsafe.
5. The sign does not comply with any requirement contained in this ordinance.

(b) If a written order is issued pursuant to sub. (a), the action specified in the order must be completed within 10 days from the date of the order, unless the Zoning Administrator specifies a longer period of time for compliance. The action necessary to comply with the order may be taken by the person who owns the property, the person who owns the sign, or the person having the beneficial use of the property or sign.

(c) If the action specified in the order is not taken within the time required, the Zoning Administrator may remove or cause the sign to be removed. The cost of removing the sign will be imposed as a special charge against the real property on which the sign was located and the property owner will be billed for the special charge. If the special charge is not paid within 30 days from the date of billing, it will become a lien against the property and the delinquent special charge may be included in the next or current tax roll for collection and settlement pursuant to Wis. Stat. § 66.0627.

(d) If the Zoning Administrator determines that a sign or its supporting structure presents an immediate peril to any person or property, the Zoning Administrator may summarily remove or cause the sign to be removed without notice to the property owner where the sign is located. The Zoning Administrator shall notify the property owner of the removal action as soon as practicable. The cost of removing the sign will impose as a special charge against the real property on which the sign was located and the property owner will be billed for the special charge. If the special charge is not paid within 30 days from the date of billing, it will become a lien against the property and the delinquent special charge may be included in the next or current tax roll for collection and settlement pursuant to Wis. Stat. § 66.0627.

13.3.12 Telecommunications Facilities

13.3.12.01 Purpose. The purpose of this chapter is to provide a uniform and comprehensive set of standards for the development and installation of telecommunications towers, antennas and facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare and the aesthetic quality of Dunn County as set forth within the goals, objectives and policies of the Dunn

County Zoning Ordinance, to encourage managed development of telecommunications facilities, while at the same time not unduly restricting the development of needed telecommunications facilities.

It is intended that Dunn County shall apply these regulations to accomplish the following:

(a) Minimize adverse visual effects of telecommunications towers, antennas and facilities through design and siting standards.
(b) Maintain and ensure that a non-discriminatory, competitive and broad range of telecommunications services and high quality telecommunications infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community, as well as serve as an important and effective part of the Dunn County law enforcement, fire and emergency response network
(c) Provide a process for obtaining necessary permits for telecommunications facilities while at the same time protecting the interests of Dunn County citizens.
(d) Protect environmentally sensitive areas of Dunn County by regulating the location, design and operation of telecommunications towers, antennas and facilities.
(e) Encourage the use of alternative support structures, co-location of new antennas on existing telecommunications towers, and construction of towers with the ability to locate four or more providers.

13.3.12.02 Exemptions. Exempt from review under Chapter 13.3.12 will be: television antennas, satellite dishes, receive only antennas, amateur radio facilities, mobile services providing public information coverage of news events or of a temporary or emergency nature, ground mounted antennas not exceeding 45 feet in height, building mounted antennas not exceeding 25 feet above the highest part of the building to which they are attached, utility pole mounted antennas not exceeding 25 feet above the highest part of the utility pole to which they are attached. Exempt structures under this chapter are subject to all other applicable provisions of the zoning code.

13.3.12.03 Areas Where Telecommunications Facilities May Be Allowed or Prohibited.

(a) Telecommunications facilities may be allowed as a special exception use in the following zoning districts, subject to public hearing, review and approval by the Board of Adjustment:
    1. Intensive Agriculture and Primary Agriculture Districts, subject to meeting the requirements of Wis. Stat. § 91.46 (4). (IA) and (PA) (06/15/2016)
    2. General Agriculture District (GA)
    3. Limited Commercial District (LC)
    4. General Commercial District (GC)
    5. Light Industrial District (LI)
    6. Heavy Industrial District (HI)
(b) Telecommunications facilities, except exempt facilities, shall not be allowed in the following areas:
    1. Historic sites and districts listed on the National Register of Historic Places
    2. Wetlands
    3. Zoning Districts:
        a) Residential District (R1)
        b) Residential District (R2)
        c) Residential District (R3)
        d) Shoreland Recreational District (SR)
        e) Conservancy District (CON)

13.3.12.04 Special Exception Permit A special exception permit is required for all telecommunications facilities, except exempt facilities. Chapter 13.4.0 shall apply to all telecommunications facilities. In addition to 13.4.0.03(c), the application shall include the following:

(a) An original signature of the applicant, land owner, lessees and holders of easements. The identity of the carrier, service provider, applicant, landowner and their legal status. The name, address and telephone number of the officer, agent or employee responsible for the application.

(b) A plat of survey showing the parcel boundaries, tower, accessory structures, ancillary facilities, location, access, landscaping and fencing.

(c) A legal description of the facility site.

(d) In the case of a leased site a lease agreement, binding lease memorandum or a copy of the portion of the lease which shows on its face that it does not preclude the facility owner from entering into leases on the tower with other provider(s) and the legal description and amount of property leased.

(e) A description of the telecommunications services that the applicant offers or provides to persons, firms businesses or institutions.

(f) Federal Communication Commission (FCC) license numbers and registration numbers, if applicable.

(g) Copies of Finding of No Significant Impacts (FONSI) statement from the Federal Communication Commission (FCC) or Environmental Impact Study (EIS), if applicable.

(h) An alternatives analysis, prepared by a radio frequency engineer, shall be submitted by the applicant or on behalf of the applicant by its designated technical representative, except for exempt facilities, for review by the Zoning Administrator and the Board of Adjustment. The analysis shall identify all reasonable, technically feasible, alternative locations or facilities which could provide the proposed telecommunications service. The analysis shall include a propagation map(s) for the proposed facility and all other existing telecommunications facilities or locations within a 3-mile radius of the proposed facility. The analysis shall address the potential for co-location and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Independent verification of the analysis is required at the applicants expense.

(i) Plans showing security measures such as, but not limited to, access, fencing and lighting.

(j) A tabular and map inventory of all of the applicant's existing telecommunications facilities located within Dunn County and including all of the applicants' existing telecommunications facilities within 1,500 feet of the county boundary. The inventory shall specify the location, height, type and design of each of the applicants' existing telecommunications facilities and the ability of the facility or telecommunications facility structure to accommodate additional co-location antennas.

(k) A corridor staging plan and map showing the applicant's future telecommunications facility locations within Dunn County and within 1,500 feet of the county boundary. The plan and map shall include all telecommunications facility locations anticipated.

(l) A report prepared by a structural engineer licensed by the state of Wisconsin certifying the structural design of the tower and its ability to accommodate at least three additional antennas.

(m) Proof of liability coverage.

(n) Such other information as the Zoning Administrator or the board may reasonably require.

13.3.12.05 Co-location: Co-location shall be the preferred method for establishing new telecommunications facilities. Every effort shall be made to co-locate the proposed facility on existing telecommunications facilities or other similar facilities or alternative support structures. Any applicant requesting permission to install a new telecommunications tower shall provide evidence of written contact with all wireless service providers who have telecommunications facilities within 3 miles of the proposed facility. The applicant shall inquire about potential co-location opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as response(s) shall be presented to the Zoning Administrator as a means of demonstrating the need for a new tower. Supporting evidence of the need for a new tower may consist of any of the following conditions:

(a) No existing towers or alternative support structures are located within the geographic area required to meet the applicant's engineering requirements.

(b) Existing towers or alternative support structures are not of sufficient height to meet the applicant's engineering requirements.

(c) Existing towers or alternative support structures do not have sufficient strength to support the applicant's proposed antenna and related equipment.

(d) The applicant's proposed system would cause electromagnetic interference with the system on the existing tower or alternative support structure or the system on the existing tower or alternative support structure would cause interference with the applicant's proposed system.

(e) The fees, cost or contractual provisions required by the owner to share an existing tower or alternative support structure or to adapt an existing tower or alternative support structure for sharing are unreasonable. Costs are considered reasonable if they conform to contractual terms standard in the industry within the west-central Wisconsin area or do not exceed the cost of new tower development.

(f) The applicant demonstrates that there are other limiting factors that render existing towers or alternative support structures unsuitable.

13.3.12.06 Design Requirements

(a) Lattice towers may be allowed if all other requirements of this chapter are met.

(b) Monopole structures may be allowed if all other requirements of this chapter are met.

(c) Guyed structures are discouraged and may only be allowed if the applicant demonstrates to the satisfaction of the Board of Adjustment no other type of telecommunications facility structure will provide an equivalent level of service. Economic considerations shall not be used in determining whether a guyed structure may be used.

(d) Height of all telecommunications towers shall be limited to less than 200 feet unless the applicant can demonstrate to the satisfaction of the Board of Adjustment that a greater height is necessary to provide coverage meeting the minimum requirements of the Federal Communication Commission (FCC) license(s). The applicant must demonstrate that there are no other feasible locations within 3 miles of the proposed site that would provide functionally equivalent service to the minimum FCC requirement without waiving the maximum height requirement.

(e) New towers shall be designed structurally and electrically to accommodate the applicant's antennas and comparable antennas for at least 3 additional users (minimum of 4 total users required for each telecommunications facility structure). Towers must also be designed to allow for future rearrangement of antennas on the tower and to accept antennas mounted at different heights. The requirement for construction to allow a minimum of 3 additional users may be waived by the Board of Adjustment if evidence is provided that a special circumstance exists that would prevent the proposed telecommunications facility structure from feasibly supporting additional antennas and users. Telecommunications facilities permitted under this chapter shall allow other users to lease space on the telecommunications facility structure up to the maximum number of users allowed by permit. The owner/operator of the facility shall make space available at market rates and with contractual terms standard in the industry within the west-central Wisconsin area. The owner/operator may refuse to lease space on the telecommunications facility structure if the proposed system would cause electromagnetic interference with the system(s) on the existing telecommunications facility structure or the system(s) on the existing telecommunications facility structure would cause interference with the proposed system, subject to verification by the Zoning Administrator.

13.3.12.07 Performance Standards.

(a) Monitoring & Reporting. The applicant shall monitor the telecommunications facility to insure full compliance with Federal Communication Commission (FCC) regulations. A report shall be submitted to the Zoning Administrator within one month of activation of the facility. The applicant shall submit a report to the Zoning Administrator on an annual basis thereafter. The Zoning Administrator may employ a radio frequency engineer, at the applicants' expense, to review the reports.

(b) Removal. The applicant or owner of the telecommunications facility shall provide a bond, letter of credit or other suitable financial guarantee as determined by the Board of Adjustment to ensure the

removal of the facility including all subsurface structures a minimum of three feet below grade, and restoration of the site to its pre-construction state when use of the facility has been discontinued or the facility has not been used for its permitted purpose for 12 consecutive months. This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the telecommunications facility. The telecommunications facility(s) shall be removed when use of the facility(s) has been discontinued or the facility(s) has not been used for its permitted purpose for 12 consecutive months. Mere intent to continue use of the facility(s) shall not constitute use. The applicant/owner shall demonstrate through facility(s) lease(s) or other similar instruments that the use will be continued without a lapse of more than 12 consecutive months to constitute actual use. If the applicant cannot demonstrate actual use the facility shall be considered abandoned and shall be removed. Nothing in this section prevents the removal of the facility prior to expiration of the 12-month period.

(c) Security. All telecommunications facilities shall be reasonably protected against unauthorized access. The bottom of all towers from ground level to 12 feet above ground shall be designed to preclude unauthorized climbing and shall be enclosed with a minimum of a 6-foot high chain link fence with a locked gate. Guy anchors of guyed towers shall be similarly protected.

(d) Signs. Signs shall be mounted on the fenced enclosure, on or adjacent to the gate prohibiting entry without authorization, warning of the danger from electrical equipment and unauthorized climbing of the tower, and identifying the owner of the tower and telephone number for contact in case of emergency. The sign shall be no larger than 6 square feet. No commercial advertising signs may be located on the telecommunications facility site.

(e) Screening & Landscaping. All telecommunications facilities, except exempt facilities, shall be designed to blend into the surrounding environment to the greatest extent feasible.

1. The tower location shall provide for the maximum amount of screening of the facilities. The site shall be landscaped and maintained with a buffer of plant materials that effectively screen the view of all facility structures, equipment and improvements at ground level from adjacent properties. The standard buffer shall consist of a landscaped strip at least 4 feet wide outside the perimeter of the area where tower accessory structures and equipment are located at ground level.
2. In locations where the visual impact of the facility would be minimal the landscaping requirement may be reduced or waived by the Board of Adjustment. Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible or replaced with vegetative screening meeting the intent of this section.
3. Upon project completion the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping during the current growing season.

(f) Lighting. No lighting of the principal telecommunications facility structure, either from ground mounted or telecommunications facility structure mounted lights, shall be allowed unless required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC). If required, telecommunications facility structure mounted lighting shall be limited to red flashing lights from sunset to sunrise. White strobe or other similar lighting may be allowed from sunrise to sunset. Lighting of accessory structures and the facility site may be permitted by the Board of Adjustment if it is of low intensity, directed inward and downward and is limited to within the facility site boundary.

(g) Separation and Setbacks. No telecommunications facility shall be located within 500 feet of a residence not on the property on which the facility is located without written permission of the owner of the residence at the time of application for a permit. This requirement does not apply to building mounted antennas or antennas mounted on alternative support structures. A telecommunications facility shall be setback a minimum 100% of the towers height from all property lines or boundaries of a leased site unless the tower has been designed by a structural engineer, licensed in the State of Wisconsin, to collapse within a lesser distance. In no case shall the setback from all property lines or boundaries of a leased site be less than 50% of the tower

height or that required for the zoning district in which the facility is located, whichever is greater.

13.3.12.08 Accessory buildings. Accessory buildings, structures, cabinets and other accessory facilities may be allowed and shall not exceed 15 feet in height, measured form the original grade, and 250 square feet in area. All visible surfaces shall be constructed of non-reflective materials and designed to blend with the existing architecture in the area.

13.3.12.09 Pre-existing Telecommunications Towers and Facilities. Existing, legal, nonconforming telecommunications towers and facilities may add to, move or replace antennas or other transmitting or receiving devices upon review and approval of the Zoning Administrator. Routine maintenance and repair on telecommunications facilities is permitted.

13.3.12.10 Compliance and revocation. The telecommunications facility shall be subject to Chapter 9 unless more specifically addressed by this chapter.

13.3.12.11 Administration. Section 13.4.0 shall apply.

13.3.12.12 Transferability. Permits granted under this chapter run with the land and are transferable. All chapter and permit requirements shall apply to subsequent owners. The Zoning Administrator shall be notified of any change in ownership including, but not limited to, facility leases, mortgages, liens or other instruments which may affect title to the property.

13.3.12.13 Telecommunications Facility Fees. The following fee schedule shall apply:

(a).	Alternative analysis cost plus	$250.00
(b)	Initial and annual report	$250.00
(c)	Forfeiture for failure to submit a report	$100.00-$500.00 per day

The Planning Resources and Development Committee shall have the authority to adjust said fees.

13.3.13 Keeping of Livestock and Equine in Residential Districts

13.3.13.01 Purpose. The purpose of this section is to allow the keeping of agricultural animals and equine in a residential setting while promoting public safety, general welfare, and convenience.

13.3.13.02 Permit Standards

(a) Minimum lot size shall be 2 acres.
(b) Paddocks, grazing areas and/or pastures shall be fenced.
(c) Equine and livestock shall be occupant (owner or tenant) owned.
(d) The boarding of horses and commercial riding lessons shall be prohibited.
(e) Commercial stables shall not be permitted as a home occupation.
(f) Health nuisances due to the presence of flies, odors, dust or accumulation of manure shall be prohibited.
(g) Composting shall be permitted upon approval of the Zoning Administrator.
(h) Storage of manure on site (other than compost) shall be permitted only in “insect tight containers”.
(i) Chickens shall be permitted as per Section 13.3.1.

13.3.13.03 Fencing Requirements

(a) A fence permit is required and must be obtained before fencing is installed.
(b) Except as provided in subsection (c), below, fencing shall be constructed entirely on the property of the landowner applying for the fencing permit and located such that construction and maintenance can occur without trespassing on adjacent properties, at a minimum distance of 2 feet from the property line.

(c) If adjoining landowners enter into an agreement to keep and maintain fencing in accordance with Chapter 90 of the Wisconsin Statutes, fencing may be constructed on the their common property line. All such agreements shall meet the requirements of section 90.05 of the Wisconsin Statutes and shall be filed with both the Town Clerk and the Zoning Administrator. Note that a partition fence agreements binds future owners until a new agreement is made.

(d) Height. All fences shall be constructed so that the top of the fence (excluding posts) is 50 inches high and the bottom not more than 4 inches above the ground.

(e) Woven wire fences shall be:

1. 50 inches high; or
2. 46 inches high with 1 barbed or high tensile wire above; or
3. 30 inches high with 2 barbed or high tensile wires above; or
4. 26 inches high with 3 barbed or high tensile wires above.
5. The distance between the woven part and the barbed or high tensile wire shall be no more than 6 inches.
6. The space between vertical strands of woven wire shall be no more than 8 inches, and the space between the cross wires shall be no more than 12 inches.
7. The vertical strands of woven wire shall be no smaller than No. 12 wire, and the cross wires shall be no smaller than No. 16.
8. The spacing between the barbed or high tensile wires shall not exceed 8 inches.
9. Wires must be stretched and securely fastened to posts no more than 16 feet apart.

(f) Board fences shall have:

1. Minimum 6 inch spacing to a height of 30 inches, after that no more than a 10-inch spacing.
2. Posts shall be spaced no more than 8 feet apart.

(g) Board and wire fences shall have:

1. Minimum of two boards with 3 barbed or high tensile wires above.
2. Spacing between the boards shall not exceed 6 inches.
3. Spacing between the wires shall not exceed 8 inches.
4. The space between the top board and bottom wire shall not exceed 6 inches.
5. Posts shall not be more than 8 feet apart.

(h) Wire and picket fences shall consist of at least 3 wires with pickets interwoven or fastened to the wires.

1. Pickets shall be at least 4 feet long, spaced no more than 6 inches apart, and the wires must be No. 12 or thicker.
2. Posts shall be spaced no more than 16 feet apart.

(i) Electric fences shall be permitted, provided that:

1. Both neighbors agree in writing.
2. Two strands of wire No. 12 or thicker, tightly stretched with the top wire 34-36 inches high, measured at the posts or.
3. High tensile wire with posts no more than 20 feet apart.

(j) Barbed wire fences and high tensile wire fences shall have:

1. Four evenly spaced wires, with the top wire at least 48 inches high.
2. Posts shall be spaced no more than 16 feet apart.
3. High tensile wire fences, posts shall be spaced no more than 20 feet apart.

(k) Posts may be of steel of any thickness or wood at least 3 inches in diameter. (06/17/2015)

13.4.0 ADMINISTRATION

13.4.0.01 Purpose: The purpose of this Chapter is to outline the procedures for the administration and enforcement of this ordinance.

13.4.0.02 Zoning Administrator: The Zoning Administrator and his/her duly appointed assistants shall have the following powers and duties:

(a) Advise applicants for permits concerning the provisions of this ordinance and assist applicants in preparing applications;
(b) Issue zoning and sanitary permits and maintain records thereof;
(c) Receive and forward to the Committee all complete applications for text and map amendments to the ordinance;
(d) Receive and forward all complete applications and other matters to come before the Board of Adjustment;
(e) Inspect all construction requiring a zoning and sanitary permit to ensure that the standards of this ordinance are followed;
(f) Provide public information relative to this ordinance including notifying town clerks and town board chairmen of departmental activity affecting their townships;
(g) Review and approve site plans as required by this ordinance;
(h) Maintain permanent and current records of matters pertaining to this ordinance, including zoning district maps, text and map amendments, permits and variances issued, status of nonconforming uses and structures, inspections made, all water surface profiles and certified floodplain elevations;
(i) Investigate, prepare reports and issue notices of violations to this ordinance. Copies of violation reports and notice of violations shall be forwarded to the County Corporation Counsel and, when appropriate, to the Department of Natural Resources;
(j) Access any structure or premise for the purpose of performing his/her duties;
(k) Upon reasonable cause or question as to proper compliance, revoke any building or zoning permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this chapter.

13.4.0.03 Zoning Permits: Zoning permits shall be granted or denied in writing by the Zoning Administrator, within 30 days of a completed application and be posted on-site in a conspicuous place at the site. The permit shall expire within 12 months unless work has commenced, or within 24 months after issuance. Any permit issued in conflict with the provisions of this ordinance shall be null and void.

(a) When a Zoning Permit is Required: Where any building, sign, or other structure not otherwise exempt is erected, moved, or structurally altered so as to change its use, increase its floor or surface area, or alters the existing footprint.
(b) When a Zoning Permit is Not Required:
    1. The construction of a building or structure which has started, a particular use has commenced, or a bona fide construction contract has been entered into, prior to the effective date of this ordinance.
    2. For any accessory building, farm building or structure not for human habitation, less than 100 square feet and not permanently fixed to the earth and are readily removable in their entirety, provided such building conforms to all the setbacks.
    3. For any interior remodeling, improvements or alterations, regardless of cost, provided however, there shall not be a change in use which would be prohibited in the district.
    4. For any exterior alterations, improvements or remodeling provided there is not an increase in floor area constructed to the existing building.
    5. For any above ground /grade swimming pool provided such pool conforms to all the setbacks.
    6. Any fence provided the standards of Section 13.3.10.02(a) are met.
    7. Platforms, terraces, walks, driveways, parking area, and patios providing they do not extend above the plane or average ground level at their margins.
    8. Retaining walls which support ground at or below its natural level.
(c) Application for a Zoning Permit**:** Application for a permit shall be made on forms provided by the office and shall include in addition:
        1. Site plan drawn to scale or dimensioned, showing the location of existing and proposed structures and their relationship to all lot lines, highway center lines or right-of-ways; existing or proposed wells and private on-site waste disposal

systems (POWTS), navigable bodies of water, and other information deemed necessary.

2. Information on the existing or proposed POWTS;
3. Driveway access permits.
4 Evidence of property lines. Prior to granting any permit required under this chapter, it is the duty of the property owner to present satisfactory evidence to the Zoning Administrator as to the location of the property lines relevant to the permit. The property owner/applicant may meet the evidence requirement by identifying the existing plat or certified survey markers. Granting a permit does not in itself determine property lines or the respective property rights of adjacent property owners.
5. Termination. Where a permitted use does not continue in conformity with the original approval, the permit shall be terminated by action of the Zoning Administrator.

13.4.0.04 Board of Adjustment

(a) Authorization and Composition
1. The Chairman of the County Board shall appoint a Board of Adjustment consisting of five members and two alternates appointed for a staggered three-year term.
2. All appointments shall be subject to confirmation by the County Board.
3. Members of the Board of Adjustment shall reside in the unincorporated areas of the County and no two members shall reside in the same town.

(b) Procedural Rules
1. The Board of Adjustment shall select its own chairman, shall meet at the call of the chairman and at such other times as the board may determine.
2. All meetings of the board shall be open to the public.
3. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact. The board shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Zoning Office and shall be of public record.

(c) Powers and Duties: The Board of Adjustment shall adopt such rules as it considers necessary for the conduction of business, subject to the provisions of this ordinance and Wis. Stats. 59.69 and 59.694; and

(d) Hear and decide appeals where it has been alleged there is an error in any order, requirement, decision or determination made by the Committee or division in the enforcement or administration of this ordinance.
1. Appeals to the board may be taken by any person aggrieved, or by the office, department, board or Committee of the county affected by the decision. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the Zoning Office and with the Board a notice of appeal specifying the grounds thereof. The Zoning Office shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken;
2. An appeal shall stay all legal proceedings of the action appealed unless the officer from whom the appeal is taken certifies to the board that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such cases, proceedings shall not be stayed except by a restraining order from the board or a court of law;
3. The final disposition of an appeal shall be in the form of written procedural minutes signed by the secretary of the board. Such minutes shall state the specific facts which are the basis for the board's determination, and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or part, or shall dismiss the appeal for lack of jurisdiction or prosecution;

(e) Grant variances from the terms of this ordinance that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provision of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done. A variance authorizes a property owner to use property in a manner prohibited by this zoning ordinance. An area variance relaxes restrictions on dimensions, such as setback, frontage, height, bulk, density and area. A use variance grants permission for a use which is prohibited by this zoning ordinance.

(f) Grant special exceptions where certain uses and situations are of such special nature or their effect is dependent upon actual contemporary circumstances so as to make impractical the determination in advance of permissibility. Each zoning district contains those uses requiring a special exception and conditions as determined by the Board of Adjustment. Special exceptions shall only be granted subject to the following procedures and factors:

1. No special exception shall be granted without a hearing before the Board of Adjustment after the submission of a completed application for the exception;
2. No special exception shall violate the spirit or general intent of this ordinance;
3. No special exception shall be granted which would be contrary to the public health, safety or general welfare or which would be substantially adverse to property values in the neighborhood. In making the determination, the Board shall consider the following:
   a) Any written or oral opinion or recommendation submitted by the Township in which the proposed exception is to exist;
   b) The danger to life and property due to increased flood heights or velocities caused by encroachments;
   c) The proposed water supply and sanitation systems and the ability of these systems to prevent the occurrence of disease, contamination and unsanitary conditions;
   d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the owner and surrounding properties;
   e) Any use constituting a nuisance by reason of noise, dust, smoke, odor or similar factors; or
   f) The effect of the proposed use on the surrounding area, its compatibility with the area and the comprehensive plan then existing for the property.
4. Upon receipt of a completed application by the Zoning Administrator according to the provisions of 13.4.0.04 (g), the Zoning Administrator shall immediately transmit a copy electronically to the Clerk of the Town in which the proposed use is to take place and within 24 hours mail a paper copy to the Clerk. Both transmittals shall invite the Town to submit its opinion and recommendation on the application not later than 60 days from the date of the completed application. A hearing before the Board of Adjustment shall be held not less than 30 days nor more than 60 days from the date the completed application is received by the Zoning Administrator. Unless the opinion or recommendation of the Town is received sooner, or the Town waives the invitation to render an opinion or recommendation, in writing, the Board shall not render its decision on granting or denying the application for a special exception until 60 days have elapsed from the date of the completed application. The date of completion shall be noted on the front page of the application by the Zoning Administrator. (01/18/2017)

(g) Applications for Special Exceptions and Variances shall be filed with the Zoning Administrator on forms approved by the Committee and shall contain, at a minimum, the following:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property or an authorized agent of the owner;
3. Address and legal description of the property;
4. An accurate drawing of the site and surrounding area extending to a distance of 100 feet from the property lines of the property, including the location of all buildings, structures and improvements;
5. The specific special use if the application is for a special exception;

6. The specific ordinance provision sought to be varied if the application is for a variance;
7. A statement describing in detail the hardship and the need for the variance.

(h) Standards for Granting of Variances: The following principles shall serve as a guide to the board's decision:

1. The burden is upon the appellant to prove the need for a variance.
2. Pecuniary hardship, loss of profit, self-imposed hardships, such as that caused by ignorance, deed restrictions, proceeding without a permit, or illegal sales are not sufficient reasons for getting a variance.
3. The plight of the applicant must be unique, such as a shallow or steep parcel of land or situation caused by other than his own action.
4. The hardship justifying a variance must apply to the appellant's parcel or structure and not generally to other properties in the same district.
5. Variances allowing uses not expressly listed as permitted or conditional uses in a given zoning district shall not be granted.
6. The variance must not be detrimental to adjacent properties.
7. The variance must, by standard, be the minimum necessary to grant relief.
8. The variance will not be in conflict with the spirit of this ordinance or other applicable ordinances, nor contrary to state law or administrative order.
9. The board acts as an agent of Dunn County and to preserve the ordinance without modification as far as possible while ensuring substantial justice for the individual.
10. Violations by or variances granted to neighboring owners do not justify a variance.

(i) Variances attach to the property as a permanent right. Once a variance is granted, it is permanently applicable to the property. A new owner of the property may make use of a variance that was granted to the previous owner.

13.4.0.05 Disposition by the Board of Adjustment

(a) The board shall hold at least one public hearing on the proposed variance, appeal or special exception, after the publication of a Class 2 notice described in Chapter 985, Wis. Stats., and notification of adjacent property owners.

(b) The board shall make a decision within 60 days after the public hearing. The concurring vote of a majority of the members present and voting shall be necessary to authorize the request.

13.4.0.06 Fee Schedule (Repealed 09/20/2017)

13.5.0 ENFORCEMENT AND PENALTIES

13.5.0.01 Declaration of Unlawful Conduct. Any liable person, which shall include firm, company, or corporation, who knew or should have known that a land use activity was prohibited by this ordinance and who disobeys, omits, neglects, refuses or otherwise fails to comply with or resists the enforcement of any of the provisions or requirements of this ordinance, including any permit and condition thereof issued pursuant to this ordinance, shall be in violation of this ordinance. Any land use activity conducted in violation of the provisions of this ordinance is hereby declared to be a nuisance per se, and the county may apply to any court of competent jurisdiction to restrain or abate such nuisance.

13.5.0.02 Liable Persons

(a) In General. All owners of lands or premises, occupiers of lands or premises, and agents of owners or occupiers of lands or premises including, but not limited to because of enumeration, building contractors, surveyors, plumbers, installers, soils technicians, road building, grading and excavating contractors and their agents, and lending institutions and insurers and their agents shall be a liable person for purposes of enforcement under this ordinance and are responsible for compliance with all provisions of this ordinance which bear upon their area of competency.

(b) Other Parties. Any party who aids or abets in a violation of this ordinance shall be a liable person for purposes of enforcement under this ordinance.

(c) Public or Quasi-Public Agencies. This ordinance shall apply fully to all public governmental and quasi-governmental lands, developments and activities unless specifically exempted by State of Federal Law and the controlling agent for such units, shall be a liable person for purposes of enforcement under this ordinance.

13.5.0.03 Enforcement Procedure

(a) Notice of Violation and Order for Compliance. If upon inspection or investigation, the Zoning Administrator becomes aware of a land use activity which the Zoning Administrator concludes is a violation or a potential violation of this ordinance, the Zoning Administrator shall immediately notify in writing, the party that is or appears to be the liable person of the detected or potential violation. Such notice shall specify the land use activity that is alleged to constitute the actual or potential violation. The Zoning Administrator shall also issue an Order for Compliance in writing to the party that is or appears to be the liable person of the detected or potential violation. The order shall direct said person to halt and/or remedy the observed violation or prevent the potential violation from occurring and, shall specify a time period for the violation to be halted or remedied or the potential violation to be prevented from occurring.

(b) Noncompliance with Order for Compliance. If an order for compliance is issued under par. (a) and is not complied with, the Zoning Administrator shall refer the matter to the Corporation Counsel for prosecution, unless an administrative appeal has been commenced and a stay order has been issued pursuant to 13.4.0.05 of this ordinance.

13.5.0.04 Prosecution by the County: The County Corporation Counsel shall expeditiously prosecute violations of this ordinance reported by the Zoning Administrator.

13.5.0.05 Prosecution by Private Parties: Nothing in this section shall be deemed to prevent, restrict, or otherwise prohibit private prosecutions of violations of this ordinance pursuant to §59.69(11), Wis. Stats., or any other law.

13.5.0.06 Penalties: Any liable person who violates this ordinance shall be subject to a penalty of not less than one-hundred dollars ($100.00), but not more than one-thousand dollars ($1000.00) for each offense, together with the cost of the action. In default of payment thereof, the person shall be subject to contempt of the county proceedings and any penalty authorized thereby the law. Each day that a violation is permitted to exist shall constitute a separate offense and be punishable as such.

13.5.0.07 Injunctions: As a substitute for, or in addition to prosecution for fine or imprisonment, the County Corporation Counsel may seek compliance with this ordinance by suing for an injunction or restraining order. In contempt of such court order obtained thereby, the person shall be subject to contempt of court proceedings and any penalty authorized thereby by law. It shall not be necessary to prosecute for fine or imprisonment before resorting to injunction proceedings.

13.5.0.08 Revocations or Modifications: Where a permit, special exception use approval or variance has been authorized subject to conditions, and where such conditions appear to have been violated or not complied with, as an alternative or in addition to any other enforcement action, the Zoning Administrator shall petition the Board of Adjustment to hold a public hearing to determine whether the conditions of the permit, special exception approval or variance grant have been violated or otherwise not complied with. If the Board determines that a condition has been violated or not complied with, then the Board may revoke or modify all or part of the permit, approval or variance.

13.5.0.09 Nuisance Actions Not Barred: No provisions of this ordinance shall be construed to bar any action to enjoin or abate the use or occupancy of any land or structure as a nuisance under the laws of the State.

13.5.0.10 Pre-Existing Violations

(a) Where a building or structure violates the dimensional or use standards of this ordinance, and the violating building or structure has been in place more than ten years before an enforcement action initiated, such building or structure shall be treated as a legal nonconforming structure. All provisions of Sec. 13.3.7 of this ordinance shall apply to such nonconforming buildings or structures.

(b) Any property owner asserting as a defense to a charge of violating this ordinance that the alleged violation has been in place more than ten years before enforcement action was initiated has the burden of proving that:

1. the building or structure that is in violation has been in place more than ten years before enforcement action was initiated.
2. that the building or structure (and its use, if the use is nonconforming) has remained essentially unchanged for at least ten years.
3. that the use of the building or structure has been active and continuous for ten years or more. If use was discontinued for more than twelve months, that use shall not be considered active and continuous.

13.6.0 CHANGES AND AMENDMENTS

13.6.0.01 Authority. The provisions of this section are adopted under the authority of Wis. Stat. § 59.69(5).

13.6.0.02 Purpose. In order to meet the public necessity, convenience, general welfare, or good zoning practice, the County Board may change zoning district boundaries (map) or amend or supplement the regulations (text) established in this chapter.

13.6.0.03 Procedure. Amendments to this chapter are subject to the procedures in this section. Amendments shall be granted or denied by the County Board only after a public hearing before the Committee and a report of the Committee's findings and recommendations has been submitted to the County Board.

13.6.0.04 Pre-Application Review for Rezoning. The pre-application review provides the petitioner an opportunity to explain the rezone proposal, ask and answer questions, and gain an understanding of any concerns the town and/or county may have before incurring expenses associated with a formal petition.

(a) Prior to submittal of a rezone petition a petitioner may request a pre-application review with representatives from the affected town, staff from the planning/zoning division or the Committee to review concept plans in detail, and discuss the approval process. Prior to pre-application review the petitioner should submit the following:

1. A Concept Plan and associated maps, which may be in general form but should be at a scale not to exceed 1"=100' and contain the proposed land uses, general lot configuration, natural features of the site, the character and approximate density of buildings, the approximate location of proposed thoroughfares, water, sewage and drainage systems, total acreage and acreage of each proposed use; and
2. A written statement containing a general explanation of the size and character of the development, including a statement of the present ownership of all the land to be developed, proposed uses, and expected schedule of construction.

(b) During a pre-application review, town or county representatives may comment on the concept, but any such comments are not binding on the representatives nor do they constitute the response to a formal petition. The review may take place at a joint meeting.

13.6.0.05 Petitions for Amendment

(a) A petition for amendment of this chapter may be made by a 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 by the Committee. Forms and information about the application

and approval process for amendments to the zoning ordinance shall be available from the Zoning Administrator.

(b) Petitions to amend a zoning district boundary shall include at least the following:

1. Application Form (Petition) provided by Zoning Administrator and completed by the petitioner.
2. Name, address, and phone number of all persons having an ownership in the property subject to the petition for amendment of zoning classification.
3. If a Certified Survey Map will be required, a Preliminary Certified Survey Map must be received and approved by the Planning and Zoning Office prior to the public hearing before the Committee. If a zone map amendment is approved by the County Board, the applicant shall record a Certified Survey Map thereafter in identical form to the previously approved Preliminary Certified Survey Map. Failure by the applicant to record the Certified Survey Map as required shall result in the rezone being void.
4. Site Plan including: north arrow, date, scale (not less than 1 inch = 200 feet), property boundary with dimensions, existing zoning districts within one-quarter (1/4) mile of the parcel(s), hydrologic features within three-hundred (300) feet of the parcel(s) including: floodplain, wetland, surface water and shore land, existing and proposed drainage features within three-hundred (300) feet of the proposal including: size, location and direction of flow, easements within three-hundred (300) feet of the parcel(s).
5. Payment of a fee as specified by the Department fee schedule.
6. Zoning Classification Amendment Narrative and Justification, including at least the following information:
    a. Description of any proposed development and proposed uses for the property and improvements (proposal).
    b. Explanation of why the current zoning district is not appropriate for the proposal.
    c. List of the zoning district(s) within the proposal, past and current uses of the subject property, zoning districts and land uses of all properties within one-quarter (1/4) mile of the proposal.
    d. Description of development trends within the general vicinity of the proposal, including any development to the proposal, since it was placed in its current zoning district.
    e. Description of how the proposal is consistent with the Land Use Element and any other relevant Element(s) of the Dunn County Comprehensive Land Use Plan.
7. The Zoning Administrator or the Committee may also require a petitioner to provide additional information, including, but not limited to:
    a. Description of the effects the proposal would have in relation to issues such as; traffic, public safety, environmental impacts and/or protection/conservation of natural resources.
    b. Description of the effects the proposal would have to the health, safety, and welfare, to adjacent land owners and to the County as a whole.
    c. Description of any anticipated or known changes to property values to adjacent landowners,
    d. Other than the proposal, describe all other approval processes required to accomplish the proposal, including, but not limited to, sanitation, access, special exception, or variance.
    e. <u>Additional requirements for certain petitions</u>. Evidence indicating that public infrastructure is, will, or will not be available to accommodate the range of permitted uses listed in the proposed district for petitions to rezone real property to the General Commercial (GC), Limited Commercial (LC), Light Industrial (LI), or Heavy Industrial (HI) zoning district.
    f. Written approval from the Wisconsin Department of Transportation, County Highway Department or Town authorizing the construction or access to

driveway(s) and/or intersection(s), within their respective jurisdiction, associated with the proposal.

g. Written statement from emergency service providers, fire, police and ambulance, describing how the proposal would impact their ability to provide emergency services.

(c) Petitions to amend zoning regulations shall include at least the following;

1. Application Form (Petition) provided by Zoning Administrator and completed by property owner or agent.
2. Explanation of why the current text in the zoning ordinance is not appropriate.
3. A copy of the proposed zoning ordinance text change.
4. A statement on how the proposal is consistent with the Land Use Element and any other relevant element(s) of the Dunn County Comprehensive Land Use Plan.
5. Payment of a fee as specified by the Department fee schedule.

(d) Completed petitions to amend zoning district boundaries or zoning regulations shall be filed with the County Clerk or Zoning Administrator. The County Clerk shall refer all petitions to the Zoning Administrator, who shall:

1. Set a time and place for a public hearing thereon.
2. Publish a notice of the public hearing as a class 2 notice under Chapter 985, Wis. Stats.
3. Provide notice of the public hearing by certified mail to the town clerk of each town affected by the proposed amendment at least 10 days prior to the date of such hearing. Proof of actual receipt of the notice maybe substituted for certified mail.
4. Provide notice by first class mail or electronic notice to the petitioner and property owner and, for rezone petitions, to parties of interest and landowners within 300 feet of the described parcel.
5. Provide notice by first class mail or electronic notice to the county supervisors of any affected district.
6. Provide notice by first class mail or electronic notice to state agencies, federal agencies, other county agencies and cities and villages where and when appropriate (i.e., floodplain zoning, shoreland zoning and extraterritorial zoning).
7. Before the public hearing, prepare a written analysis of the petition regarding relevant plans, ordinances, criteria and sound planning and zoning principles.

13.6.0.06 Committee Procedure

(a). Rezoning Review Criteria.

1. In its review and action on a rezoning application, the Committee shall make findings with respect to the following criteria:

a. The planned land use for the subject property as shown on the Dunn County Comprehensive Land Use Plan Map, and whether the proposed zoning district for the subject property is consistent with the Dunn County Comprehensive Land Use Plan. It is the responsibility of an affected town to determine consistency with any town comprehensive plan.

b. Existing uses and zoning classifications of property within the general area of the property in question.

c. The suitability of the property in question for the uses permitted under the existing zoning classification.

d. The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was placed in its present zoning classification.

e. Whether the proposed amendment is likely to cause undesirable land use patterns, including, but not limited to, small, isolated zoning districts or neighboring incompatible uses.

f. The extent to which the proposed amendment will have an adverse impact on the use, enjoyment or economic value of properties in the vicinity or impair the normal development of neighboring properties.

g. Whether the proposed amendment is likely to have an unreasonable adverse impact on air quality, ground water, surface water or natural vegetation.

h. The extent to which the proposed amendment will cause serious noise, odor, light, activity, or other unusual disturbances.

i. For vacant property, the length of time the property has been vacant as zoned, considered in the context of land development in the vicinity of the subject property.

j. The effect of the proposed amendment on the public health, safety, and welfare.

k. The extent to which the proposed amendment may have an unreasonable adverse impact on historically significant features in the area.

m. Those factors specified in section 13.6.0.05(b)7. for which the applicant has been required by the Zoning Administrator or the Committee to submit additional information.

2. The Committee shall not recommend approval of a zoning map amendment unless it finds that such approval is consistent with the public interest and not solely for the interest of the applicant.

3. The Committee may recommend the adoption of an amendment changing the zoning classification of the property in question to an appropriate classification other than that requested by the applicant.

(b) Within a reasonable time after the close of the public hearing on a proposed amendment, including the passage of the allowable timeframe for any town action permitted by Wisconsin law, the Committee shall make its recommendation to the County Board. Where a petition for amendment is to change the zoning classification of a particular property, the Committee's recommendation to the County Board shall include its findings under section 13.6.0.06(a)1.

(c) If the Committee recommends approval of the petition or modifies the petition and recommends approval of the petition as modified, it shall cause an ordinance to be drafted effectuating its determination and shall submit such proposed ordinance to the County Board with its recommendation.

(d) If the Committee recommends denial of the petition, it shall cause a resolution denying the petition to be drafted and shall submit such resolution to the County Board with its recommendation.

(f) Proof of publication of the notice of the public hearing held by the Committee and proof of the giving of notice to the town clerk of such hearing shall be submitted at the public hearing, noted in the hearing minutes, and reported to the County Board.

(g) Any Town Board recommendations resulting from the pre-application review or timely-received resolutions disapproving a proposed amendment shall be reported at the public hearing.

(h) Shoreland and Floodplain. Amendments to zoning district boundaries or zoning regulations affecting protected shorelands or floodplains shall not require the approval or be subject to the disapproval of any town.

13.6.0.07 Town Board Resolution.

(a) If a town affected by the proposed amendment disapproves of the proposed amendment, the town board of such town may file a certified copy of the resolution adopted by such board disapproving of the petition with the County Clerk prior to, at or within 10 days after the public hearing. If the town board of the town affected in the case of an ordinance relating to the location of the boundaries of districts files such a resolution, or the town boards of a majority of the towns affected in the case of all other amendatory ordinances file such resolutions, the Committee may not recommend approval of the petition without change, but may only recommend approval with change or recommend disapproval.

(b) A town may extend its time for disapproving any proposed amendment by 20 days if the town board adopts a resolution providing for the extension and files a certified copy of the resolution with the County Clerk. The 20-day extension shall remain in effect until the town board adopts a resolution rescinding the 20-day extension and files a certified copy of the resolution with the County Clerk.

13.6.0.08 County Board Action.

(a) The County Board action on the Committee's recommendation shall be to adopt the ordinance as drafted or with amendments, deny the petition for amendment, or refuse to deny the petition as recommended by the committee, in which case the County Board shall refer the petition back to the Committee with directions to draft an ordinance to effectuate the petition and report the ordinance back to the County Board, which many then adopt or reject the proposed ordinance.

(b) If a protest against a proposed amendment is filed with the County Clerk at least 24 hours prior to the date of the meeting of the County Board and duly signed and acknowledged by the owners of 50% or more of the area proposed to be altered, or by abutting owners of over 50% of the total perimeter of the area proposed to be altered included within 300 feet of the parcel or parcels proposed to be rezoned, action on such 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 him and shall include a description of the lands owned by him. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of three-fourths 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 may be disregarded.

(c) If an amendatory ordinance makes only the change sought in the petition, and if the petition was not disapproved prior to, at, or within 10 days after the public hearing pursuant to section 13.6.0.7(a), or 30 days if a resolution under section 13.6.0.7(b) has been properly filed with the County Clerk, whichever is applicable, by the town board of the town affected in the case of an ordinance relating to the location of district boundaries or by the town boards of a majority of the towns affected in the case of all other amendatory ordinances, it shall become effective on passage. The County Clerk shall record the date on which such ordinance becomes effective and shall notify the town clerk of all towns affected by such ordinance of such effective date and also insert such effective date in the proceedings of the County Board.

13.6.0.09 Exercise of Town Board Veto. Any amendatory ordinance other than an ordinance falling under section 13.6.0.08(c) shall, within 7 days of adoption, be submitted in duplicate by the County Clerk by registered mail to the town clerk of each town in which lands affected by such ordinance are located. If after 40 days from the date of adoption a majority of such towns have not filed certified copies of resolutions disapproving such amendment with the County Clerk, or if, within a shorter time a majority of the towns in which the ordinance is in effect have filed certified copies of resolutions approving the amendment with the County Clerk, the amendment shall thereupon be in effect in all of the towns affected by the ordinance. Any such ordinance relating to the location of boundaries of districts shall within 7 days after adoption by the County Board be transmitted by the County Clerk by registered mail only to the town clerk of the town in which the lands affected by such change are located and shall become effective 40 days after the adoption of the ordinance by the County Board unless such town board prior to such date files a certified copy of a resolution disapproving of such ordinance with the County Clerk. If such town board approves the ordinance, said ordinance shall become effective upon the filing of the resolution of the town board approving same with the County Clerk. The County Clerk shall record in his or her office the date on which such ordinance becomes effective and notify the town clerk of all towns affected by such ordinance of such effective date and also make such report to the County Board, which report shall be printed in the proceedings of the County Board.

13.6.0.10 Continued Effect of Ordinance. Whenever any area which has been subject to a county zoning ordinance petitions to become part of a village or city, the regulations imposed by such county zoning ordinance shall continue in effect, without change and shall be enforced by such village or city until such regulations have been changed by official action of the governing body of such village or city, except that in the event an ordinance of annexation is contested in the courts, the county zoning shall prevail and the county shall have jurisdiction over the zoning in the area affected until ultimate determination of the court action.

13.6.0.11 Zoning of County-Owned Lands. The County Board may by ordinance zone and rezone any lands owned by the county without necessity of securing the approval of the town boards of the towns wherein such lands are situated and without following the procedure outlined in Wis. Stat. § 59.69(5), provided that the County Board shall give written notice to the town board of the town wherein such lands are situated of its intent to so rezone and shall hold a public hearing on the proposed rezoning ordinance and give notice of such hearing by posting in 5 public places in the town.

13.6.0.12 Comprehensive Revisions. A single ordinance which repeals the existing county zoning ordinances and enacts a new ordinance changing numerous provisions and adding or altering districts may be adopted by the County Board, following the normal amendment procedure. Such revision may provide that the existing county zoning ordinance remains in effect for up to one year or until the revision is approved by the town board, whichever period is shorter. The failure of a town board to approve the comprehensive revision within one year shall result in neither the comprehensive revision nor the prior county zoning being in force in such town.

13.6.0.13 Amendments to the Zoning Map Removing Lands From Intensive and Primary Agriculture Districts. The following special procedures and standards apply to all petitions to rezone lands out of the Intensive and Primary Agriculture Districts:

(a) The Wisconsin Department of Agriculture, Trade and Consumer Protection shall be notified of all such petitions by sending the department a copy of the Committee's hearing notice on the petition and of the disposition of all such petitions by sending the department a copy of the proceedings of any County Board meeting that involves a vote on ordinance amendments involving rezones from the Intensive Agriculture and Primary Agriculture Districts.

(b) Decisions by the Committee and the County Board shall be governed by the standards of Wis. Stat. § 91.48 in effect at the time of application for rezoning. These standards shall be read into the record of the meeting of the Committee. Before such unit votes on the rezone and the report and ordinance which is being adopted to accomplish a rezone shall contain findings on the factors listed in that statute. (09/18/2019)

13.7.0 DEFINITIONS

For purposes of this ordinance, certain terms are defined as follows; words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "building" includes the word "structure" and the word "shall" is mandatory and not directory. The word "person" includes an individual, all partnerships, associations, and bodies politics and corporate. The word "lot" includes the word "plot" or "parcel". The word "used" or "occupied" as applied to any land or building shall be construed to include words "intended," "arranged," or "designed to be used or occupied."

1. **Abandonment:** To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruption to use or activity during periods of remodeling or maintenance.
2. **Abutting:** Having a common property line or district line.
3. **Accessory Structure:** A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.
4. **Accessory Use:** A use incidental to, and on the same lot as a principal use.
5. **Active Mine Boundary**; The expression upon the land surface of a more or less continuous series of points that when taken together enclose all activities and operations that occur at the mine site on a regular or irregular basis, including all structures, facilities, parking areas and interior haul roads that are integral to or directly serve the mining operation and all stockpiles, waste piles, settling ponds, retention ponds, detention ponds, and lay-down areas that are utilized by the mining operation.
6. **Adjacent**: Located on land parcels that touch each other, or on land parcels that are separated only by a river, stream, or transportation or utility right–of–way.
7. **Adult Daycare Facility**: A facility for the supervised care of adults, providing activities such as meals and socialization one or more days a week during specified daytime hours. The participants return to their

homes each evening. The program is often used as respite by family members caring for an older person who cannot be left alone safely in the home.

7d. **Adult Entertainment Establishment:** An establishment where minors are barred from the premises based solely on age and includes adult cabaret, adult bookstores, adult theatres, or adult retail stores.

(a) Adult entertainment establishments must be located:

1. At least 500 feet from any residential district;
2. At least 750 feet from a public or private school;
3. At least 1,000 feet from another adult entertainment establishment;

(b) All distances are measured as straight lines from the nearest point of the proposed building's lot to the nearest residential zoning district boundary line.

(c) The above standards are intended to allow the permitting of these uses while preserving the safety, welfare, and quality of living.

(d) This section does not permit or authorize any establishment or use which violates other applicable local or county ordinances or Wisconsin law. (09/20/2017)

8. **Adult Family Home:** See Section 50.01(1) Wis. Stats.

9a. **Agricultural based:** Agriculture which has been in continuous practice for the previous three (3) years and has filed a Schedule F (1040) in each of the previous three (3) years. (06/17/2015)

9b. **Agricultural entertainment:** Use of agricultural based buildings, equipment or land for an event, performance or activity intended to entertain others such as; festivals, dances, weddings, corporate gatherings, reunions, concerts, haunted houses and motorized amusement rides. (06/17/2015)

9d **Agricultural Parcel:** A parcel of land, used for the purpose of establishing a second dwelling as a necessary structure in the IA and PA zoning districts. (06/17/2015)

9f. **Agricultural related activities and uses:** Activities and uses which are part of an agricultural operation's total offerings, that predominantly use agricultural based buildings, products, equipment, land or livestock such as; agri-markets, mazes, pumpkin cannons, pony rides, hay rides, sleigh rides, petting farms, nature trails and educational classes. (06/17/2015)

9g. **Agricultural related products:** Products which are part of an agricultural operation's total offerings, that promote agriculture and value-added agriculture such as; agricultural and horticultural products, animal feed, bake goods and desserts, ice cream, beverages, jams, honey, gift items, food stuffs, and clothing. (06/17/2015)

9j. **Agriculture:** Any agricultural activity or use conducted for the purpose of producing an income or livelihood such as: crop or forage production, keeping livestock, 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 conservation payment program or any other activity or use permitted under Chapter 91 or identified by rule by the Wisconsin DATCP. (06/17/2015), (06/15/2016)

9m. **Agri-market:** The direct sale of agricultural products or value-added agricultural products from an agribusiness or agricultural lands to consumers, such as; "pick-your-own" operations, roadside stands, and farmers markets. (06/17/2015)

9n. **Agri-store:** An enterprise that is part of an agricultural operation's total offerings, which sells agricultural products, agricultural related products and non-agricultural related products such as art, antiques, crafts and clothing. (06/17/2015)

9o. **Agri-tourism:** Agricultural enterprises, businesses, horticultural, or agricultural operations such as; a farm, orchard, winery, greenhouse, agri-store or livestock show, which combine the elements and characteristics of agriculture, agricultural related products, agricultural related activities and uses and tourism for the purpose of providing recreation, entertainment, education, or active involvement in the agricultural operation, other than as a contractor or employee of the operation. Agri-tourism does not include "agricultural entertainment". (06/17/2015)

10. **Alternative support structure:** Structures including but not limited to clock towers, steeples, silos, light poles, water towers, free-standing chimneys, utility poles and towers, towers, buildings or similar structures that may support telecommunications facilities.

11. **Amendment:** A change to a zoning ordinance or map.

12. **Animals**: All other animals except those defined and regulated by DATCP and NR16. (See Exotic Animals)

12d. **Animal Rendering:** The process by which animal waste is recycled to form usable byproducts. (09/20/2017)

13. **Animal Unit:** In R1, R2 and R3 Districts, the term "animal units" means a unit of measure to determine the total number of single animal types or combination of animal types. The number of animal units shall be calculated using Appendix A.

In IA, PA and GA Districts, the term "animal units" means a unit of measure used to determine the total number of single animal types or combinations of animal types, as specified in s. NR 243.11, that are at an animal feeding operation. The number of animal units will be calculated according to NR 243.05 and NR 243.05 Tables 2A and 2B. Examples of animal units from Table 2 are one beef cow or steer equal one animal unit; one dairy cow equals 1.4 animal units and one turkey equals 0.018 animal units. (06/17/2015)

14. **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.

15. **Antenna building mounted:** Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building.

16. **Antenna ground mounted**: Any antenna with its base placed directly on the ground.

17. **Automobile Wrecking Yard:** The dismantling or wrecking of used motor vehicles or trailers or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The open presence on any lot or parcel of land of three or more motor vehicles, which remain unlicensed and/or unregistered; have not been capable or operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.

18. **Automotive Repair Services:** A business whose principal activity is body or engine repairs or painting of motor vehicles.

19. **Automotive Sales and Services:** A business whose principal activity is the sale of new or used motor vehicles and the performance of repair work as an integral part of the business.

20. **Base Farm Tract:** All land, whether one parcel or 2 or more contiguous parcels, which are in either the IA or PA zoning district and which are part of a single farm on the date of when the County adopts the ordinance, regardless of any subsequent changes in the size of the farm

21. **Basement:** A portion of a building whose floor line is below the mean grade level. For the purpose of this ordinance, any such basement with more than four (4) feet above grade level shall be counted as a story.

22. **Bed and Breakfast Establishment:** Any place of lodging that provides four or fewer rooms for rent for more than ten nights in a 12-month period; is owner-occupied; and in which the only meal served to guests is breakfast.

23. **Block:** A platted tract of land bounded by streets or by a combination of streets and public parks, or other recognized lines of demarcation.

24. **Board of Adjustment or Zoning Board of Adjustment (ZBA):** A body appointed to hear appeals from decisions made in the course of zoning administration and to consider requests for variances and exceptions from provisions of the zoning ordinance. (See s. 59.69, Wis. Stats.)

25. **Boarding House:** An owner occupied dwelling where lodging and meals are furnished for compensation for three (3) or more persons not members of the same family.

25f. **Boutique Winery:** An establishment operating under Wis. Stat. § 125.53 that manufactures, bottles, and stores wine on premises and which produces less than 25,000 gallons per year. Locally issued licenses/permits may allow wine sales directly to consumers on premise tasting of wine, and may impose additional restrictions. Excludes homemade wine, defined under 125.06(3). (09/20/2017)

25k. **Brewery:** An establishment operating under Wis. Stat. § 125.29 that manufactures, bottles, packages, and stores fermented malt beverages on premises and which produces more than 100,000 barrels per year. Locally issued licenses/permits may allow fermented malt beverage sales directly to consumers, on premise tasting of fermented malt beverages, and impose additional restrictions. (01/18/2017)

26. **Building:** A structure, including a roof supported by walls designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

27. **Camouflaged tower**: Any telecommunications tower that due to design or appearance hides, obscures, or conceals the presence of the tower and antennas.

27p. **Brewpub:** A tavern or bar operating under Wis. Stat. § 125.295 offering the sale of food or a restaurant, that manufactures fermented malt beverages on the premises. The production of fermented malt beverages shall be limited as defined in Microbrewery or Microbrewery Large. Locally issued licenses/permits may impose additional restrictions. (01/18/2017)

28. **Camping Grounds:** A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by or of trailers or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

29. **Carport:** See Garage, Private.

30. **Carrier**: Companies licensed by the Federal Communications Commission (FCC) to build personal wireless telecommunications facilities and operate personal wireless telecommunications services. Also called a provider.

31. **Centerline:** A line connecting the points on highways from which setback distances shall be measured at any point on the highway.

32. **Clinic:** An establishment of physicians or dentists for medical examination and treatment of persons on an outpatient basis.

33. **Clinic, Veterinarian:** An establishment for the examination and treatment of animals.

34. **Club:** An association of persons using a structure for a common purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

35. **Co-location**: A telecommunications facility comprised of a single telecommunications tower or building supporting multiple antennas, dishes, or similar devices owned or used by more than one public or private entity.

36. **Committee:** The Dunn County Planning, Resource and Development Committee (PR&D).

37. **Community living arrangement:** Any of the following facilities licensed or operated, or permitted under the authority of the department; child welfare agencies under s. 48.60, group homes for children under s. 48.02(7) and community-based residential facilities under s.50.01; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails.

37g. **Commercial Composting Facility:** A facility, excluding home composting where organic waste is processed through controlled biological decomposition to form compost. (09/20/2017)

38. **Conditional Use (Special Exceptions):** A conditional use allows an owner to put property to a use which the zoning ordinance expressly permits when certain conditions are met. A conditional use is sometimes called a special exception. The two terms mean the same thing.

39. **Condominium:** Property subject to a condominium declaration established under Chapter 703 of the Wisconsin Statutes.

39c. **Conduit:** A channel or tube for conveying water or other fluid or for protecting electrical wiring. (06/17/2015)

40. **Conforming Use:** Any lawful use of a building or lot which complies with the provisions of this Ordinance.

41. **Construction Aggregate:** Crushed and uncrushed particles of rock and/or predominantly non-metallic minerals, sand size and larger, that are produced for and used in the construction industry or for construction purposes at the site of production, including, for purposes of example, the following uses: as sub-base or base course for buildings, roadways or railroads; granular backfill adjacent to foundations, culverts or other structures; ingredients of mortar, Portland cement, concrete, asphalt; rip-rap, retaining walls, revetment stone and dimension stone; agriculture uses such as ag lime, bedding or walkways for livestock; and for the specified miscellaneous uses of septic system filters, landscape stone, landfill leachate collection systems and for placing on roadways in freezing weather.

41a. **Contiguous:** Parcels of land sharing a common boundary. Parcels that meet at only a single point are not considered contiguous. (02/18/2015)

41b. **Contiguous Tract:** A contiguous area of land held under the same ownership, unless it is divided by public highways, railroads, and all lakes or bodies of water which were meandered at the time of the original

government survey. A contiguous tract may consist of multiple parcels having separate tax identification numbers. Lots or Outlots shall be part of and included within a contiguous tract. (02/18/2015)

41c. **County Plat:** A map of a division of land prepared in the same manner as required in Ch. 236, Wis. Stats., except that all reviews are completed at the local level, and where:

(a) The act of division creates five or more lots of which no more than four (4) lots are one and one-half (1½) acres or less in area; or

(b) Five (5) or more lots, of which no more than four (4) lots are one and one-half (1½) acres or less in area, are created by successive divisions within a period of five (5) years. (02/18/2015)

42. **Covenant:** A promise in a conveyance or other instrument relating to real estate by which one or more parties pledge themselves to something that is either done or shall not be done with respect to real property.

43. **Cul-de-sac:** A local street, one end of which is closed and consists of a circular turn-around.

44. **Day Care Center:** A facility used for the care of pre-school or school age children which meets the requirements of a day care center formulated by the Wisconsin Department of Health and Social Services.

45. **Dedication:** The transfer of property rights from private to public ownership. Land so conveyed to the local government may be used for streets, schools, parks, utilities, etc. The governing body must formally accept the dedication for the transaction to be complete.

46. **Density:** The number of dwelling units allowed within a parent parcel, government protracted 40 or government lot; is expressed as a ratio such as 1:8 meaning the number of dwelling units per acres of land.

47. **Development:** Any man-made change to improved or unimproved real estate, including but not limited to construction or additions or substantial improvements to buildings, other structures, or accessory uses; the placement of mobile homes, mining, dredging, filling, grading, paving, excavation, or drilling operations, and deposition of materials.

47m. **Distillery:** An establishment operating under Wis. Stat. § 125.52 that manufactures, bottles, and stores distilled spirits on premises and which produces at least 100,000 proof gallons per year. Locally issued licenses/permits may allow distilled spirit sales directly to consumers, on premise tasting of spirits, and may impose additional restrictions. (09/20/2017)

48. **District:** A specific area designated with reference to this code and the official zoning maps within which the regulations governing the use and erection of structures and the use of premises are uniformly applied.

49. **Dwelling Unit:** A residential structure or portion thereof, containing separate and complete living area, for one family, not including boarding houses, camping trailers, hotels, motor homes, or motels.

(a) **Dwelling, Single Family:** A residential structure containing only one dwelling unit.

(b) **Dwelling, Two Family:** A residential structure containing two (2) dwelling units.

(c) **Dwelling, Multiple:** A residential structure containing more than two (2) dwelling units.

50. **Easement:** A right given by the owner of land to another party for specific limited use of that land. Utility companies often have easements allowing access to private property for servicing and maintaining their facilities. Localities may also preserve scenic areas, farmland or open space by means of a conservation easement which restricts development of the land.

50c. **Electric Distribution:** Facilities used to transmit electricity, less than 35 kilovolts, to ultimate usage points such as homes, businesses and industries. (06/17/2015)

50d. **Electric Generation Facility:** Facility used for generation of electric power with a name plate rating greater than 1,500 kW. This does not include back up power generators or emergency power generators. (06/17/2015)

50e. **Electric Transmission:** Facilities used for the bulk transfer of electricity, greater than 35 kilovolts, from generation facilities to substations. (06/17/2015)

50r. **Educational Facilities**: Establishments whose primary use is education. Includes schools, universities, libraries, athletic facilities, playgrounds and similar uses. (09/20/2017)

51. **Eminent Domain:** The legal right of government to acquire or take private property for public use or benefit upon payment of just compensation to the owner.

52. **Encroachment/Floodway Lines:** Limits of obstruction to flood flows, established by both sides of and generally parallel to the stream, determined by assuming that the area outside of the encroachment lines will be ultimately developed in such a manner that it will not be available to convey flood flows.

52e. **Equine:** Any member of the Equus genus, including horses and ponies. (06/17/2015)

53. **Essential Services:** Services provided by public and private utilities, necessary for the exercise of the principal, accessory or conditional use or service of a principal, accessory or conditional structure. These services include underground, surface, or overhead gas, electrical, steam water, sanitary sewage, storm water drainage, and communication systems and accessories thereto, such as poles, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

54. **Exception:** The use of property, including the size, use, and location of buildings, the size of lots and the dimensions of required yards, otherwise not allowable under the terms of this ordinance, which is permissible by reasons of special provisions of the ordinance, or for which a special permit may be used by the Board of Adjustment or where specifically specified by local Town Boards under conditions specified in this ordinance.

55. **Exotic Animals**: Such as but not limited to exotic ruminants, elephants, zebras and other exotic equines, lions, tigers and other large cats, parrots, macaws and other exotic birds (excluding raptors), kangaroos and wallabies, amphibians and reptiles, wild species native to North America and in compliance with Dept. of Agriculture, Trade and Consumer Protection (DATCP) and Admin. Code NR16 Captive Wildlife.

56. **Expanded livestock facility:** The entire livestock facility that is created by the expansion of an existing livestock facility. "Expanded livestock facility" includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing or altered.

57. **Expansion**: Means an increase in the largest number of animal units kept at a livestock facility on at least 90 days in any 12-month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an "expansion" unless that operator increases the largest number of animal units kept at the combined livestock facilities on at least 90 days in any 12-month period. Note: See s. ATCP 51.04.

58. **Exploratory Boring**: An excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface for the purpose of obtaining information on the physical, chemical, radiological or biological characteristics of geological formations or depth to groundwater, excluding any drill holes regulated by Wis. Admin. Code Ch. NR 141.25.

59. **Family:** An individual or two or more persons related by blood, marriage or adoption, or not more than five (5) persons who are not so related, living together in one single-family dwelling and are not charged for provisions and needs.

60. **Family Day Care Home:** A dwelling licensed as a day care center by the Department of Health and Social Services under s. 48.65 where care is provided for not more than eight (8) children.

61. **Farm:** A parcel of land under common ownership that is primarily devoted to agricultural use. The term "common ownership" shall include an individual, corporation, business trust, estate, trust, partnership, association, or two or more persons having a joint or common interest in the land.

62. **Farming:** Includes operations required to produce $6,000 of agricultural products per year and shall include accessory uses such as treating or storing of produce provided that the operation of an accessory use is secondary to the normal farming activities.

63. **Farm Acreage:** Size of a farm in acres.

64. **Farmland Preservation Area:** A plan for the conservation of farmland in a county, including an agricultural preservation plan under sub. ch. IV of ch. 91, 2007 Wis. Stats.

65. **Farmland Preservation Plan**: A plan for the preservation of farmland in a county, including an agricultural preservation plan under subch. IV of ch. 91, 2007 Wis. Stats.

66. **Farm Residence**: Means any of the following structures that are located on a farm:
(a) A single-family or two-family residence that is the only residential structure on the farm or is occupied by any of the following:
    1) an owner or operator of the farm;
    2) a parent or child of an owner or operator of the farm;
    3) an individual who earns more than 50 percent of his or her gross income from the farm
(b) A migrant labor camp that is certified under s. 103.92.

67. **Feedlot (Commercial):** An open lot or enclosed building in which poultry or livestock are closely confined in excess of 45 days per year for the purpose of feeding or holding 500 animal units and where such confinement does not or is not intended to provide natural pasture for animals.

67f. **Fence:** A barrier, railing, or other upright structure, enclosing an area of ground to mark a boundary, control access, or prevent escape. (06/17/2015)

67r. **Festival Grounds:** A parcel of land and its buildings which accommodate temporary entertainment programs or events such as a fair, festival, concert, or carnival. (09/20/2017)

68. **Flea Market:** Where goods and services are sold by different proprietors in an open area.

69. **Floor Area:** The sum of the usable horizontal area of the several floors of a building as measured from the exterior walls, including interior balconies and mezzanines, elevator shafts, stairwells and utility rooms, but not including basements, garages, breezeways and unenclosed porches.

70. **Foundation:** A basement or crawlspace meeting the state uniform dwelling code.

71. **Frontage:** The width of a lot as measured on a public street, road or highway and having access to said street, road or highway.

72. **Garage, Private:** A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

73. **Garage, Public:** A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

73f. **Gas Transmission:** A pipeline that transports gas from a production facility, gathering line or storage facility to a distribution center, town border station, storage facility, or large volume customer that is not downstream from distribution center. (06/17/2015)

73g. **Gas Distribution:** A pipeline that transports natural gas generally from a town border station, to a main line or service line suitable for supply to a customer. (06/17/2015)

74. **Grading:** Any stripping, excavating, filling, stockpiling, or any combination thereof, including the land in its excavated or filled conditions.

74g. **Grazing:** The area where domestic livestock feed in order to convert grass and other forage into meat, milk and other products.

75. **Greenhouse:** A structure exclusively used for the cultivation of plants in which natural sunlight is allowed to enter through transparent material and temperature and humidity are controlled.

76. **Greenhouse, Commercial:** A structure from which plants, seedlings, seeds, trees and those items related to cultivation are sold, traded or bartered to the public.

77. **Guyed structure**: A telecommunications tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

78. **Habitation:** A fixed place of residence.

79. **Hazardous Material**: Any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the Department of Natural Resources.

80. **Height, telecommunications tower**: The distance measured from the original grade at the base of the tower to the highest point of the tower. This measurement excludes any attached antennas, and lighting.

81. **Historic Structure:** Any structure that is: (a) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approve by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities With historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or directly by the Secretary of the Interior in states without approved programs.

82. **Home Occupation:** A gainful occupation customarily conducted within a dwelling or accessory building by the residents thereof, which is clearly secondary to the residential use and does not change the character of the structure as a residence.

83. **Industrial Sand Mining**: Means any of the following:

(a) The operation of an establishment that is engaged in excavating or otherwise removing from the land any sand or sandstone by any means, including any associated stripping of overburden, removal of sand or sandstone washing, screening, sorting, beneficiation, drying, loading, stockpiling or other processing or preparation of sand or sandstone for any use other than construction aggregate. Industrial sand mining is a form of nonmetallic mining and as such must comply with any and all ordinance requirements applicable to nonmetallic mining, including, but not limited to the application, licensing, and reclamation plan requirements. Industrial sand mining includes mining sand or sandstone for any of the following purposes:

1. Abrasive sand.
2. Blasting sand.
3. Enamel sand.
4. Filtration sand.
5. Foundry sand.
6. Moulding sand
7. Frac sand including for use as proppant in hydraulic fracturing.
8. Grinding sand.
9. Industrial sand.
10. Silica sand.
11. Silica.

(b) Extraction from the earth of sand, sandstone bedrock, fluvial sands, alluvial sands or aggregates for offsite use or sale of industrial sand products including associated activities such as drilling, blasting, excavation, stripping, grading and dredging of such materials and removing, relocating or disposing of overburden and other wastes of the mining process.

(c) Manufacturing or processing operations on the mining site that involve the use of equipment for crushing, screening, separation, beneficiation, classification, washing dewatering, drying coating, or blending of the industrial sand or products obtained by extraction from the mining site.

(d) Stockpiling of industrial sand products, rail transloading of industrial sand products, nonmetallic mining waste materials, or topsoil intended for use in reclaiming a nonmetallic mine site.

(e) Reclamation of the mine site.

84. **Junk Yard:** Any establishment or premises where worn out or discarded materials, whether purchased, donated or abandoned are kept, or where unlicensed motor vehicles, operable or inoperable, are kept or stored either for purposes of sale or otherwise.

85. **Junkyard Materials:** Include, without limitation because of enumeration hereunder, waste paper, scrap metal, rags, bottles, machines and machine parts, motor vehicles and motor vehicle parts, and uses or secondhand items.

86. **Kennel (Commercial):** A place where four (4) or more dogs over the age of four (4) months are boarded, bred or offered for sale and conducted as a business.

86m. **Large Boutique Winery:** An establishment operating under Wis. Stat. § 125.53 that manufactures, bottles, and stores wine on premise and which produces at least 25,000 gallons but less than 100,000 gallons per year. Locally issued licenses/permits may allow wine sales directly to consumers, on premise tasting of wine, and may impose additional restrictions. (09/20/2017)

87. **Lattice structure**: A telecommunications tower that consists of vertical and horizontal supports and crossed metal braces.

88. **Legally existing**: A lot, structure or use existing on the effective date of this ordinance or amendment thereto which was created, built or established in accordance with zoning and land use regulations in effect in the township wherein the parcel is located immediately prior to the effective date of this ordinance or amendment thereto or a lot, structure or use for which a zoning permit was issued prior to the effective date of this ordinance or amendment thereto.

89. **Life of the Mine**: The time period beginning at mine permit issuance and extending through the day on which the entire land area of the mine site is restored in accordance with the approved reclamation plan and all associated costs to be borne by the mine or mine operator have been paid in full.

90. Repealed (06/15/2016)

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

92. **Livestock facility, new**: A livestock facility that will be used as a livestock facility for the first time, or for the first time in at least 5 years. "New livestock facility" does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding 5 years.

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

94. **Lot:** A parcel of land so designated on a recorded Plat, Assessor's Plat, or Certified Survey Map having an assigned number which abuts a public road or has access via an easement or area of common ownership to a public or private road. The term lot shall not be synonymous with the term government lot. (2/18/2015)

95. **Lot of Record:** A lot which has been legally created prior to the effective date of this subtitle.

96. **Lot, minimum size:** The minimum area needed to safely separate wells from septic systems

97. **Lot, maximum size:** The largest area allowed for residential development

98. **Lot, Substandard:** A parcel of land that has less than the required minimum area or width as established by the zone in which it is located and provided that such lot or parcel was of record as a legally created lot on the effective date of this ordinance.

99. **Metallic Mineral Extraction:** The extraction and/or processing, for sale or use by the operator, of mineral aggregate such as iron ore, taconite, copper, lead, zinc, cadmium and other metalliferous minerals.

99k. **Microbrewery:** An establishment operating under Wis. Stat. § 125.29 which manufactures, bottles, packages, and stores fermented malt beverages on premises and that produces a maximum of 15,000 barrels per year. Locally issued licenses/permits may allow fermented malt beverage sales directly to consumers, on premise tasting of fermented malt beverages and may impose additional restrictions. (01/18/2017)

99p. **Microbrewery Large:** An establishment operating under Wis. Stat. § 125.29 that manufactures, bottles, packages, and stores fermented malt beverages on premises and that produces more than 15,000 up to a maximum of 100,000 barrels per year. Locally issued licenses/permits may allow fermented malt beverage sales directly to consumers, on premise tasting of fermented malt beverages, and impose additional restrictions. (01/18/2017)

99s. **Microdistillery:** An establishment operating under Wis. Stat. § 125.52 that manufactures, bottles, and stores distilled spirits on premises and which produces less than 25,000 gallons per year. Locally issued licenses/permits may allow distilled spirit sales directly to consumers, on premise tasting of spirits, and may impose additional restrictions. (09/20/2017)

99t. **Microdistillery Large:** An establishment operating under Wis. Stat. § 125.52 that manufactures, bottles, and stores distilled spirits on premises and which produces at least 25,000 gallons but less than 100,000 proof gallons per year. Locally issued licenses/permits may allow distilled spirit sales directly to consumers, on premise tasting of spirits, and may impose additional restrictions. (09/20/2017)

100. **Mine Operator:** Any person engaged or who has applied for a permit to engage in mining operations, whether individually, jointly or through subsidiaries, agents, employees, or contractors, or any person engaged in or controlling a mining operation.

101. **Mining Operation:** The process involved in the extraction of any material from the earth, including sand, gravel and topsoil, whether by surface or underground methods including all processing facilities and related structures, waste dumps, and tailing disposal areas.

102. **Mining and Reclamation Plan:** The operator's proposal for the mining and reclamation of the project approved by the Board of Adjustment prior to the issuance of the mining permit.

103. **Mobile/Manufactured Homes:** Means the following:
   (a) Mobile home means a vehicle manufactured or assembled before June 15, 1976; designed to be towed as a single unit or in sections upon a highway and equipped and used or intended to be used primarily for human habitation; with walls of rigid uncollapsible construction; and which has an overall length in excess of 45 feet.
   (b) Manufactured homes means a structure constructed after 1976 which is transportable in one or more sections; which in the travelling mode is 8 body feet or more in width or 40 body feet or more in length, or when erected is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required facilities.

104. **Mobile Home Park:** An area of land on which is provided the required space for the accommodation of two or more mobile homes, together with the necessary accessory buildings, driveways, screening and other requirements of Section 13.3.6.

105. **Monopole Structure**: A telecommunications tower of a single pole design.

105g. **Monument Works:** The process of etching, engraving, cutting, or otherwise manipulating stone and/or metals. Excludes mining process. (09/20/2017)

106. **Motel and Hotel:** A building or group of buildings containing rooms which are offered to travelers for temporary accommodations in exchange for compensation.

107. **Motor Vehicle:** Shall include with limitation because of enumeration hereunder, any watercraft, automobile, truck, motorcycle, trailer, semi-trailer, travel trailer, snowmobile, all-terrain vehicle, bus or other motorized or mobile vehicle.

108. **Nonconforming Lot:** A non-conforming or substandard lot is defined as a parcel of land legally created prior to the effective date of this ordinance having frontage on a public street, easement of record or other officially approved means of access, occupied or intended to be occupied by a principal building or structure together with accessory buildings and uses having insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this ordinance.

109. **Nonconforming Structure:** A non-conforming structure is one which was legally constructed prior to the effective date of this ordinance or subsequent amendment thereto, which would not be permitted as a new structure under the terms of this ordinance or amendment thereto because the structure is not in conformance with the yard, height, coverage, or floor area ratio area requirements of the district in which it is located. A structure located on a non-conforming lot shall not be classified as a non-conforming structure solely because of insufficient lot area or width.

110. **Nonconforming Use:** A non-conforming use is an activity utilizing land or structures or both legally established prior to the effective date of this ordinance or subsequent amendment thereto, which would not be permitted as a new use in the district in which it is located under the terms of this ordinance.

111. **Non-farm residence:** A single-family or multi-family residence other than a farm residence.

112. **Non-farm residential acreage:** The total number of acres of all parcels on which non-farm residences are located.

113. **Nonmetallic Mineral Processing**: To beneficiate, concentrate, screen, sort, clean, wash, dry, package, containerize or apply coating to a nonmetallic mineral or nonmetallic mineral aggregate, byproduct, co-product, waste or waste product.

114. **Nonmetallic Mining:** The extraction and/or processing (crushing, washing, screening, scalping, dewatering or blending) for sale or use by the operator of mineral aggregates such as stone, gravel, sand, clay, topsoil, feldspar, peat, talc, or other non-metallic materials.

115. **Nonmetallic Mining Operation**: The extraction from the earth of stone, nonmetallic mineral aggregates and/or nonmetallic minerals for sale, profit or export from the site of origin, and related operations, processes and activities, including but not limited to removing overburden, drilling, blasting, excavating, grading, dredging, stockpiling, crushing, screening, sorting, scalping, dewatering, drying, coating, blending, packaging, containerizing, storing of nonmetallic minerals, nonmetallic mineral aggregates, overburden,

topsoil, waste rock, product ion byproducts or mining wastes. It includes activities and operations performed within the active mine boundary to construct, operate or maintain any machine, equipment, building, tank, pond, lagoon, structure or facility used in conjunction with any nonmetallic mining, nonmetallic mineral processing, handling or disposal at the mine site of any nonmetallic mining waste material and nonmetallic mining reclamation. It does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

116. **Nonmetallic Mining Reclamation or Reclamation**: The rehabilitation of a nonmetallic mining site to achieve a topographic profile, vegetative character and land use specified in an approved nonmetallic mining reclamation plan, including removal or reuse of nonmetallic mining structures, facilities and refuse; rough and finish grading of the nonmetallic mining site, removal, storage and replacement of topsoil; stabilization of appropriate soil conditions; reestablishment of vegetative cover; control of surface water and groundwater; prevention of environmental pollution and the restoration of plant species and fish and wildlife habitat.

117. **Nonmetallic Mining Site, Project Site or Site**: The location where a nonmetallic mining operation is conducted or permitted to occur including all lands within the active mine boundary, all related storage and processing areas, areas where nonmetallic mining refuse and materials intended for use in reclamation is deposited and areas disturbed by or to be disturbed in the future by the nonmetallic mining operation or by ancillary activities, including but not limited to, the private roads, haulage ways or transportation corridors that connect any outlying lands used in the nonmetallic mining operation that do not share a common property boundary with the primary location of the nonmetallic mining activities.

118. **Nonmetallic Mining Structures**: Any buildings, facilities, permanent equipment or framework that is located on the mine site. It includes, but is not limited to, mining and processing equipment, storage facilities and improvements, constructed ponds and lagoons, mechanical shops, paved parking surfaces and office space.

119. **Nonmetallic Mining Waste Material**: The non-marketable materials removed from the land prior to or during the nonmetallic mineral mining process or during the industrial sand mining process. It includes overburden, waste soil, rock, mineral, sand and other primarily natural materials, as well as natural materials that have been contaminated with any hazardous substance, that results directly from the operator's nonmetallic mining, and that is designated for disposal at the operator's designated nonmetallic mining site or elsewhere in as authorized by the operator's licenses, permits, approvals and reclamation plan.

120. **Open Meeting Law:** The Wisconsin law requiring all meetings of state and local governmental bodies to be held in forums open and accessible to the public, except in specifically provided exceptions. (See ch. 19,sub. IV, Wis. Stats.)

121. **Open Sales Lot:** An area used for the purpose of buying and selling automobiles, trucks, motorcycles, boats, trailers, recreational vehicles, mobile/manufactured homes and similar products.

122. [Repealed 2/18/2015].

123. **Open Space Use:** Those uses having a relatively low flood damage potential and not involving structures.

124. **Operation**: Other than nominal use; when a facility is used regularly as an integral part of an active system of telecommunications it shall be deemed in operation.

125. **Operator**: As related to a livestock facility, a person who applies for or holds a local approval for a livestock facility.

125a. **Outlot:** A parcel of land other than a lot having an assigned number. An outlot may not be used as a building site for a habitable structure unless it is in compliance with restrictions imposed under this Chapter with respect to building sites. (02/18/2015)

126. **Overlay Zone's:** Zoning requirements that are described in the ordinance text and map, and imposed in addition to those of an underlying district. Developments within the overlay zone must conform to the requirements of both zones or the more restrictive of the two.

127. **Owner or Property Owner:** The fee-simple title holder or the beneficial owner of land whose interest is primarily one of ownership or possession, and enjoyment on contemplation of ultimate ownership. The term includes, but is not limited to mortgagees and vendors under contract for deed.

127k. **Paddock:** An enclosed area used to keep equine. (06/17/2015)

127p. **Pasture:** Enclosed farmland, grazed by domesticated livestock and equine. (06/17/2015)

128. **Parcel:** A piece of land held in one ownership. (02/18/2015)

129. **Parent Tract:** Parcels or tracts lawfully in existence on the date of adoption of this ordinance. (02/18/2015)

130. **Parking Area:** A portion of a lot with access to a street or alley, which is suitably surfaced and maintained for the temporary storage of motor vehicles, but not including the display of vehicles for sale.

131. **Parking Space, Off-Street:** A space containing parking area or a stall in a private garage.

132. **Performance Standards:** Criteria established by this subtitle to regulate certain uses.

133. **Person**: An individual, corporation, partnership, cooperative, limited-liability company, trust or other legal entity.

133p. **Plat**: A land division created by either a County or State Plat. (02/18/2015)

134. **Platform**: A support system that may be used to connect antennas and antenna arrays telecommunications towers or alternative support structures.

135. **Portable/Mobile Sign**: A sign mounted on a frame or chassis designed to be easily relocated and not permanently affixed to the ground or other structure.

136. **Prime Farmland:** An area with a Class I or Class II land capability classification as identified by NRCS. Any other land designated as "prime farmland" in the County's Certified Farmland Preservation Plan.

137. **Principal Building:** A building in which the primary use of the lot on which the building is located is conducted.

138. **Principal Residence:** A residence which is occupied at least 51% of the year by the owner.

139. **Principal Use:** The main use of land or structures, as distinguished from a secondary or accessory use.

140. **Private Sewage System:** A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Department of Safety and Professional Services including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.

141. **Professional Offices:** The office of one engaging in a calling requiring specialized knowledge and often long and intensive academic preparation, including but not limited to offices of doctors of medicine or dentistry, or ministers, architects, engineers, attorneys, musicians or artists.

142. **Protected Farmland**: Land which is located in either the IA or PA zoning districts and is covered by a farmland preservation agreement or is otherwise legally protected from nonagricultural development.

143. **Provider**: See "Carrier"

144. **Public Utilities:** Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

145. **Quarter Section and Quarter-Quarter Section:** A division of a section of land according to the rules of the original United States Government Public Land Survey.

146. **Quasi-Public Uses:** Those facilities which are partially public in nature such as churches, schools, cemeteries.

146i. **Renewable Energy Generation Facility (Intermediate):** Facility for generating electric power with a maximum footprint of 2.5 acres and with a name plate rating of 26kW up to 250kW (generally for large dairy, medium scale commercial operations or community solar applications). (6/17/2015); (03/23/2016)

146l. **Renewable Energy Generation Facility (large):** Facility for generating electric power with a maximum footprint of 5 acres and with a name plate rating of 251 kW up to 500 kW. (generally for large scale commercial or community solar applications or large scale renewable energy development applications). (06/17/2015)

146m. **Renewable Energy:** The generation of electric power from the sun, wind, hydro, biomass or biogas resource. (06/17/2015)

146s. **Renewable Energy Generation Facility (small):** Facility for generating electric power with a maximum footprint of ½ acre and with a maximum name plate rating of 25 kW (generally for residential or small scale commercial use). (06/17/2015)

147. **Repair Shop:** A place where motor vehicles or other materials are restored to a sound or good or operable state after decay, injury, dilapidation or partial destruction.

148. **Residential Base Density:** The number of dwelling units allowed within a parent parcel, protracted 40 and/or government lot and is expressed as the number of dwelling units per acres of land (1:8).

149. **Residential Bonus Density:** Two times the Residential Base Density. Allowed under the following standards: A covenant is filed with the Register of Deeds referencing the parcel of land under consideration for residential development; the covenant shall define the maximum number of dwelling units allowed; the covenant shall define/describe the open space and restrict such open space from future residential development.

150. **Resource Recovery Facility:** A structure in which collected solid waste is converted into reusable materials and in which incidental processing such as sorting, baling and storage is engaged in, not inclusive of storage of motor vehicles and farm machinery or parts thereof, appliances, putrescible, hazardous or toxic waste.

151. **Roadside Stand:** A structure having a ground area of not more than 400 square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed, and to be used solely for the sale of farm products.

152. **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.

152s. **Seasonal sign:** A sign, maximum of 32 square feet, erected for a limited period of time when retailing activities for a particular farm product is available to the public. (06/17/2015)

153. **Setback Lines:** Lines established parallel to rights-of-way, lot lines, or water bodies for the purpose of defining limits within which buildings or structures or uses shall be constructed, maintained or confined.

154. **Sign:** The use of any words, numerals, pictures, figures, devices or trademarks by which anything is made known to show an individual, firm, profession or business and are visible to the general public.

155. **Special Exception:** A special exception allows an owner to put property to a use which the zoning ordinance expressly permits when certain conditions are met. A special exception is sometimes called a conditional use. The two terms mean the same thing.

155s. **State Plat**: A map of a division of land prepared in accordance with Ch. 236, Wis. Stats., where:
(a) The act of division creates five (5) or more lots each one and one-half (1½) acres or less in area; or
(b) Five (5) or more lots each one and one-half (1½) acres or less in area are created by successive divisions within a period of five (5) years. (02/18/2015)

156. **Story:** That part of a building between a floor and either the next floor above, or the ceiling. A basement shall constitute a story if it is more than four (4) feet above grade level.

157. **Streets, Roads or Highways:** A thoroughfare which may either provide the principal means and/or movement of pedestrian and vehicular access to abutting property.

158. **Streets, Roads or Highways, Private:** A thoroughfare which is owned and maintained by a private entity for the use by a limited membership.

159. **Streets, Roads or Highways, Public:** A thoroughfare which is owned and maintained by a governmental entity for use by all members of society.

160. **Structural Alteration:** Any change in the supporting members of a building such as bearing walls, columns, rafters, beams, girders, footings and piles.

161. **Structure:** Anything constructed or erected, the use of which requires a permanent or temporary location on or in the ground, stream bed or lake bed, including but not limited to objects such as buildings, factories, sheds and cabins, mobile/manufactured homes, bridges, and transmission towers.
(a) Accessory Structure: A subordinate structure which is clearly and customarily incidental to and located on the same lot as a principal structure except that mobile/manufactured homes are not allowed as storage structures.
(b) Principal Structure: The main structure on a lot.

162. **Structure Height:** Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersect with the ground to a line horizontal to the highest point of a structure. (01/18/2017)

163. **Structure Setback:** The minimum distance between structure or use and property line or a road right-of-way line or high water mark of a water body.

163s. **Substation:** A fenced in assembly of equipment in an electric power system through which electric energy is passed for transmission, transformation, distribution, or switching generally reducing high voltage transmission electric power to make it suitable for supply to customers. (06/17/2015)

164. **Tailing Ponds:** Those areas where liquefied accumulations of waste from the processing of mining are placed on the land surface.

165. **Telecommunications Facility**: A facility, site, or location that contains one or more antennas, telecommunications towers, alternative support structures, satellite dish antennas, other similar communication devices, and support equipment which is used for transmitting, receiving, or relaying telecommunications signals, excluding facilities exempted under 13.3.12.

166. **Telecommunications Facility Structure**: A telecommunications tower or alternative support structure on which telecommunications antenna(s) may be mounted.

167. **Telecommunications Tower**: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including camouflaged towers, lattice towers, guy towers, or monopole towers. This includes radio and television transmission towers, microwave towers, and common-carrier towers. It shall exclude alternative support structures and those facilities exempted under 13.3.12.

167m. **Tourism:** The activity or business of providing information, food and/or lodging accommodations, transportation, entertainment and other services to tourists. (06/17/2015)

167s. **Town Border Station:** A fenced in assembly of equipment through which natural gas is passed for transmission to distribution pressures, and generally a point or measuring station at which a distributing gas utility receives gas. (06/17/2015)

168. **Tract**: A stretch of land.

169. **Trailer, Travel:** A vehicular portable structure built on a chassis, with or without complete kitchen, toilet, such facilities designed to be used for temporary habitation for travel or recreation.

170. **Unnecessary Hardship:** Circumstance which as a result of special conditions which were not self-created, affect a particular lot and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

171. **Use:** The purpose for which land or structures, or portions thereof, are occupied or maintained.
   (a) **Use, Accessory**: A use which is clearly and customarily incidental to and located on the same lot as a principal use.
   (b) **Use, Permitted**: A principal or accessory use of land or structures which is allowed as a matter of right within a particular district or districts, provided it conforms to all applicable requirements and standards of the districts.
   (c) **Use, Principal**: The primary or main use of land or structures as distinguished from an accessory use.

172. **Utilities:** Any public or private water supply or waste collection and/or disposal system including, but not limited to, septic systems, private and public wells including their attendant facilities, public sewage collection systems, and public utilities such as natural gas electric and telephone systems.

173. **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.

173m. **Value-added agriculture:** The enhancement or improvement of the overall value of an agricultural commodity, animal or plant product through means such as; marketing, agricultural processing, packaging, education presentation and tours. (06/17/2015)

174. **Variance:** The waiving by the Board of Adjustment of the literal provisions of this ordinance in cases where their strict enforcement would cause undue hardship because of physical circumstances unique to the property involved (limited to height, bulk, density and yard requirements.)

175. **Vehicular Sign:** Signs placed on or affixed to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to display the sign. However, this is not in any way intended to prohibit signs placed on or affixed to or in the windows of vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

176. **Warehouse:** A building used primarily for the storage of goods and materials.

177. **Warehouse, Mini**: A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor's supplies.

178. **Waste storage facility**: One or more waste storage structures. "Waste storage facility" includes stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. "Waste storage facility" does not include equipment used to apply waste to land.

179. **Waste storage structure**: A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. "Waste storage structure" does not include equipment used to apply waste to land. For purposes of ss. ATCP 51.12 (2) and 51.14, "waste storage structure" does not include any of the following:
(a) A structure used to collect and store waste under a livestock housing facility.
(b) A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.

180. **WPDES permit:** A Wisconsin pollutant discharge elimination system permit issued by DNR under ch. NR 243.

181. **Watershed:** The entire region or area contributing runoff or surface water to a particular watercourse or body of water.

182. **Well:** An excavation opening in the ground made by digging, boring, drilling, driving or other methods, for the purpose of obtaining groundwater regardless of its intended use.

183. **Wetlands:** Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and having soils indicative of wet conditions.

183m. **Winery:** An establishment operating under Wis. Stat. § 125.53 that manufactures, bottles, and stores wine on premises and which produces at least 100,000 gallons per year. Locally issued license/permits may allow wine sales directly to consumers, on premise tasting of wine, and may impose additional restrictions. Agricultural wineries in the IA, PA, and GA districts are not included in this classification. (09/20/2017)

184. **Yard:** Open space on a lot unoccupied by structures.

185. **Yard, Front:** A yard extending across the full width of a lot between the front lot line and the nearest part of the minimum front yard setback.

186. **Yard, Rear:** A yard extending the full width of the lot between the rear lot line to the nearest part of the structure.

187. **Yard, Side:** A yard on each side of the structure extending from the structure to the lot line and from the front yard line to the rear yard line.

188. **Zoning District:** A land area in which the zoning regulations are uniform. Requirements vary from district to district, but they must be uniform within districts.

189. **Zoning Map:** A map showing the location of zoning districts within a county, city or town which, along with the zoning text, comprises the zoning ordinance.

190. **Zoning Permit:** A permit issued by the code administrator indicating that the submitted plans comply with the zoning ordinance and that the use or structure proposed is allowed by the ordinance or has been allowed by the granting of a variance by the zoning board of adjustment.

191. **Zoning Text:** The text of the zoning regulations containing the terms and conditions of zoning within the community and setting forth zoning standards, procedures and requirements. The zoning text, along with the zoning map, constitute the zoning ordinance.

Adopted September 19, 2013.

Dates of Amendments are shown in parentheses following amended sections.

Appendix A

Animal Units Calculator
For Use in R1, R2 and R3 Districts

Livestock Type		**Animal Unit Factor**
Dairy Cattle	Milking and Dry Cows	1.4
	Heifers (800 lbs to 1200 lbs.)	1.1
	Heifers (400 lbs to 800 lbs.)	0.6
	Calves (up to 400 lbs.)	0.2
Beef Cattle	Steer or Cows (600 lbs.)	1
	Calves (less than 600 lbs.)	0.5
	Bulls (each)	1.4
Veal Calves	Per Animal	0.5
Swine	Pigs (55 lbs.)	0.4
	Pigs (up to 55 lbs.)	0.1
	Sows (each)	0.4
	Boars (each)	0.5
Turkeys	Per bird	0.018
Ducks	Per Bird	0.2
Sheep	(each)	0.1
Goats	(each)	0.1
Llamas	(each)	0.1
Alpacas	(each)	0.075
Horse or Pony	(each)	1.0

(06/17/2015)