BARRON COUNTY ORDINANCES

Governing Land Use and Development

A portion of the code of ordinances of Barron County

Agencies and Office Involved in Administration of These Ordinances

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

Barron County Land Services Department
Barron County Government Center
335 East Monroe Avenue, Room 2104
Barron, Wisconsin 54812
Telephone: (715)537-6375
Fax: (715)537-6847
www.barroncountywi.gov

Zoning Office Staff:
David Gifford, Director of Land Services/Zoning
Marshall Black, Compliance Technician
Mark Stanley, Zoning Technician
Kim Russell-Collins, Administrative Assistant

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

Zoning Committee Members:
Andrew Mommsen, Chairman
Bob Rogers, Vice Chairman
Steve Johnson, Secretary
Dale Heinecke
Marv Thompson

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

Board of Adjustment Members:
Jon Sleik, Chairman
Walt Organ, Vice Chairman
Gary Nelson
Chad Knutson
Pam Fall

TABLE OF CONTENTS

AMENDMENT CHANGES MADE TO THE BARRON COUNTY LAND USE ORDINANCE 5
INTRODUCTION 6
17.01 AUTHORITY 6
17.02 PURPOSE 6
17.03 INTENT 6
17.04 ABROGATION AND GREATER RESTRICTIONS CONFLICTING ORDINANCES 6
17.05 INTERPRETATION AND SEVERABILITY 7
17.06 TITLE 7
17.07 EFFECTIVE DATE 7
17.08 DEFINITIONS 9
GENERAL PROVISIONS 22
17.10 JURISDICTION 22
17.11 COMPLIANCE 23
17.12 USE RESTRICTIONS 23
17.13 SETBACK AREAS 23
17.14 HEIGHT REGULATIONS 28
17.15 LOT REQUIRED FOR EACH USE; STREET ACCESS. 29
17.16 PARKING 29
17.17 NONCONFORMITIES 30
17.18 TEMPORARY USES 33
17.19 SIGN REGULATIONS 33
17.20 CONDOMINIUMS 36
ZONING DISTRICTS 42
17.25 ESTABLSIHED 42
17.26 ZONING MAPS 42
17.27 BOUNDARIES 42
17.28 A-1 EXCLUSIVE AGRICULTURAL DISTRICT 43
17.29 C-1 WETLAND CONSERVANCY DISTRICT 47
17.30 C-2 UPLAND CONSERVANCY DISTRICT 49
17.31 MR MINERAL RESERVATION DISTRICT 50
17.32 R-1 RESIDENTIAL LOW DENSITY DISTRICT 53
17.33 R-2 RESIDENTIAL HIGH DENSITY DISTRICT 56
17.34 R-3 MOBILE HOME PARK AND SUBDIVISION DISTRICT 60
17.35 UV UNINCORPORATED VILLAGE DISTRICT 61

17.36 RR RECREATIONAL – RESIDENTIAL DISTRICT 62
17.37 AG-2 AGRICULTURAL-2 DISTRICT 66
17.38 B BUSINESS DISTRICT 68
17.39 I IDUSTRIAL DISTRICT 70
17.40 PLANNED RESIDENTIAL DEVELOPMENT OVERLAY 72
17.41 SHORELAND PROTECTION OVERLAY AREA 74
APPENDIX A: MITIGATION OPTIONS 85
17.42 FLOODPLAIN ZONING ORDINANCE 89
17.43 SHORELAND WETLAND OVERLAY 123
17.49 MOBILE TOWER SITING ORDINANCE 126
LAND DIVISION ORDINANCE 131
17.50 APPLICABILITY 131
17.51 LAND DIVISION REQUIREMENTS 131
17.52 COUNTY STANDARDS 132
17.53 APPLICATION FOR COUNTY APPROVAL 133
17.54 PROCEDURE FOR COUNTY REVIEW 134
17.55 MISCELLANEOUS PROVISIONS 135
SANITARY ORDINANCE 136
17.60 PRIVATE WELLS AND ONSITE WASTEWATER TREATMENT SYSTEMS 136
17.63 WATER SUPPLY 136
17.64 PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS (POWTS) 136
17.65 ANIMAL WASTE 146
ADMINISTRATION AND ENFORCEMENT 147
17.70 GENERAL PROVISIONS 147
17.71 BOARD OF SUPERVISORS 147
17.72 ZONING COMMITTEE 147
17.73 ZONING ADJUSTMENT BOARD 147
17.74 ZONING ADMINISTRATOR 151
17.75 IMPACT STUDIES AND REPORTS 155
17.76 LIMITATIONS ON COUNTY LIABILITY 156
17.81 REZONINGS AND ORDINANCE AMENDMENTS 156
17.90 ENFORMENT AND PENALTIES 164
INDEX 167

AMENDMENT CHANGES MADE TO THE BARRON COUNTY LAND USE ORDINANCE

DATES ADOPTED BY THE COUNTY BOARD

January 20, 1986	Technical & Editorial changes made to the Barron County Land Use Ordinance
June 19, 1989	Revised Ordinance Amendments
September 25, 1989	Floodplain Ordinance Adopted
September 24, 1990	Amended the Animal Waste Storage Facility Ordinance (8/90)
April 16, 1991	Repeal & Recreation of the Floodplain Ordinance
April 16, 1991	Revised Ordinance Amendments
April 23, 1992	Revised Ordinance Amendments
April 20, 1993	Revised Ordinance Amendments
April 18, 1995	Revised Ordinance Amendments
April 16, 1996	Revised Ordinance Amendments
April 15, 1997	Revised Ordinance Amendments
April 23, 1998	Revised Ordinance Amendments
June 15, 1998	Revised Ordinance Amendments
April 20, 1999	Revised Ordinance Amendments
June 21, 1999	Revised Ordinance Amendments
April 18, 2000	Revised Ordinance Amendments
November 14, 2000	Revised Shoreland Overlay District/Amendments - Sec. 17.41
March 19, 2001	Revised Ordinance Amendments/Private Sewage Systems – Sec. 17.64
May 21, 2001	Adoption of the Barron County Land Use Plan
November 13, 2001	Revised Ordinance Amendments/Condominiums – Sec. 17.20
November 13, 2001	Adoption of the Telecommunication Towers, Antennas, and Related Facilities Ordinance – Sec. 17.49
March 18, 2002	Revised Ordinance Amendments
August 19, 2002	Revised Ordinance Amendments
March 24, 2003	Revised Ordinance Amendments
November 12, 2003	Revised Ordinance Amendments
February 23, 2004	Revised Ordinance Amendments
May 17, 2004	Revised Ordinance Amendments
January 17, 2005	Revised Ordinance Amendments
April 19, 2006	Revised Ordinance Amendments
October 16, 2006	Revised Ordinance Amendments (Livestock Siting Rule ATCP 51)
May 21, 2007	Revised Ordinance Amendments
May 18, 2009	Revised Ordinance Amendments
September 21, 2009	Revised Floodplain Ordinance
September 19, 2011	Revised Ordinance Amendments
April 17, 2012	Revised – Floodplain Amendment
May 19, 2014	Revised – Mobile Tower Siting Ordinance
November 7, 2016	Revised – 17.08, 17.81; Repealed & recreated 17.28
January 9, 2017	Repeal & recreated – 17.17, 17.41, 17.43; Revised 17.08, 17.14, 17.81

INTRODUCTION

17.01 AUTHORITY

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

17.02 PURPOSE

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

17.03 INTENT

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

17.04 ABROGATION AND GREATER RESTRICTIONS CONFLICTING ORDINANCES

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

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

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

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

(5) PRIVATE SEWAGE SYSTEM AND WELL REGULATIONS. It is intended that the private sewage and well provisions of this chapter shall supersede all provisions of any ordinance which relates to private sewage systems or wells, except that where another ordinance is more restrictive than the private sewage system and well regulations of this chapter, that regulation shall continue in full force and effect to the extent of the greater restrictions but not otherwise.

17.05 INTERPRETATION AND SEVERABILITY

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

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

17.06 TITLE

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

17.07 EFFECTIVE DATE

(1) IN GENERAL.

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

(b) NON-SHORELAND JURISDICTION AREAS. Unless otherwise expressly stated, the effective date of this chapter in the unincorporated areas of the county not subject to county shoreland zoning jurisdiction shall be the date on which the Town Board approves this chapter. See section 17.10(1)(a).

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

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

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

17.08 DEFINITIONS

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

ACCESS AND VIEWING CORRIDOR. A strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

ACCESSORY STRUCTURE. Anything constructed or erected, the use of which requires permanent or temporary location on the ground, or attached to something having a permanent or temporary location on the ground, including but not limited to any structure, driveways, fences, or other improvements or any part of such structure. An accessory structure includes any permanent or temporary appurtenance attached thereto; a subordinate detached structure which is clearly incidental to, and customarily associated with, the principal structure to which it is related, and which is located on the same lot as the principal structure; including but not limited to detached garages, sheds, barns, gazebos, patios, decks, swimming pools, hot tubs, fences, retaining walls, driveways, parking lots, sidewalks, detached stairways and lifts.

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

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

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

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

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

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

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

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

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

BOATHOUSE. A permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.

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

1. Metes and bounds,
2. Vectors, or
3. Monuments,
4. Or by any combination of above methods.

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

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

BUILDING ENVELOPE. The three dimensional space within which a structure is built.

BUFFER ZONE. An area of natural shoreland vegetation.

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

COMMUNITY LIVING ARRANGEMENT. As defined under Wis. Stats. Sections 48.02(7), 48.60, and 50.01(1). "Community living arrangement" means any of the following facilities licensed or operated, or permitted under the authority of the department: child welfare agencies under sec. 48.60, group homes for children under sec. 48.02(7) and community-based residential facilities under sec. 50.01; but does not include daycare centers, nursing homes, general hospitals, special hospitals, prisons and jails.

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

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

CONTIGUOUS. Connected, unbroken areas of land owned by the same person(s) where the connection is more than a single point. Areas separated by road or railroad are not contiguous.

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

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

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

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

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

CROP. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes, and dry beans; vegetables, including tomatoes, carrots, sweet corn, and squash; plants raised for culinary, medicinal, or aesthetic purposes, including herbs and spices, ginseng, and ornamental shrubs and trees; plants raised for energy production, including switchgrass, or textile use, including cotton and bamboo.

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

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

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

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

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

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

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

EFFECTIVE DATE. See section 17.07 of this chapter.

EXEMPT STRUCTURES (Shoreland areas). Listed under NR115.05 (1) 4.(b)1.1ma.-f. Structures that are exempt from the shoreland Setback of 75 feet that satisfy the requirements in Wis. Stats. 59.692(1v), Boathouses, walkways, stairways, or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width.

EXISTING PATTERN OF DEVELOPMENT. Existing development pattern means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

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

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

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

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

FARM. All land under common ownership that is primarily devoted to agricultural use.

FARM ANIMALS. See "livestock."

FARM FAMILY BUSINESS. A business, activity, or enterprise, whether or not associated with an agricultural use, that: is conducted by the owner or operator of a farm; requires no buildings, structures, or improvements other than those described in 17.28(1)(b); employs no more than 4 full-time employees annually; and does not impair or limit the current or future agricultural use of the farm or of other protected farmland. This includes the following:

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

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

FARM RESIDENCE. A single-family dwelling in an A-1 or A-2 district which is the only residential structure on the farm.

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

FIRE PIT. A structure used to contain an outdoor fire and constructed to have a permanent location on the landscape such as a depression surrounded by pavers, gravel or other impervious surfaces. Metal fire rings or other movable vessels intended to contain an outdoor fire are not considered fire pits for regulatory purposes.

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

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

FLOODPLAIN. The land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in ch. NR 116, Wis. Adm. Code.

FOOTPRINT. The exact perimeter outline of existing structure on the ground surface.

FORESTRY BEST MANAGEMENT PRACTICES (BMPS). Forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the Department of Natural Resources publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.

GARAGE, ATTACHED. See attached garage.

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

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

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

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

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

IMPERVIOUS SURFACE AREAS. An area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surface includes, but is not limited to rooftops, sidewalks, structures, decks, walkways, driveways and parking areas, (including graveled areas) unless specifically designed, constructed, and maintained to be pervious. "Impervious surface" excludes frozen soil, streets and Roadways as defined in Wis. Stats. 340.01(54), Wis. Adm. Code.
Note: Gravel -- Typical gravel materials used for roads and parking lots are engineered and compacted to withstand heavy loads. These compacted gravel materials form a seal through which water will not readily infiltrate. Runoff from gravel is similar to paved surfaces with only a slight reduction in runoff. Gravel driveways are therefore considered impervious.

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

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

LAND DISTURBANCE ACTIVITIES. Construction, grading, filling, excavating or any other activities which result in the temporary or permanent removal of vegetative cover, increased potential for soil erosion, increased stormwater runoff volumes or velocities, or increased total area of impervious surfaces; or activities which include but are not limited to construction on steep slopes, development of private boat landings or access roads to the water body, development of paths to the shoreline requiring disturbance of the land.

LAND DIVISION. Any recorded document, such as a deed, plat, or certified survey map, which creates a new lot line.

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

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

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

LIVESTOCK. Domestic animals traditionally used in this state in the production of food, fiber or other animal products. "Livestock" includes bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

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

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

LOAD-BEARING WALL. See Bearing Wall.

LOT. An area of land whose existence, location, and dimensions have been legally recorded at the office of the Register of Deeds in a deed or on a certified survey map or plat provided such lot was of a size that met the minimum dimensions and approvals for lots according to the Land Use Ordinance at the time of recording or was recorded prior to the effective date of zoning in the area where the lot is located.

LOT AREA. The parcel of land occupied or intended to be occupied by buildings and accessory uses. No land included in a road or highway right-of-way, ingress/egress easement, public stream, or public water body may be included when computing lot area.

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

LOT WIDTH. The lot width is the shortest horizontal straight line measurement between the side lot lines and shall be measured beginning at the front setback line and apply throughout the depth of the lot.

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

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

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

MITIGATION. Balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

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

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

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

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

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

NAVIGABLE WATERS. Means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under s. 281.31(2)(d), Wis. Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.692, Wis. Stats, and ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to:

1. Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
2. Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body

NON-CONFORMING STRUCTURE (Shoreland area). Can be a principal or an accessory structure. An existing structure that was lawfully placed when constructed but that does not comply with the required building setback under NR115.05(1) (b) 1, (75 feet from OHWM).

NONFARM RESIDENCE. A single-family dwelling in an A-1 or A-2 district which is the only residential structure on the property, where the property does not meet the definition of a farm.

NON-PLUMBING SANITATION SYSTEM. Sanitation systems and devices within the scope of DSPS 391, Wisconsin Administrative Code, which are alternatives to water carried waste plumbing fixtures and drain systems; including incineration toilets, composting toilets, privies, and camping unit transfer containers.

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

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

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

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

OUTLOT, CERTIFIED SURVEY MAP. A land division created by certified survey map which does not meet lot standards and is intended to describe an area of land to be attached to an adjoining lot. Outlots shall not be in separate ownership from adjoining lot(s). This does not apply to outlots dedicated to the public such as streets or parks.

OUTLOT, PLAT. An area designated on a plat which delineates open space such as greenways or parks and is not intended for building purposes. An outlot may or may not meet lot standards.

PARCEL. See LOT

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

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

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

PLAT. A recorded map of land division meeting the definition of a subdivision in SS 236.02(12)(am).

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

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

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

POWTS. See Private Sewage System.

PREVIOUSLY DEVELOPED LAND. A lot or parcel that was developed with a structure legally placed upon it.

PRINCIPAL STRUCTURES. Anything constructed or erected the use of which requires a permanent or temporary location on the ground, including but not limited to any structure, in which the principal use of the lot is being conducted. Principal structures do not include boathouses or accessory structures such as decks, gazebos, storage structures (used for personal storage).

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

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

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

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

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

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

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

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

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

RECREATIONAL VEHICLE. A vehicular type unit primarily designed as temporary living quarters for recreational, camping, travel or seasonal use that either has its own mode of power, or is mounted on, or towed by another vehicle, and which does not exceed 8.5 feet in width and 45 feet in length. A recreational vehicle is a motor home or travel trailer.

ROADSIDE STAND. A temporary marketing site on a farm, operated by the farm family, where produce grown on the farm is sold directly to consumers.

ROUTINE MAINTENANCE OF VEGETATION. Normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

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

SEPTIC TANK. An anaerobic treatment tank.

SHORELAND. Lands within the following distances from the ordinary highwater mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

SHORELAND SETBACK. Also known as the "Shoreland setback area" in Wis. Stats. 59.692(1) (bn), means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under Wis. Stats. 59.692.

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

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

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

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

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

STATE. The Wisconsin Department of Safety and Professional Services.

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

STRUCTURE (SHORELAND AREA). A principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or firepit.

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

SUBDIVISION. See LAND DIVISION.

SUBSTANDARD LOTS. A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current requirements for a new lot.

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

SURVEY MAP, PRELIMINARY. See PLAT, PRELIMINARY.

TAX PARCEL. An area of land described for assessment and tax purposes which may or may not meet the lot standards of the Land Use Ordinance.

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

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

TRAVEL TRAILER. A non-self-propelled recreational vehicle with wheels designed to be used as a piece of camping equipment, pulled by, or attached to a motor vehicle. Unit must include living quarters, and provide cooking, eating, sleeping, and bathroom facilities and internal sanitation as provided by the manufacturer (kitchen and bathroom facilities can be waived for Truck-Mount and Pop-Up Travel Trailers).

TRAVEL TRAILER, CONVENTIONAL. A Travel Trailer designed to be towed by a car, van, or pick-up truck with a bumper or frame hitch.

TRAVEL TRAILER, POP-UP. A Travel Trailer with sides that collapse, and is designed to be towed by a car, van, or pick-up truck with a bumper or frame hitch.

TRAVEL TRAILER, FIFTH-WHEEL. A Travel Trailer designed to be affixed and towed by a vehicle that is equipped with a special hitch affixed to the bed of a tow vehicle.

TRAVEL TRAILER, TRUCK-MOUNT. A Travel Trailer designed to be affixed to the bed of a pick-up truck.

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

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

UNNECESSARY HARDSHIP. That circumstance where special conditions affecting a particular property, which were not self–created, have made strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the zoning ordinance.

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

WALL, BEARING. See Bearing Wall.

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

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

GENERAL PROVISIONS

17.10 JURISDICTION

(1) COMPREHENSIVE LAND USE REGULATION.

(a) APPROVED TOWNS. The table below illustrates which Towns, or areas of Towns, are subject to comprehensive land use regulations (General County Zoning), and are therefore subject to all sections of this chapter.

TOWN	TOWNS UNDER GENERAL ZONING	ZONED ONLY IN SHORELAND AREAS	DATE OF ADOPTION	ORIGINAL DATE OF ADOPTION	TOWN RESOLUTION Sec. 59.69(5)(e)3 Date Certified, Copy Filed
Almena	x		10/02/76	09/06/73	
Arland		X			
Barron	X		10/04/76	04/08/71	
Bear Lake		X			
Cedar Lake	X		04/30/02	04/30/02	
Chetek		X			
Clinton	X		10/10/00	10/10/00	
Crystal Lake	X		01/11/77	02/08/71	
Cumberland	X		07/15/76	12/21/72	
Dallas	X		08/26/85	08/26/85	
Dovre		X		08/05/74	
Doyle	X		01/11/94	01/11/94	
Lakeland		X			
Maple Grove	X		06/16/86	06/16/86	
Maple Plain	X		11/07/84	11/07/84	
Oak Grove	X		02/01/77	02/01/77	
Prairie Farm		X			
Prairie Lake	X		05/18/77	06/07/71	11/20/03
Rice Lake	X		05/09/77	05/09/77	05/17/07
Sioux Creek		X			
Stanfold	X		07/15/76	05/01/71	
Stanley	X		11/08/76	07/26/71	
Sumner	X		02/07/77	07/07/71	
Turtle Lake	X		04/17/90	04/17/90	
Vance Creek		X			

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

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

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

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

17.11 COMPLIANCE

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

17.12 USE RESTRICTIONS

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

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

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

17.13 SETBACK AREAS

(1) GENERAL REQUIREMENTS. Every lot or parcel shall contain setback areas from highways and lot lines as required by the zoning district in which the lot or parcel is located.

(a) Every part of a required setback area shall be open and unoccupied by structures from the ground upward.

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

(c) METHOD OF MEASURING ACTUAL SETBACK DISTANCE FOR DETERMINING COMPLIANCE WITH MINIMUM SETBACK REQUIREMENTS. The actual distance a structure is, or will be, setback from a subject boundary line (i.e. highway centerline, lot line, ordinary high water mark line) is determined by measuring along a

horizontal line from the nearest part(s) of the subject structure to where the line intersects the subject boundary line at its nearest point.

(2) EXEMPTIONS FROM SETBACK REQUIREMENTS. The following are exempt from the setback requirements of subsection (3) and (4):

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

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

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

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

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

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

1. Telephone and power transmission and distribution towers, poles and lines, transformers, substations, repeater stations and similar necessary mechanical appurtenances, and portable equipment housing that are readily removable in their entirety, microwave radio relay towers and appurtenances, underground utility lines and other underground structures not capable of being used as foundations for prohibited over-ground structures. Additions to and replacements of all such structures which existed before the effective date of this chapter may be made, provided the owner files with the County Clerk, an agreement in writing to the effect that the owner will remove all new construction, additions, and replacements erected after the adoption of this chapter at his expense, when necessary for the improvement of the highway.
2. Access or service highways constructed according to plans approved by the County Highway Committee.
3. Septic tanks and other private means of waste disposal, if allowed by the Sanitary Code, Wisconsin Administrative Code, SPS 383.
4. The planting and harvesting of field crops, shrubbery or trees, except as these may be restricted within a vision clearance triangle.
5. Within a vision clearance triangle, no structure or object of natural growth shall be so constructed, maintained or permitted to grow as to obstruct the view between a height of 2 ½' and 10' above the elevation of the street or highway. This regulation shall not apply to the trunks of trees, posts not over 6" square or in diameter, retaining walls used to support ground at or below its natural level, or wire fences so designed and constructed as not to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance opening from one highway or street to another.

(3) HIGHWAY SETBACK REQUIREMENTS.

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

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

1. CLASS A HIGHWAYS. All arterial highways classified as freeways or expressways are hereby designated as Class A Highways.
   a. The setback from freeways or expressways shall be 50 feet from the right-of-way. These setbacks are also applicable to all officially mapped or highway locations or where right-of-way has been purchased for future highway locations.
2. CLASS B HIGHWAYS. All federal or state highways not designated as Class A Highways are designated as Class B Highways.
   a. The setback from Class B Highways shall be 75 feet from the right-of-way or 108 feet from the centerline of such highway, whichever is greater.
3. CLASS C HIGHWAYS. All county trunk highways not designated as a Class B Highway, are hereby designated as Class C Highways.
   a. The setback from Class C Highways, except County Trunk Highway "SS" (the corporate limits of the Village of Cameron to the City limits of Rice Lake), shall be 50 feet from the right-of-way or 83 feet from the centerline of such highway whichever is greater.
   b. HIGHWAY SS CORRIDOR PLAN
      (1) The setback requirement for County Trunk Highway "SS"; (the corporate limits of the Village of Cameron to the City limits of Rice Lake) shall be 150 feet from the centerline of the closest double lane of traffic. Buildings which were constructed prior to the effective date of this Chapter, on lands abutting Highway SS from the corporate limits of Cameron to the City limits of Rice Lake, which do not conform to the setback dimensional rules shall continue to exist.
4. CLASS D HIGHWAYS. Other highways, such as Town roads, not included in the above classifications are hereby designated as Class D Highways.
   a. The setback from Class D Highways shall be 63 feet from the centerline of such highways or 30 feet from the right-of-way line whichever is greater.
5. PRIVATE ROAD AND EASEMENT SETBACK: Setbacks from a private roadway or access easement for the purpose of vehicular traffic shall be 30 feet from the right of way line. If no right of way line is recorded, the required setback shall be 30 feet measured from the edge of the established road surface.

(c) QUICK REFERENCE TABLE OF MINIMUM HIGHWAY SETBACK REQUIREMENTS:

Minimum Highway Setback Requirements (feet)		
Highway Type & Class	Centerline	Right-of-Way
Expressway/Freeway (A)	N/A	50’
State/Federal Highway (B)	108’	75’
County Highway (C)	83’ *	50’ *
Town Road (D)	63’	30’
Easement/Private Road	N/A	30’

* On CTH SS between Cameron and Rice Lake a 150’ setback from the centerline of the closest lane of traffic shall be required. See Section 17.13(3)(b)3.b.(1)

Note: Road setback to be enforced shall be from the centerline or the right-of-way, whichever measurement is more restrictive.

(d) VISION CLEARANCE TRIANGLES AT INTERSECTIONS. In addition to the setback lines established under this subsection which parallel the road, setback lines shall be established hereunder to create vision clearance triangles at intersections. There shall be a vision clearance triangle setback line in each quadrant of all intersections of roads or streets, with other roads or streets, and of roads or streets with railroads. The vision clearance triangle shall be bounded by the road or railroad right-of-way lines, and a vision clearance setback line connecting points on each right-of-way which are located a distance back from the intersection of the right-of-way lines equal to twice the setback required on the intersecting road or street. In the case of railroads, the setback, for the purposes of this paragraph, shall be considered to be 100’ from the centerline of the right-of-way. In addition, the following special rules shall apply:

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

(e) EFFECT OF WIDENING ON SETBACK LINES.

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

(f) REDUCED SETBACKS.

1. Reduced setbacks as provided below, if approved, shall be set by the Zoning Administrator upon consultation with the Highway Commissioner or other town officials.
2. Reduced setbacks may be established where there is at least one main building on either side of the applicant’s proposed building site within 200 ft. of the proposed site. The reduced setback shall not be less than the average of the setbacks of the existing main buildings on each side of the proposed

site. Where there is only one existing main building, the setback shall not be less than the average of the setback of existing building and the required setback.

3. Reduced setbacks may be established where right-of-way lines are marked irregularly along a stretch of road.
4. Setbacks may be reduced to allow placement of garages in accessible locations on steeply sloped lots, provided, however, that no garage may be located less than one car length distant from the right-of-way line.

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

(4) YARD SETBACK REQUIREMENTS

(a) Minimum rear and side yard setback standards apply based on the type of structure in question and the zoning district for which the structure is/will be located.

(b) Minimum yard setback requirements are established in the table below:

Minimum Yard Setback Requirements (feet)

TYPE OF STRUCTURE	YARD	ZONING DISTRICT							
		A-1, A-2	B	C-1	C-2	I	MR	R-1, R-2, R-3, RR	UV
Principal Structures	Side yard	10′	6′; or 10′ if abutting a Residential lot	Determined by Board of Adjustment as a condition of Special Exception	10′	Refer to 17.39(3)	*Agricultural & Conservancy Uses:* Refer to A-1 setbacks	10′	10′
	Rear yard	25′	12′		25′			25′	25′
Accessory Structures	Side yard	10′	6′; or 10′ if abutting a Residential lot		10′		*Mineral Uses:* Refer to 17.31(3)(b)	10′	10′
	Rear yard	10′	12′		10′			10′	10′

(5) ADDITIONAL SETBACK REQUIREMENTS

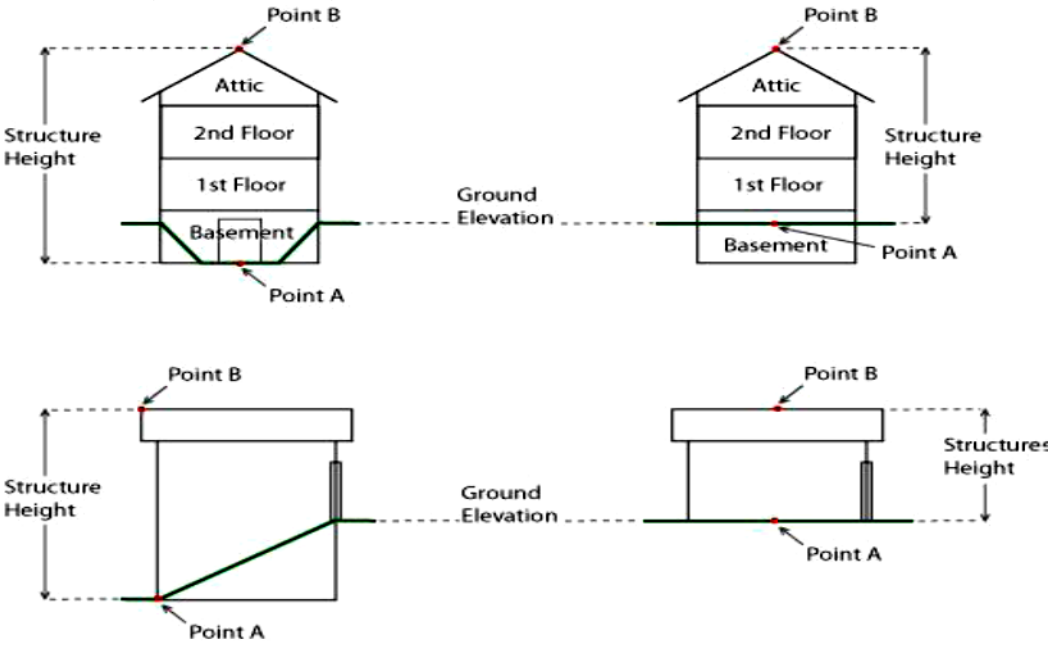
(a) SHORELAND SETBACKS. Minimum setback requirements from the ordinary high water mark of navigable waters are established in section 17.41(5)(d). Structures and surfaces that are exempt from the shoreland setback requirements may differ from those exempt from highway and yard setback requirements as listed in subsection (2).

(b) PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS (POWTS) SETBACKS. Minimum setback requirements relating to POWTS are established in Wisconsin Administrative Code, Chapter SPS 383.

17.14 HEIGHT REGULATIONS

(1) <u>CONFORMANCE.</u> Except as provided below, all buildings and structures shall conform to the height regulations for the zoning district in which they are located.

(2) <u>METHODS OF DETERMINING PERMISSIBLE HEIGHTS.</u> Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and it's intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code and excluding architectural projections such as chimneys, flues and cupolas.



(3) <u>SHORELAND OVERLAY DISTRICT, 17.41.</u> To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, a county may not permit any construction that result in a structure taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable waters.

(4) <u>ALLOWABLE INCREASE IN HEIGHT.</u> EXCEPT FOR (3)

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

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

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

building in a residential district, or which adjoins a residential lot and is not separated therefrom by a street, shall be located not less than 25' from the lot line.

(5) ZONING PERMIT REQUIRED.

(a) When facilities subject to sub. (4) require a zoning permit to be issued by the Zoning Administrator, the Zoning Administrator shall, before issuing the permit, investigate and determine whether any such facility which is to exceed 35' in height above ground level will create or may create fire protection problems.

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

17.15 LOT REQUIRED FOR EACH USE; STREET ACCESS.

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

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

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

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

17.16 PARKING

(1) PARKING SPACES REQUIRED.

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

(b) Mobile home parks shall provide off street parking spaces as provided in sec. 17.33(2)(d)22.

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

(2) DESIGN AND DEVELOPMENT OF REQUIRED PARKING SPACES.

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

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

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

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

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

17.17 NONCONFORMITIES

(1) GENERAL.

(a) APPLICABILITY. The regulations of this chapter govern uses, structures, lots, and other situations that came into existence legally, but that do not comply with one or more requirements of this Code.

(b) PURPOSE AND INTENT. It is the general policy of the County to allow uses, structures, and lots that came into existence legally in conformance with then-applicable requirements to continue to exist and be put to productive use, but to require eventual compliance with the Code. The regulations of this chapter are intended to:

1. Recognize the interests of property owners in continuing to use their property.
2. Promote reuse and rehabilitation of existing buildings.
3. Place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

(c) DETERMINATION OF NONCONFORMING STATUS. The burden of establishing that any nonconformity is a legal nonconformity shall in all cases be upon the owner of such nonconformity.

(d) CHANGE OF TENANCY OR OWNERSHIP. The status of nonconformity is not affected by changes of tenancy, ownership, or management.

(2) NONCONFORMING USES.

(a) EXISTING NONCONFORMING USES. The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Code may be continued although the use does not conform with the provisions of this Code. However, only the portion of the structure, land or water in actual use may be so continued, and the structure, land, water or area within which the use is contained may not be extended, enlarged, modified, added to, repaired, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order, so as to comply with the provisions of this Code, or in accord with S. (2)(b)4.

(b) CHANGE OF USE.

1. CHANGE TO A CONFORMING USE. A nonconforming use may be changed to any use that is allowed in the zoning district in which it is located, subject to all standards and requirements applicable to the new use. Once a nonconforming use is converted to a conforming use it may not be changed back to a nonconforming use.

2. CHANGE TO OTHER NONCONFORMING USE. The Board of Adjustment shall be authorized to approve a change of use to a use not otherwise allowed in the underlying zoning districts if the Board of Adjustment finds that the new proposed use will be no more injurious to the Land Use Code than the previous use or will decrease the extent of the nonconformity. If the Board of Adjustment approves such a change of use, it shall be authorized to impose conditions it deems necessary to reduce or minimize any potentially adverse effect upon other property in the neighborhood, and to carry out the general purpose and intent of this Code. Any condition imposed must relate to a situation created or aggravated by the proposed use and must be roughly proportional to its impact.
3. SUBSTITUTION OF NEW EQUIPMENT. Substitution of new equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the nonconforming use with neighboring uses.
4. EXPANSION. Existing nonconforming uses may not be expanded if the expansion would increase the degree of nonconformity. For purposes of this section, the construction or the placement of a principal or accessory structure on a lot which contains a nonconforming use shall be considered an expansion of the nonconforming use of the property.
5. ABOLISHMENT OR REPLACEMENT. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water, shall conform to the provisions of this Code.
6. DAMAGES OR DESTRUCTION OF STRUCTURE, LAND OR WATER WHICH CONTAINS A NONCONFORMING USE. Except as provided for in s.(1)(d), when any structure, land or water which contains a nonconforming use is damaged by fire, explosion, flood, public enemy, or other calamity to the extent of more than 50 percent of its current assessed value, it shall not be restored except so as to comply with the use provisions of this Code.
7. TOTAL LIFETIME REPAIRS. Except as provided for in s. (1)(d), the total lifetime structural repairs, modifications, additions or alterations of the structure, land or water which contains a nonconforming use shall not exceed 50 percent of the County's current assessed value of the structure, land or water which contains the nonconforming use unless the use of said structure, land or water is permanently changed to conform to the use provisions of this Code.

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

(3) NONCONFORMING STRUCTURES.

(a) EXISTING NONCONFORMING STRUCTURES. Lawfully existing nonconforming structures existing at the time of the adoption or amendment of this Code may be continued, although their size or location does not conform with the provisions of this Code.

(b) REPAIRS, MAINTENANCE, ADDITIONS AND ENLARGEMENTS TO LEGAL EXISTING NONCONFORMING STRUCTURES. The following repairs, maintenance, additions and enlargements to legal existing nonconforming structures are permitted by this code:

1. INCIDENTAL REPAIRS AND NORMAL MAINTENANCE. Incidental repairs and normal maintenance of nonconforming structures shall be allowed unless such repairs or maintenance increase the extent of nonconformity or are otherwise expressly prohibited by this Code. For purposes of this section, "incidental repairs" shall mean repairs that are subordinate and minor in significance. Incidental repairs and normal maintenance repairs are not considered a modification or addition and are not

considered an increase in the extent of the nonconformity; Incidental repairs and normal maintenance include painting, decorating, paneling, re-roofing or re-shingling a roof, replacing siding, replacement of doors, windows and other non-structural components and the maintenance, repair or replacement of existing private onsite wastewater treatment systems (POWTS) or water supply systems or connections to public utilities. Incidental repairs and ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure. Nothing in this section shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.

2. ADDITIONS AND MODIFICATIONS. No new basements, additional stories, lateral expansion or accessory construction outside of the perimeter of existing structure or building, except as allowed under this subsection, shall be permitted unless the proposed construction complies with all applicable provisions of this Code.
   a. The repair, maintenance, renovation, rebuilding, and remodeling of a nonconforming structure or any part of a nonconforming structure is permitted provided the activity is confined to the existing three dimensional building envelope of the structure.
   b. The replacement of an existing roof is permitted provided the replacement roof does not extend outside the perimeter of the existing roofline. A flat roof may be replaced with a pitched roof provided the pitched replacement roof does not exceed the height requirements of this Code and provided no additional stories, such as a loft, are added to the structure or building.
   c. Additions and modifications to legal existing nonconforming structures that comply with the applicable setback and other applicable dimensional requirements of this Code are permitted.
3. MOVEMENT. If a legal existing nonconforming building or structure is moved either horizontally or vertically for any reason, for any distance or height, it shall thereafter conform to the provisions of this Code except as allowed under Section (3)(b).
4. Reconstruction of Damaged Nonconforming Structures.
   a. Except as allowed under Sections (3)(b)1. and (3)(b)2., if a nonconforming structure was damaged or destroyed prior to March 2, 2006 by any means the structure shall not be reconstructed except in compliance with all regulations applicable to the zoning district in which it is located. No repairs, replacement or reconstruction shall be undertaken unless commenced within one year of the date of the damage or destruction and diligently carried on to its completion. The burden of determining the date the damage occurred shall in all cases fall upon the owner of such nonconforming structure.
   b. If a nonconforming structure was damaged or destroyed to any extent by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation or other casualty not intentionally caused by the owner, on or after March 2, 2006, the structure shall be allowed to be restored to the size, subject to (3)(b)4c, location, and use that it had immediately before the damage or destruction occurred.
   c. The restoration of a structure allowed under (3)(b)4b shall allow for the size of the structure to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.
   d. Voluntary demolition of nonconforming structures. Except as allowed under Sections (3)(b), (3)(b)4a, (3)(b)4b and (3)(b)4c, following the abatement or the voluntary demolition of a nonconforming structure or portion thereof, by the owner or the owner's agent, the structure shall not be reconstructed except in compliance with all applicable regulations of this Code.

5. COMPLIANCE WITH SANITARY REQUIREMENTS. The provisions of this section with respect to additions or enlargements, movement, and reconstruction are applicable only if the lot or parcel conforms with sanitary requirements.
6. NONCONFORMING BOATHOUSES. The maintenance and repair of nonconforming boathouses which are located below the ordinary highwater mark of any navigable waters shall comply with the requirements of Section 30.121 of the Wisconsin Statues.

(4) NONCONFORMING STRUCTURES AND USES WITHIN THE SHORELAND OVERLAY AREA. Refer to Section 17.41(9).

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

17.18 TEMPORARY USES

(1) The following temporary uses may be established in any district from which they are otherwise excluded by the regulations of this chapter, under the conditions hereinafter specified:
   (a) Real estate offices.
   (b) Temporary buildings and the temporary storage of materials and equipment incidental to the construction of buildings on the premises.
   (c) A house trailer or mobile home to be occupied by an owner or builder, while residential construction is in progress.

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

17.19 SIGN REGULATIONS

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

(1) RULES APPLICABLE TO ALL SIGNS.
   (a) No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered, except in conformity with the provisions of this section, § 84.30, Wisconsin Stats., and the Wisconsin Administrative Code. Signs shall also meet all structural requirements of local and State Building Codes.
   (b) No permanent sign shall be located closer than 75' from the normal high-water elevation of any navigable water body.
   (c) No sign shall resemble, imitate or approximate the shape, size, form or color of traffic or railroad signs, signals or devices, nor shall any sign obstruct or interfere with the effectiveness of such signs, signals, or devices.

(d) No sign shall be erected, relocated, or maintained, so as to interfere with traffic visibility or with free ingress or egress from any door, window, or fire escape.

(e) No sign shall be lighted in such a way as to cause glare, or impair driver visibility upon public ways, or as to cause the lights to be directed toward residential land uses or navigable water bodies.

(2) SIGNS ALLOWED WITHOUT PERMITS. The following signs are allowed without a permit, subject to the following requirements.

OFF PREMISE	MAXIMUM DISPLAY AREA	RIGHT-OF-WAY SETBACK	MAXIMUM FREQUENCY	MINIMUM DISTANCE BETWEEN SIGNS	DISTRICTS NOT ALLOWED
TYPE OF SIGN					
City or Village Directory Sign	8 sq. ft.				
Directory signs for areas, homes or localities	12 sq. ft. (4 sq. ft. for cottage directory)	5 feet	2 signs along each direction of road		
Signs advertising sale of agricultural products at farms	8 sq. ft.	5 feet	1 sign per mile on each side of road		
Business Directory, free-standing or attached to buildings	50 sq. ft.	5 feet		1,000 feet	Residential and Conservancy
Signs advertising a resort or recreational activity, or product available	20 sq. ft.	5 feet	1 sign for each Hwy upon which the property faces		

ON PREMISE	MAXIMUM DISPLAY AREA	RIGHT-OF-WAY SETBACK	MAXIMUM FREQUENCY	MINIMUM DISTANCE BETWEEN SIGNS	DISTRICTS NOT ALLOWED
ON PREMISES ADVERTISING OR DIRECTORY SIGNS					
Farm Name	5 sq. ft.	5 feet			
Business	50 sq. ft.	5 feet			Residential and Conservancy
Home Occupation or Professional Office	6 sq. ft.	5 feet			
Tablet of inscription identifying present or future school, church or other public or semi-public facility.	5 sq. ft.	50 feet			
Temporary or Real Estate Signs	8 sq. ft.	5 feet			
Signs or bulletin boards for public, charitable or religious institutions	12 sq. ft.	5 feet			

Temporary new development signs, promoting a new subdivision on the development site	32 sq. ft.		1 per Subdivision site		

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

17.20 CONDOMINIUMS

(1) INTRODUCTION, GENERAL AND SPECIAL REQUIREMENTS.

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

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

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

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

(d) CONSECUTIVELY NUMBERED UNITS. All units shall be consecutively numbered on the plat.

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

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

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

(2) STANDARDS FOR NEW CONSTRUCTION.

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

(b) ALTERNATIVE SUITABILITY REQUIREMENT.

1. Proof of the availability of primary and alternate system areas for privately owned wastewater treatment systems (POWTS) complying with the requirements of the Barron County Sanitary Ordinance and Wisconsin Administrative Code Chapter DSPS 383 shall be provided and shown on the plat.
2. Soils information including profile descriptions and suitable POWTS areas shall be provided on standard forms. All non-conventional POWTS areas shall be pre-planned.

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

(d) MINIMUM PARCEL SIZE.

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

(e) FRONTAGE AND/OR WIDTH REQUIREMENTS.

1. LAKE LOTS. All new condominium parcels shall meet the minimum frontage width and minimum lot width requirements as described in the Barron County Shoreland Overlay District, Section 17.41.

2. NON-LAKE LOTS. All new condominium parcels shall meet the minimum lot width requirements as described in the Barron County Zoning Ordinance, Chapter 17.

(3) STANDARDS FOR CONDOMINIUM EXPANSION.

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

(b) ALTERNATIVE SUITABILITY REQUIREMENT.

1. Proof of the availability of primary and alternate system areas for privately owned wastewater treatment systems (POWTS), complying with the requirements of the Barron County Sanitary Ordinance and Wisconsin Administrative Code, Chapter DSPS 383, shall be provided and shown on the plat.
2. Soils information including profile descriptions and suitable POWTS areas, shall be provided on standard forms. All non-conventional POWTS area shall be pre-planned.
3. All existing structures shall have their POWTS checked for compliance with the three foot vertical separation requirement, as well as determining that the system is functioning properly. All existing systems that do not meet this requirement shall be replaced within one year of the preliminary approval.

(c) HEIGHT LIMITATION.

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

(d) MINIMUM PARCEL SIZE.

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

(e) FRONTAGE AND/OR WIDTH REQUIREMENTS.

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

(f) EXPANSION REQUIREMENTS.

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

(4) STANDARDS FOR CONVERSION CONDOMINIUM(S).

(a) INTRODUCTION.

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

(b) ALTERNATIVE SUITABILITY REQUIREMENT.

1. Proof of the availability of primary and alternate system areas for privately owned wastewater treatment systems (POWTS) complying with the requirements of the Barron County Sanitary Ordinance and Wisconsin Administrative Code, Chapter DSPS 383 shall be provided and shown on the plat.
2. Soils information including profile descriptions and suitable POWTS areas shall be provided on standard forms. All non-conventional POWTS area shall be pre-planned.
3. All existing structures shall have their POWTS checked for compliance with the three foot vertical separation requirement, as well as determining that the system is functioning properly. All existing systems that do not meet this requirement shall be replaced within one year of the preliminary approval.

(c) HEIGHT LIMITATION.

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

(d) PARCEL SIZE AND FRONTAGE REQUIREMENTS.

1. Where existing single dwelling unit structure(s), and/or existing multiple-family dwelling unit structure(s), rental or non-rental, not part of a resort, are to be part of a condominium declaration, such property shall not be converted until a final condominium plat is approved by the Barron County Zoning Committee.
   a. LAKE LOTS. All conversion condominium parcels shall meet the minimum lot area, minimum frontage width and minimum lot width requirements as described in the Barron County Shoreland Overlay District, Section 17.41.
   b. NON-LAKE LOTS. All conversion condominium parcels shall meet the minimum lot area and minimum lot width requirements as described in the Barron County Zoning Ordinance, Chapter 17.
2. ZONING COMPLIANCE. A condominium plat shall not be approved for a resort which was not constructed in compliance with the Barron County Zoning Ordinances applicable at the time such resort 1) was constructed, 2) made such alterations, or 3) made such additions, UNLESS corrections are made to comply with the applicable zoning regulation. Resorts shall not be converted until a final condominium plat is approved by the Barron County Zoning Committee.

(5) COMMERCIAL (NON-RESIDENTIAL) CONDOMINIUMS.

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

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

(6) LAND-ONLY UNIT(S) (Building Pad Condominium).

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

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

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

(d) POWTS REQUIREMENT.

1. Proof of the availability of primary and alternate system areas for privately owned wastewater treatment systems (POWTS), complying with the requirements of the Barron County Sanitary Ordinance, and Wisconsin Administrative Code, Chapter DSPS 383, shall be provided and shown on the plat.
2. Soils information including profile descriptions and suitable POWTS areas, shall be provided on standard forms. All non-conventional POWTS areas shall be pre-planned.

(e) MINIMUM LOT SIZE.

1. General minimum lot size standards are established in 17.52(1)(b).
2. Refer to the zoning district for minimum lot sizes for specific uses (i.e. minimum lot size to build a residence may differ depending on the zoning district).

(f) FRONTAGE AND/OR WIDTH REQUIREMENTS. Minimum lot width and frontage standards are established in 17.52(1)(b).

(7) CONDOMINIUM APPROVAL (PLATTING) REQUIREMENTS.

(a) PRELIMINARY APPROVAL PLATTING REQUIREMENTS.

1. Name of Condominium.
2. County in which condominium is located shall be provided on each sheet of the plat. Each sheet shall be consecutively numbered and show the relation of that sheet number to the total number of pages.
3. Name and address of property owner(s).
4. Site vicinity drawing showing adjacent water bodies, section corners, and roads, both public and private.
5. Boundary of the parcel to be dedicated as common areas for the condominium complex. Include any expansion areas for expandable condominiums.
6. The location of all existing buildings on the property. (Include the general location of any proposed buildings to be constructed on the property.)
7. Area of the total parcel (square feet). (Include individual areas of each expansion area as well as the total.)
8. Area of all wetlands on the parcel. (Include individual wetland areas for each expansion area as well as the total.)
9. The linear footage (water frontage width) of lake, pond, stream or watercourse frontage. (Include individual measurements for each expansion area as well as the total.)
10. Required minimum area.
11. Computations shall be shown on the plat which verify compliance with the parcel size required by this ordinance.
12. Diagrammatic floor plans of each building located or to be located on the property which show the approximate dimensions, floor area and location of each unit in it.
13. Conversion condominium requirements.
    a. First floor square footage.
    b. Photocopy of resort license or proof of existing resort.

14. Soils and Septic Information.
    a. Soil and site evaluation reports shall accompany the preliminary plat for committee review.
    b. Location and proof of soil suitability for all existing and replacement septic systems shall accompany the preliminary plat for committee review.
15. Roads which provide access to the condominium shall be shown.
16. Existing easements which affect the condominium property.
17. A minimum of two (2) off-street parking spaces per unit.
18. First floor area (square footage) of each existing structure.
19. The number of bedroom units per dwelling unit.
20. The size and location of any limited common elements.
21. Existing structure expansion area showing dimensions.
22. Whether the condominium is an expandable condominium. If the condominium is an expandable condominium, then, the plat shall indicate:
    a. Final total number of units;
    b. Subsequent total number of units, if phased; and
    c. Approximate placement of the condominium units in each of the phases.
23. Existing and proposed water supply systems.
24. Areas of slopes greater than 20%.

(b) FINAL PLATTING REQUIREMENTS.

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

(c) CONDOMINIUM PLAT AMENDMENTS.

1. A condominium plat amendment may be made to any recorded condominium plat pursuant to the procedures set forth in Chapter 703 of the Wisconsin Statutes provided that the amendment is

approved by the Barron County Zoning Committee and that the amendment does not create any additional non-conformity with the current Barron County Zoning Ordinance.

2. If the condominium plat amendment amends a final condominium plat without providing substantial changes, the amended plat shall be submitted as a final plat.
3. If the condominium plat amendment amends a preliminary condominium plat without providing substantial changes, the amended plat shall be submitted as a final plat.
4. If the condominium plat amendment amends a preliminary or final condominium plat while providing substantial changes to the preliminary plat, the amended plat shall be submitted as a preliminary plat.

(d) COMMITTEE REQUIREMENTS.

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

(8) UPON FINAL CONDOMINIUM APPROVAL. The following shall be provided prior to recording condominium instruments or plats with the Registrar of Deeds.

(a) OWNER'S AND SURVEYOR'S CERTIFICATE. The plat shall show an Owner's and a Surveyor's Certificate which indicates:

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

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

(c) The plat shall be:

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

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

ZONING DISTRICTS

17.25 ESTABLSIHED

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

17.26 ZONING MAPS

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

17.27 BOUNDARIES

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

17.28 A-1 EXCLUSIVE AGRICULTURAL DISTRICT

The Exclusive Agricultural District was formed as a part of the Barron County Farmland Preservation Plan and is intended to protect agricultural lands and associated natural areas from development contrary to agricultural use and to minimize fragmentation of these lands. Due to the importance of agriculture within the local and regional economy, it is necessary to encourage farmland preservation, protect natural resources, and minimize conflicts between farm and nonfarm land uses. Agriculture related business and infrastructure that supports agriculture are included as special exception uses in this district in order to facilitate an efficient network for agricultural owners and operators.

(1) PERMITTED USES.

(a) AGRICULTURAL USE. Any of the following activities conducted for the purpose of producing an income or livelihood.

1. Crop or forage production.
2. Keeping livestock.
   - a. A new or expanded livestock facility that will have 500 or more animal units must comply with livestock facility siting standards per ATCP 51.
     - (1) An ATCP 51 Livestock Facility Siting Application shall be completed by the owner/operator and must be approved prior to operation (see ATCP 51.30).
     - (2) Livestock, for the purposes of ATCP 51 livestock facility siting, does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.
     - (3) Setback requirements are described in 17.28(3)(f).
   - b. Animal manure storage facilities must comply with Barron County Ordinances - Chapter 18 and ATCP 51.
     - (1) A new or expanded animal manure storage facility permit application shall be completed by the owner/operator and must be approved prior to operation.
     - (2) Setback requirements are described in 17.28(3)(f).
3. Beekeeping
4. Nursery, sod, or Christmas tree production (wholesale)
5. Floriculture
6. Aquaculture
7. Forest management
8. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
9. Roadside stand

(b) ACCESSORY USE.

1. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
   - a. Accessory buildings (not residential dwellings) permitted under this section shall not be designed or used in part or whole for human habitation or any unauthorized accessory use. Connection to a POWTS shall be in accordance with Section 17.74(5)(c).
2. An activity or business operation that is an integral part of an agricultural use.
3. Farm residence (see Sec 17.28(3)(a))

(2) SPECIAL EXCEPTION USES OR ACTIVITIES.

(a) Nursery, sod, or Christmas tree production (retail).

(b) Agriculture-related use.

1. Agricultural equipment dealership.
2. Facility providing agricultural supplies.
3. Facility for storing or processing agricultural products.
4. Facility for processing agricultural wastes.
5. Veterinary services and animal hospitals primarily serving livestock.
6. Fur farming.

(c) Farm family business

(d) Temporary farm-related housing,

(e) Nonfarm residence (see Sec 17.28(3)(a))

(f) Other

1. Governmental, institutional, religious, or nonprofit community uses that qualify under Chapter 91.46(5).
2. Transportation, communications, pipeline, electric transmission, utility, or drainage uses that qualify under Chapter 91.46(4).
3. Mineral extraction, Type I, governmental only, where mining meets the provisions of Chapter 91.46(6) and sec. 17.31(3) Barron County Land Use Ordinance.

(g) Standards

1. In deciding applications for this subsection, the Board of Adjustment shall consider the effect which the proposed use would have upon agricultural operations in the vicinity of the proposed use. Impacts which would be harmful to agriculture in the area may be the basis for rejection of the proposed special exception use or may be the basis for conditions attached to approval which are designed to reduce such adverse impacts. Impacts which are compatible with agriculture in the area may be the basis for approval. The Board of Adjustment shall also consider whether other locations, less threatening to continued farming of good agricultural lands, might be available for the proposed use and strength of the reasons offered by the applicant in support of the site in question.
2. In deciding applications for special exceptions under sub. (2)(d), the Board of Adjustment shall determine that the proposed additional dwelling unit is necessary to accommodate persons connected with the farm operation as defined in sec. 17.08. The Board shall require use of a mobile home or other temporary structure and require removal of such unit when there is no longer a need for it to be occupied by persons connected with the farm operation. Provided, however, that if the applicant requests permission to establish a mobile home, the special exception review shall be conducted and decided by the Zoning Administrator on behalf of the Board of Adjustment. The decision of the Zoning Administrator may be appealed to the Board of Adjustment. The special exception fee and hearing shall be waived unless such an appeal is taken.

(3) <u>DIMENSIONAL RULES AND OTHER STANDARDS.</u>

(a) SINGLE-FAMILY DWELLING. Agricultural Preservation Design Standards – Location of new dwellings in this district or land divisions involving dwellings in place prior to (November 7, 2016) shall employ agricultural preservation design standards as follows:

1. <u>DENSITY.</u> Density of 1 dwelling per 25 A-1 acres: One acre shall be designated for dwelling location and 24 acres designated for agricultural preservation, with emphasis placed on preserving lands managed for agricultural uses. Agricultural preservation shall be attained by restricting further residential development. Designated acres shall be in common ownership and within same municipality but do not need to be contiguous.

a. An Agricultural Preservation Covenant ("Covenant") shall be recorded describing the purpose of the A-1 Zoning District and the intention of the agricultural preservation standards. This Covenant shall incorporate a map outlining the designated areas, in a reproducible manner, to scale, including dimensions. The Zoning Administrator may require a Map of Survey for meandering outlines. Lot lines and future ownership are not required to correspond with designated areas; however, no lot line shall divide the 1 acre designated for dwelling location.

b. Covenant shall run with the land and remain in place until such time the property is rezoned to a district allowing development of a greater density or annexed to a city or village.

c. Designated areas may be altered at the owner's request by recording an amended Covenant, provided all affected landowners consent to alteration and provided the new designated agricultural preservation area does not minimize protection of lands managed for agricultural uses.

d. Pre-existing non-conforming acreage of less than 25 acres of A-1 property in a municipality:

(1) Where there is no existing dwelling as of November 7, 2016: No dwelling allowed.

(2) Where a dwelling exists prior to November 7, 2016: Parcel containing dwelling may be divided provided a Covenant is recorded to designate 1 acre for dwelling location and restrict residential development on remainder of acreage.

e. Acreage in designated areas cannot be used in subsequent density calculations.

2. DWELLING LOCATION. Location of new dwelling shall not:

a. Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a dwelling.

b. Significantly impair or limit the current or future agricultural use of other protected farmland.

c. The Zoning Administrator shall review and approve or disapprove proposed dwelling location based on the above criteria. Decisions by the Administrator may be appealed to the Zoning Committee pursuant to the timeframes set forth in sec. 17.55(3) of this chapter.

3. "Right to Farm" statement shall be placed on all land division documents, acknowledging that the property is located within an agricultural community.

(b) LOT SIZE. Minimum lot size and width standards are regulated by 17.52(1)(b).

(c) YARD SETBACKS. Minimum yard setback standards are regulated by s 17.13(4).

(d) HEIGHT LIMITS, RESIDENTIAL STRUCTURES. No building shall exceed 35 feet in height.

(e) SEWAGE SYSTEMS AND WATER SUPPLY. Each dwelling unit shall have its own sanitary waste disposal system meeting the standards of the State Plumbing Code and the County Sanitary Code, Sec. 17.64.

(f) Livestock Facility Siting

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

2. PUBLIC ROAD RIGHT-OF-WAY. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from public road right-of-way if the livestock facility will have fewer than 1,000 animal units and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective

date of the setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

3. WASTE STORAGE STRUCTURE. A new waste storage structure may not be located within 350 feet of a property line or within 350 feet of the nearest point of any public road right-of-way. A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:
   a. Located on the same tax parcel as a waste storage structure in existence before May 1, 2006.
   b. No larger than the existing structure.
   c. No further than 50 feet from the existing structure.
   d. No closer to the road or property line than the existing structure. This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet [not to exceed 350] of a property line or road may not expand toward that property line or road.
4. WATER QUALITY AND RELATED SETBACKS.
   a. NAVIGABLE WATERS AND WETLANDS. A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under Sections 59.692, 61.351 or 62.231, Wisconsin State Statutes.
   b. FLOODPLAIN. A livestock facility shall comply with setback and related requirements in any applicable floodplain zoning ordinance that is enacted within the scope of statutory authority under Section 87.30, Wisconsin State Statutes.
   c. WELLS. All wells located within a livestock facility shall comply with Chapters NR 811 and 812. New or substantially altered livestock structures shall be separated from existing wells by the distances required in Chapters NR 811 and 812, regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

17.29 C-1 WETLAND CONSERVANCY DISTRICT

The Wetland Conservancy District is created to protect wetlands. Wetlands are seldom suitable for building for the following reasons: septic tank systems will not function because of high groundwater; water supplies can be polluted by wastes that have not been adequately absorbed by the soil; foundations and roads often crack due to poor support and frost action; flooding is common. Filling rarely solves all these problems. In their natural state, wetlands control and store floodwaters, thus minimizing flood risks; they trap sediments from upland runoff thus preventing surface water siltation; they hold and oxidize organic and biological wastes thus reducing the biological oxygen demand placed upon surface waters; they intercept nutrients thus stabilizing the fertilization of surface waters; they provide habitat and breeding space for a variety of aquatic and terrestrial animals, thus providing opportunities for hunting, fishing, trapping and other recreational pursuits; they provide opportunities for scientific research and understanding of biological communities; they are a reservoir of life that may be needed in the future for production of food, pharmaceuticals and other essentials of life; and they provide open space of unique texture and diversity. For these reasons, building development and other alterations which would affect the natural functions of wetlands are limited to this district. This district will apply to: all lands designated as swamps and marshes on the United States Geological survey quadrangle maps for the county within the shoreland jurisdictions as defined in sec. 17.41(2); and all lands held by the State for wildlife, waterfowl, fish and aquatic life habitat purposes which are swamps or marshes; and all lands designated as "peat and muck" on the County detailed soils survey maps and within the shoreland jurisdiction; and other lands designated as such on the county zoning map because they are swamps or marshes or are immediately adjacent to such swamps or marshes. Wetlands in shorelands within District C-1 are also included in the Shoreland-Wetland Overlay Area as described in Section 17.43.

(1) PERMITTED USES.

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

(2) SPECIAL EXCEPTION USES OR ACTIVITIES.

- **(a)** Public and private parks, picnic areas, and similar uses.
- **(b)** Nonresidential structures or buildings not specifically listed under sub. (1) and which are necessary to a permitted use.
- **(c)** Piers and docks.
- **(d)** A County grading permit shall be required to be issued pursuant to the procedures and standards of sections 17.41(8) before undertaking any of the following wetland disturbing activities which will affect an area within the district having an area of 500 sq. ft. or greater:
  1. Draining.
  2. Dredging.
  3. Driving piles other than fence posts.

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

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

(3) DIMENSIONAL RULES AND OTHER STANDARDS.

(a) Conditions. See sec. 17.73(6)(d).

(b) Issuance of Grading Permits. See sec. 17.41(8).

(c) LOT SIZE & WIDTH: Minimum lot size and width standards shall be governed by sec. 17.52(1)(b).

(d) YARD SETBACKS: Minimum rear and side yard setbacks shall be governed by sec. 17.13(4)

(e) HIGHWAY SETBACKS: Minimum highway setback lines shall be governed by sec. 17.13(3).

(f) SHORELAND SETBACKS: Minimum setback from the ordinary high water mark of a navigable water shall be governed by sec. 17.41(5)(d)

17.30 C-2 UPLAND CONSERVANCY DISTRICT

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

(1) PERMITTED USES.

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

(2) SPECIAL EXCEPTION USES OR ACTIVITIES.

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

(3) DIMENSIONAL RULES AND OTHER STANDARDS.

(a) Lot size and width standards shall be governed by sec. 17. 52(1)(b).
(b) Yard setback standards shall be governed by sec. 17.13(4).

17.31 MR MINERAL RESERVATION DISTRICT

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

(1) PERMITTED USES.

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

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

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

1. Pre-existing Mineral Extractions. Preexisting mineral extractions are those operations involving the excavation, removal and/or processing of minerals which operations were in active use during any part of a 5 year period prior to the effective date of this chapter.
2. Limited, Short-term Mineral Extractions. Limited short-term mineral extractions are those operations which:
   a. Do not satisfy the definitions and standards for preexisting extractions.
   b. Will be commenced and completed within a one year period from the date of the permit.
   c. Will be limited to not more than one acre in area.

(2) SPECIAL EXCEPTION USES OR ACTIVITIES.

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

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

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

1. OWNERSHIP AND MANAGEMENT DATA. Information on location of the proposed site of the operations, ownership of the land, leasehold, license and other property interests and accurate information on the identity of all individuals, partnerships, associations or corporations which will be involved in control of the proposed operation. The purpose of this requirement is to allow the Board to determine accountability for all conditions that it decides to impose upon the activity and the information shall be sufficiently detailed and complete to accomplish this purpose.
2. OPERATIONS PLAN DATA. Full and complete information on the precise nature of mineral extraction or processing activity that is proposed to be undertaken. Such data shall specifically respond to the factors and standards listed in par. (d).
3. RECLAMATION PLAN DATA. Full and complete information on the nature of reclamation which the applicant proposes to undertake to satisfy the factors and standards of par. (d).

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

1. That mineral extraction and/or processing is an allowable special exception use in the zoning district, and an appropriate land use at the site in question, based upon consideration on such factors as:
   a. Existence of mineral deposits.
   b. Proximity of the site to transportation facilities and to market areas.
   c. Ability of the operation, as described in the proposed operations plan, to avoid harm to the public health, safety and welfare and to the legitimate interests of nearby properties.
2. That an operations plan, which the Board shall direct, be imposed as a condition of approving the special exception permit, will protect affected public and private rights against undue interference.

3. That a reclamation plan, which shall similarly be imposed as a condition of approval, will be enforceable and, as enforced, will result in a condition which is reasonably safe, attractive, and if possible, conducive to productive new uses for the site.
4. The Board shall attach such conditions to each approved application as are necessary to assure that the operation will satisfy the standards set forth above.
5. The special exception permit shall remain in effect provided annual reviews by the Zoning Administrator disclose the conditions attached to the Decision of the Board of Adjustment are adhered to and remain the same. In addition, all permitted operations and reclamation shall comply with the requirements of sub (2)(c). Reapplication to the Board of Adjustment for renewal shall be required with a change in ownership, alterations to operational plans, or noncompliance with the standards of Chapter 18, of the Barron County Non-Metallic Mining Reclamation Ordinance.
6. A termination of mining activities on a site which is the subject of an approved special exception permit for a period of one year or more, shall disentitle the permit holder to a right of renewal at the end of the permit period, despite compliance of former operations with all conditions of the original permit, unless:
   a. Such a discontinuance was specified as part of the original operations plan; or
   b. The operator has submitted and had Board approval of an amendment to the original permit, placing the operation on inactive status with accompanying conditions as to interim or partial reclamation.
7. The Board shall require reasonable assurance that the conditions it imposes will be satisfied. Such assurance shall be achieved through some combination of:
   a. Performance bonds or substitute guarantees in the form of pledged collateral.
   b. Establishment of escrow accounts into which deposits shall be made to assure financial resources for investments in reclamation work.
   c. Clear identification of the relationships between landowners, lessees, licensees and operators, and the signing of written pledges by those persons who assume responsibility for various elements of the condition imposed.

(3) DIMENSIONAL RULES AND OTHER STANDARDS.

(a) AGRICULTURAL AND CONSERVANCY USES.

1. Those uses allowed in the district by virtue of their allowance under sections 17.28 (1), 17.29(1), or 17.30(1) shall conform to the dimensional rules set forth in the cross-referenced sections.
2. Dimensional rules for all other uses allowed in this district under sections 17.28(2), 17.29(2), or 17.30(2) shall be set in the course of special exception review by the Board of Adjustment.

(b) MINERAL USES.

1. A land use permit shall be required to be obtained by any person wishing to continue or establish legal operation of a Type I mineral extraction. Land Use Permits shall be issued if the application shows that the existing or proposed operation satisfies the definitions of a Type I mineral extraction, and if a Type I mineral extraction is a permitted use in the zoning district where the site is located.
2. Type I mineral extractions for which land use permits are issued shall be subject to these additional standards and conditions:
   a. Asphalt mixing plants shall be located not less than 1,000 ft. from any residence other than that of a permit holder. Hot mix plants shall conform to state, federal or local pollution standards.

b. The operation shall be conducted so as to minimize, insofar as practicable, the production of noise, vibration, or dust, which is hazardous or substantially annoying to persons located off the premises.
c. All parts of a mineral extraction operation at which there is an excavation of 10 ft. or more in depth, shall have a perimeter slope which is no steeper than 2 ft. horizontal to 1 ft. vertical.
d. When extractions are discontinued, all machinery and equipment which exists incidental to the operation shall be removed. The excavation shall be drained if necessary, and if it is possible to do so by removing obstructions to natural drainage so that water will not collect therein; all banks or cuts not in rock shall be sloped at an angle no steeper than 2 ft. horizontal to 1 ft. vertical, except that banks or cuts located within 200 ft. of a road right-of-way shall be sloped no steeper than 3:1; pit or quarry bottoms shall be left in a generally level condition, excess boulders, rocks, stones or other unusable material shall be buried; scrap machinery and similar debris shall be removed. Excavated (exhausted) areas to be revamped in accord with this section by the owner or contractor within 12 months of last removal of materials. Any new owner(s) of property shall assume the responsibilities of the regulations of this section.
e. In the case of preexisting extractions, an approved permit shall allow extractions to continue to the extent achievable under the ownership, or control rights of the applicant within the bounds of the deposit being extracted and all processing activities regularly associated with such extractions. In the case of limited, short-term extractions, an approved permit shall allow extractions up to one year in duration and one acre in area.

17.32 R-1 RESIDENTIAL LOW DENSITY DISTRICT

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

(1) PERMITTED USES.

(a) RESIDENTIAL.

1. Single family dwellings, including manufactured homes but not mobile homes.
2. Two family dwellings, not including mobile homes.

(b) DETACHED ACCESSORY BUILDINGS. Each lot is allowed no more than two (2) detached accessory buildings subject to the following standards:

1. One (1) Main detached accessory building, which does not exceed twenty (20) feet in height, is allowed on each lot. The maximum allowable floor area is determined by the lot size, which is established in the table below:

Maximum Allowable Floor Area for Main Detached Accessory Buildings	
Lot Size (square feet)	Maximum Floor Area (sq. ft.)
15,000 or less	= 880
15,001 to 29,999	= 1096
30,000 to 43,559	= 1280
43,560 (1 acre) or greater	= 1512

2. One (1) Secondary detached accessory building, which does not exceed twelve (12) feet in height, is allowed on each lot. The maximum allowable floor area is 144 square feet.
   a. A boathouse may be placed on a lot within the Shoreland Overlay Area, subject to the standards of Sec. 17.41(5)(c). The boathouse structure will be classified as the Secondary detached accessory building.
3. The detached accessory buildings permitted under this section, shall not be designed or used in part or whole for human habitation, or any unauthorized accessory use. Connection to a POWTS shall not occur until a principal structure is established on the lot.
4. Any roof overhang (eave) that exceeds four (4) feet wide shall be included in the total floor area of the structure.
5. SITUATIONS WHERE MULTIPLE ADJACENT LOTS ARE LISTED UNDER A SINGLE TAX PARCEL IDENTIFICATION NUMBER:
   a. If a landowner elects to utilize the square footage and outermost boundary lines of multiple lots combined for the purpose of ***a)*** allowing a larger accessory building than what is allowed on a single lot, and/or ***b)*** locating the building in a manner that would otherwise cross over an interior lot line or encroach on a required setback from an interior lot line, it is permitted, however, a Certified Survey Map must be created to officially combine the lots prior to issuance of a land use permit for the accessory building.
   b. If a landowner has multiple adjacent lots and elects to locate an accessory building within the confines of a single lot, meeting all setback and other applicable requirements, and there are no structures presently crossing the subject lot line, it is permitted, however, a written request must be submitted to the Land Services Department requesting that the subject lot be assigned

its own Tax Parcel Identification Number prior to the issuance of a land use permit for the accessory building.

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

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

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

(f) LIVESTOCK, subject to the following standards:

1. LOTS LESS THAN 5 ACRES: Livestock is prohibited.
2. LOTS OF 5 ACRES UP TO 10 ACRES: Livestock, except hogs, which are for family food production only, may be kept subject to the following standards:
   a. Maximum of two (2) animals. Except when keeping horses, not more than 2 saddle horses, plus the offspring of such horses up to 10 months of age are allowed.
3. LOTS OF 10 ACRES OR MORE: Livestock, except hogs, which are for family food production only, may be kept subject to the following standards:
   a. Maximum of two (2) animals. Except when keeping horses, not more than 2 saddle horses, plus the offspring of such horses up to 10 months of age are allowed. Animals in excess of two (2) may be kept, subject to the following standards:
      (1) A plan shall be submitted to and approved by the Zoning Administrator for satisfactory disposal of wastes generated by such animals.
      (2) No killing or dressing of livestock shall take place on the premises.
      (3) Buildings in which any such animals or fowl are kept, shall be distant no less than 100 ft. from the nearest lot line of an adjoining residential lot.

(g) PUBLIC UTILITIES, such as: Telephone, and power distribution poles, lines and necessary appurtenant equipment and structures, such as transformers, and equipment housing; telephone exchanges, provided there be no service or storage yard, and provided that local distribution facilities shall be underground.

(2) SPECIAL EXCEPTION USES.

(a) PLANNED RESIDENTIAL DEVELOPMENTS, in accordance with sec. 17.40.
(b) Rest homes, nursing homes, homes for the aged, clinics, children's nurseries, and day-care centers.
(c) Churches, public and parochial, elementary and secondary schools.
(d) Municipal buildings, not including sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
(e) Parks, playgrounds, tennis courts, bathing beaches and golf courses.
(f) RECREATIONAL VEHICLES, as per Section 17.36(1)(c).
(g) TOURIST ROOMING HOUSE, as per Section 17.36(2)(n).
(h) Any addition to, or expansion of, an existing special exception use (as listed in this section) that was lawfully established in this district.

(3) DIMENSIONAL STANDARDS.

(a) LOT SIZE & WIDTH: Minimum lot size and width standards shall be governed by sec. 17.52(1)(b).
(b) YARD SETBACKS: Minimum rear and side yard setbacks shall be governed by sec. 17.13(4)
(c) HIGHWAY SETBACKS: Minimum highway setback lines shall be governed by sec. 17.13(3).
(d) SHORELAND SETBACKS: Minimum setback from the ordinary high water mark of a navigable water shall be governed by sec. 17.41(5)(d)
(e) HEIGHT OF STRUCTURES
1. RESIDENTIAL: No building shall exceed 35 feet in height.
2. ACCESSORY STRUCTURES: Refer to height standards for detached accessory buildings, sec. 17.32(1)(b).

17.33 R-2 RESIDENTIAL HIGH DENSITY DISTRICT

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

(1) PERMITTED USES.

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

(b) OTHER SUPPORTING USES. Those other supporting uses allowed as permitted uses in the R-1 district.

(2) SPECIAL EXCEPTION USES.

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

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

(c) Multiple family dwellings.

1. MINIMUM LOT STANDARDS.
   a. Lots for 3-8 dwellings require 1 acre of lot area.
   b. Lots for 9+ dwellings require 1 acre plus an additional 4,000 square feet for each unit in excess of 8.
   c. Minimum side yard setback of 25 feet.

(d) MOBILE HOME PARKS.

1. LOCATION. No park shall be located in hazardous fire area or in a site which is unsuitable because of physical limitation by reason of flooding, inadequate drainage, soil and rock formation with severe limitations for development, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of the residents of the park or adjoining property.
2. Minimum Park Size. 10 acres.
3. DENSITY. The maximum allowable density in a mobile home park development shall be 8 units or lots per gross acre.
4. MINIMUM LOT SIZE. Individual lots within the mobile home park shall contain an area of not less than 5,000 sq. ft. and shall have a minimum width, at the narrowest point, of 50 ft.
5. MOBILE HOME STAND. A mobile home stand 17 ft. by 70 ft. intended for the actual placement of the mobile home shall be provided on the lot. The stand shall provide adequate support and drainage for the placement of the mobile home. The mobile home stand shall be provided with anchors and tie downs as required by State law. The site of each stand shall not be exposed to objectionable smoke, noise, odors, flooding, erosion or other adverse influence.
6. REQUIRED SEPARATION BETWEEN MOBILE HOMES. Mobile homes shall be separated from each other and from other buildings and structures by at least 20 ft. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak or porch attached to the mobile home, shall for purposes of separation requirements, be considered a part of the mobile home. The basic unit shall not occupy in excess of ¼ of the area of the lot, and the complete unit including all accessory structures shall not occupy more than ½ of the area of the lot.
7. SETBACK AND BUFFER STRIPS. Each mobile home shall be located at least 10 ft. from any mobile home lot line. There shall be a minimum setback of the mobile home of 25 ft. from the front or

main street side of the lot and of at least 10 ft. from the rear of the lot. All mobile homes shall be located at least 25 ft. from any park property boundary line.

8. SCREENING. Unless adequately screened by existing vegetative cover, the park shall be screened by a temporary planting of fast growing material capable of reaching a height of 15' or more; the individual trees to be such a number and so arranged that within 10 years they will have formed a screen equivalent in opacity to a solid fence. Such permanent planting shall be maintained to a height of not less than 15'.
9. DRAINAGE AND LANDSCAPING. The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner away from the mobile home stand; all mobile home sites shall be sodded or seeded, and the park shall be attractively landscaped in accordance with a plan submitted at the time of initial permit application.
10. RECREATION AREAS. In all mobile home parks, there shall be one or more recreation areas of a minimum of ½ acre in size which shall be easily accessible to all park residents.
11. ALLOWABLE USES. Accessory structures approved by the park operator shall be allowable uses, provided they meet the minimum setback requirements prescribed for the basic mobile home. Service buildings such as park offices, laundromats, convenience stores, community halls for social use of park residents and picnic shelters, shall be allowable uses. All such structures shall adhere to locally applicable Building and Sanitary Codes and shall require zoning permits independent of the park construction permit. Signs used for identifying the park, either on or off the property, shall adhere to applicable zoning provisions. Convenience establishments of a commercial nature are allowable uses in mobile home parks, providing that such establishments shall not occupy more than 10 % of the park area, shall be subordinate to the residential character of the park, shall be located, designed, and intended only to serve the specific needs of the park residents, and shall present no visual evidence of commercial character from any portion of any residential district outside the park.
12. PROHIBITED USES. Commercial sales or service of mobile homes shall not be permitted. This does not exclude routine maintenance of mobile homes already on sites within the park, nor the private sales of individual homes by the owners of onsite homes. Dependent mobile homes or camping trailers shall specifically be prohibited from placement or occupancy within mobile home parks.
13. SEWERAGE REQUIREMENTS. Public sewerage service for mobile home parks is preferred and shall be established wherever practicable; private sewerage is permitted, as an alternative, provided that all treatment disposal occurs on the park premises and provided that the system and facilities are designed, constructed and operated in accord with DSPS 383, WAC, and with any additional requirements imposed by the Board of Adjustment. Plans and installation details involving design, construction, alterations or extension of private sewerage systems, shall be approved by the State Division of Health and the Board of Adjustment prior to construction.
14. PLUMBING REQUIREMENTS. All plumbing within the park and mobile homes therein, shall meet all applicable standards of the Wisconsin Administrative Code and any additional requirements of the Board of Adjustment.
15. SOLID WASTES. All solid wastes shall be stored, collected and disposed in compliance with Ch. HSS 177, WAC.
16. GENERAL REQUIREMENTS FOR ACCESS, STREET AND PARKING. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways or other means.
17. PARK ENTRANCE. Entrances to mobile home parks shall be designed to minimize congestion and hazards, and allow free movement of traffic on adjacent streets.

18. INTERNAL STREETS. Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case, shall meet the following minimum requirements:
    a. Right-of-way width shall be at least 66', unless the Town Board has specifically approved a lesser width, but shall in no case, be less than 50'.
    b. Pavement width shall be a minimum of 20'; and 4' shoulder shall be provided on each side.
19. PAVEMENTS. All streets shall be provided with a smooth hard surface which shall be durable and well drained under normal use and weather conditions. If a gravel surface is permitted, it shall be kept dust-proofed in a satisfactory manner.
20. GRADES. Grades of all streets shall be sufficient to insure adequate surface drainage, but shall not be more than 8%. Drainage shall be away from mobile home stands.
21. INTERSECTIONS. Within 100' of an intersection, streets shall be at approximately right angles. A distance of at least 150' shall be maintained between centerlines of offset intersecting streets. Intersections of more than 2 streets at one point shall be avoided.
22. PARKING LOCATIONS. A minimum of 2 ¼ parking spaces shall be provided for each mobile home lot. One of these spaces shall be located within 50' of the mobile home it services.
23. SURFACING REQUIREMENTS. The surface of the parking spaces shall meet the same minimum requirements as for streets.
24. SIZE. A parking space shall be 12' wide and 288 sq. ft. in area.
25. OPEN STORAGE AREA. Parking of boats, trailers and out size vehicles shall be restricted to a storage area. The operator shall provide a well-drained, dust free storage area for the use of the mobile home occupants. It shall be fenced to prevent direct access from outside the park. The minimum size shall be 10,000 sq. ft. for each 50 or less mobile homes.
26. WALKWAYS. Pedestrian walkways shall be provided by the park management in the area of the service buildings and other locations of heavy foot traffic. The walkways shall be of a dust free, well drained material and kept free of snow and ice during the winter season. In addition, each mobile home stand shall be provided with a dust free, well drained walkway from the stand to a surfaced parking space or roadway.
27. RESPONSIBILITY OF THE PARK MANAGEMENT.
    a. The person whom a permit for a park is issued, shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
    b. The park management shall notify park occupants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter. The appropriate provisions of this section and park rules adopted by the management shall be posted in an appropriate place within the premises.
    c. The park management shall supervise the placement of each mobile home on its mobile home stand, or trailer on its site, which includes securing its stability and installing all utilities.
28. RESPONSIBILITIES OF THE PARK OCCUPANTS.
    a. The park occupant shall comply with all applicable requirements of this chapter and shall maintain his mobile home-trailer lot, its facilities and equipment in good repair and in a clean and sanitary condition.
    b. The park occupant shall be responsible for proper placement of his mobile home-trailer on its mobile home or trailer site and proper installation of all utility connections in accordance with the instructions of the park management.
    c. Pets, if permitted in the park, shall be prevented from running at large or committing any nuisance within the limits of the park.

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

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

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

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

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

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

c. Complete preliminary engineering specifications and plans of the proposed park showing, but not limited to, the following: the area and dimensions of the tract of land; the number, location and size of all mobile home lots and the location of common areas; the location and width of roadways and walkways; the location of the mobile home stands within the mobile home lot, including a detailed sketch of at least one typical mobile home space and stand therein; plans and specifications of all utilities including sewage collection and disposal, storm water drainage, water distribution and supply, solid waste storage and collection, lighting, electrical, telephone and TV antenna systems; landscaping plans for the entire park, including a planting plan for the buffer strip; plans and specifications of all buildings to be located within the park; written statements describing proposed park operations, management and maintenance, including proposed fees and charges and rules to be established by the operator for conduct of persons within the park; such other plans and specifications and information as may reasonably be required by the Board of Adjustment.

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

(3) DIMENSIONAL RULES AND OTHER STANDARDS.

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

17.34 R-3 MOBILE HOME PARK AND SUBDIVISION DISTRICT

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

(1) PERMITTED USES.

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

(b) Mobile homes.

(2) SPECIAL EXCEPTION USES.

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

(b) Mobile Home Parks.

(3) DIMENSIONAL RULES AND OTHER STANDARDS.

(a) LOT SIZE & WIDTH: Minimum lot size and width standards shall be governed by sec. 17.52(1)(b).

(b) YARD SIZE & SETBACKS: Minimum rear and side yard size and setbacks shall be governed by sec. 17.13(4)

(c) HIGHWAY SETBACKS: Minimum highway setback lines shall be governed by sec. 17.13(3).

(d) SHORELAND SETBACKS: Minimum setback from the ordinary high water mark of a navigable water shall be governed by sec. 17.41(5)(d)

(e) HEIGHT OF STRUCTURES

1. RESIDENTIAL: No building shall exceed 35 feet in height.
2. ACCESSORY STRUCTURES: Refer to height standards for detached accessory buildings, sec. 17.32(1)(b).

(f) Mobile home parks shall be governed by the standards of sec. 17.33(2)(d).

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

17.35 UV UNINCORPORATED VILLAGE DISTRICT

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

(1) PERMITTED USES.

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

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

(2) SPECIAL EXCEPTION USES.

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

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

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

(3) DIMENSIONAL RULES AND OTHER STANDARDS.

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

(b) LOT SIZE & WIDTH: Minimum lot size and width standards shall be governed by sec. 17.52(1)(b).

(c) YARD SETBACKS: Minimum rear and side yard setbacks shall be governed by sec. 17.13(4)

(d) HIGHWAY SETBACKS: Minimum highway setback lines shall be governed by sec. 17.13(3).

(e) SHORELAND SETBACKS: Minimum setback from the ordinary high water mark of a navigable water shall be governed by sec. 17.41(5)(d)

(f) HEIGHT OF STRUCTURES

1. RESIDENTIAL: No building shall exceed 35 feet in height.
2. ACCESSORY STRUCTURES: Refer to height standards for detached accessory buildings, sec. 17.32(1)(b).

17.36 RR RECREATIONAL – RESIDENTIAL DISTRICT

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

(1) PERMITTED USES.

(a) RESIDENTIAL USES.

1. Single or 2 family dwelling units, including manufactured homes, but not mobile homes.
2. Any use listed as a permitted use in the R-1 District, sec. 17.32(1).

(b) CONSERVANCY USES. Any use listed as permitted use in the C-1 District, sec. 17.29(1).

(c) RECREATIONAL VEHICLES, NON-CAMPGROUND, subject to the following standards:

1. OWNERSHIP & USE: Shall be under the ownership of the property owner, except in the case of a visiting recreational vehicle as allowed in 17.36(1)(c)3.a. Recreational vehicles shall be used for recreational purposes, not as a residence. Rental of recreational vehicles is prohibited.
2. SIZE: Shall not exceed 8.5 feet in width and 45 feet in length.
3. ALLOWABLE NUMBER: The number and use of a recreational vehicles is limited to the following:
   a. LOTS WITH A PRINCIPAL STRUCTURE (ie. residence/cabin).
      (1) One recreational vehicle, as personal property, may be parked in an accessible location that allows for easy removal.
      (2) One visiting recreational vehicle may be located in the driveway area that provides the main access to the principal structure.
   b. LOTS WITHOUT A PRINCIPAL STRUCTURE.
      (1) One recreational vehicle, which is under the ownership of the property owner, shall be allowed per lot.
      (2) One additional recreational vehicle, which is under the ownership of the property owner, may be allowed if the following criteria can be met:
         (a) The lot must contain a minimum 20,000 square feet.
         (b) A minimum separation of 15 feet between recreational vehicles shall be maintained.
4. LOCATION: Recreational vehicles shall be located in accordance with 17.13 and 17.41(5)(d), except that on lots with a principal structure, acceptable locations are stated in sub. 3.a. The recreational vehicle(s) shall be parked on a concrete, bituminous or Class 5 compacted gravel pad. The construction of such pad shall comply with Section 17.41(8).
5. SANITATION: Recreational vehicles shall be equipped with internal sanitation as provided by the manufacturer. If desired, the use of the following types of sanitation are also permitted:
   a. A transfer tank that complies with Section 17.64(22)(a)however, the use of a transfer tank is prohibited on lots with a principal structure. Use of a transfer tank requires an annual County Sanitary Permit and a transfer tank pumping agreement with a licensed septage hauler must be on file with the Zoning Office.
   b. A Private Onsite Wastewater Treatment System (POWTS), however, connection to and use of a POWTS is prohibited on parcels with a principal structure.
6. PERMIT: A Barron County Land Use Permit shall be obtained for each recreational vehicle prior to its placement on the lot, except no permit is required for placement of a recreational vehicle in accordance with sub. 3.a. on a lot with a principal structure.
7. ACCESSORY USES: Accessory uses (ie. Decks, enclosed porches) may be permitted on lots without a principal structure, however, the location of such structures shall not be attached to or be located

in a manner that will hinder the removal of the recreational vehicle. Each accessory structure requires a Land Use Permit prior to placement on the lot.

(2) SPECIAL EXCEPTION USES.

(a) Any use listed as a special exception use in the C-1 District, sec. 17.29(2).
(b) Any use listed as a special exception in the R-1 District, sec. 17.32(2).
(c) Hotels, motels.
(d) Resorts, including 2 or more seasonal single family dwellings for rent or lease.
(e) Restaurants, dinner clubs, taverns and other private clubs.
(f) Gift and specialty shops customarily found in recreational areas.
(g) Grocery and general stores serving the immediate neighborhood.
(h) Marinas, boat liveries, bait shops, boating and fishing equipment stores, stores engaged in sales, rentals, and repairs of outdoor recreational vehicles.
(i) Gasoline and automobile service stations.
(j) Institutions of a philanthropic or educational nature.
(k) Recreational camps.
(l) Mobile home parks. Refer to Section 17.33(2)(d).
(m) CAMPGROUNDS, subject to the following standards:

1. MINIMUM SIZE: Minimum area for a campground shall be five (5) acres and if located on a road or water frontage have a minimum width of 300' road and/or water frontage.
2. DENSITY: Maximum density within a campground shall be 15 campsites per acre of suitable area meeting the standards of sub. 3.
3. LAYOUT: Every campground shall be located on a well-drained area not subject to intermittent flooding. The premises shall be properly graded to prevent the accumulation of storm or other waters that may create hazards to the health and safety of the occupants. No campsite shall be located in any area that is situated so that the drainage from any source of pollution can be deposited thereon. Exposed ground surfaces in all parts of every parking area shall be paved or covered with stone screenings or other solid material or protected with vegetative growth capable of preventing soil erosion and eliminating objectionable dust.
4. ACCESS AND INTERNAL ROADS: There shall be no more than two access points from public roads, streets or highways into any campground. Internal roads shall have a minimum surface width of 20 feet and constructed concrete, bituminous or Class 5 compacted gravel pad.
5. CAMPSITE DIMENSIONS AND LOCATION: Each campsite within a campground shall have minimum dimensions of not less than 40 feet wide and 60 feet long and shall serve no more than one camping unit. No campsite shall be within 30 feet of the campground outside boundary. No campsite shall be within 75 feet of the ordinary high watermark of a navigable body of water. No campsite shall be within the highway setback areas as established in 17.13(3).
6. BUFFER ZONE: The outer boundaries of the campground shall contain a thirty-foot (30') vegetative buffer zone consisting of coniferous trees and shrub plantings. Lands adjacent to any navigable waters, extending a minimum of 35 feet landward from the ordinary high water mark, shall be designated as a vegetative buffer zone in accordance with 17.41(6)(b).
7. PARKING: Every campsite shall be provided with two off-street parking spaces. Parking areas shall be constructed of the same materials as internal roads.
8. PLAN DRAWING: Plan drawings of proposed campgrounds must be submitted to the Barron County Zoning Office with an application showing all campsites, parking spaces, roads, buffer zones,

buildings, location of water sources, dump stations and sanitation facilities. The plan drawing shall be drawn to scale or provided with dimensions.

9. CAMPSITE IDENTIFICATION: All campsites within campgrounds shall be marked with permanent markers identifying the campsite number/name.
10. ACCESSORY STRUCTURES: The maximum area of accessory structure use on each campsite is limited to a total of 200 square feet. The standards are as follows:
    a. One deck/platform not to exceed 200 square feet in area. The deck/platform shall be open sided (no walls or screens), however, a roof which does not exceed 12 feet in height and does not extend more than two (2) feet beyond the perimeter of the deck/platform is allowed.
    b. One utility building, not to exceed 80 square feet in area and 10 feet in height.
    c. Location of accessory structures shall be within the designated dimensions of the approved campsite.
    d. A Land Use Permit shall be obtained by the campground owner/management for each accessory structure, prior to its placement on a campsite.
11. RETAIL SALES: Convenience establishments of a commercial nature, such as gasoline and grocery sales, may be permitted in a campground providing that such establishments and their related parking areas shall not occupy more than 10% of the total campground area and shall be subordinate to the recreational character of the camp.
12. SEWAGE DISPOSAL AND WATER SUPPLY: Shall comply with Section 17.63 and 17.64.

(n) TOURIST ROOMING HOUSE, subject to the following standards:

1. APPROVAL: The approval by the Board shall be for a period of one year of operation. The one year period of operation shall commence from the date a Barron County Land Use Permit is issued; however, a Land Use Permit shall not be issued prior to the property owner obtaining a lodging license from the Barron County Department of Health.
2. RENEWAL: The Special Exception permit shall remain in effect provided annual reviews by the Zoning Administrator discloses that a lodging license has been obtained and is current, the conditions attached to the Decision of the Board of Adjustment and all requirements of this chapter are adhered to. Reapplication to the Board of Adjustment for renewal, shall be required with a change in ownership, alterations to the operational rules, noncompliance with the standards of this chapter, or documented violations.
3. OPERATIONAL RULES: Operational rules shall be provided that establish guidelines that the tenants must comply with regarding, but not limited to; off street parking, garbage collection, occupancy limits, excessive noise, and the prohibition of fireworks and recreational vehicle/camping use. Owner must provide a copy of the operational rules to adjoining property owners.
4. OCCUPANCY LIMITS: The maximum number of tenants allowed to reside in the tourist rooming house for overnight accommodations shall be based on the number of bedrooms identified on the sanitary permit. The maximum number of tenants shall not exceed two (2) persons per bedroom plus 2 persons.
5. LOCAL CONTACT PERSON: A local contact person who resides within 20 miles of the subject property shall be identified, that will be responsible to manage the property and respond to questions/concerns in the absence of the property owner. The property owner may be the contact person if they reside within 20 miles of the property.
6. CONTACT INFORMATION & OCCUPANCY SIGN: Contact information and maximum occupancy shall be posted on an exterior wall near the main entrance of the residence with a minimum display area of 5" x 7". The following must be provided:
    a. Property address.

b. Emergency contact information; 911 (local police, fire, ambulance).
c. Property owner and local contact person's name and telephone number.
d. Maximum number of occupants allowed.

7. BUSINESS SIGN: If desired, one business sign may be placed on the property with a maximum display area of 3 square feet.
8. RECREATIONAL VEHICLES & CAMPING: The use of a recreational vehicle or any sort of camping use in conjunction with the residence is prohibited.
9. FINES / REVOCATION: Upon the occurrence of two (2) documented violations of the operational rules within a calendar year, the owner shall be subject to a fine and/or revocation of the special exception approval.

(3) DIMENSIONAL STANDARDS.

(a) LOT SIZE & WIDTH: Minimum lot size and width standards shall be governed by sec. 17.52(1)(b).
(b) YARD SETBACKS: Minimum rear and side yard setbacks shall be governed by sec. 17.13(4)
(c) HIGHWAY SETBACKS: Minimum highway setback lines shall be governed by sec. 17.13(3).
(d) SHORELAND SETBACKS: Minimum setback from the ordinary high water mark of a navigable water shall be governed by sec. 17.41(5)(d).
(e) HEIGHT OF STRUCTURES

1. RESIDENTIAL: No building shall exceed 35 feet in height.
2. ACCESSORY STRUCTURES: Refer to height standards for detached accessory buildings, sec. 17.32(1)(b).

17.37 AG-2 AGRICULTURAL-2 DISTRICT

The Agricultural-2 District is created to maintain and protect agricultural lands historically used for farming or forestry, but which are not included within the A-1 District. Because of location, soil characteristics, relatively low intensity of agricultural operation, topography and other reasons, these areas can accommodate some non-farm housing if these developments are carefully planned and located.

(1) PERMITTED USES.

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

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

1. Conservation Site Design. A conservation site design will allow four (4) dwellings per 40 acres or 1/4-1/4 section, density.
   a. The lots created shall not be less than 1 acre nor larger than 2 acres in area.
   b. These lots shall be adjacent to each other and proximate to existing public roads when practicable, or be located along the edges of large forested areas.
   c. This design shall maintain the agricultural lands and other valued natural features as an integral part of the landscape.
   d. A covenant shall be attached to the deed for such forty acres prohibiting any further sub-division of that forty acres, unless rezoned to a district that would allow development of a greater density.

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

1. Beauty Shop.
2. Music lessons.
3. Hobby crafts.
4. OFFICES. Such as veterinarians, doctors, insurance, provided that the occupational activity takes place entirely within the dwelling structure that has residential occupancy as its principal le use, and that the occupational activity takes place within not more that 25% of the floor space of the dwelling structure.

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

(2) SPECIAL EXCEPTION USES.

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

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

(c) Private airports.

(d) Private dumps and landfills.

(e) Private junk or salvage yards.

(f) Private kennels

(g) Sawmills, long-term.

(h) Sewage disposal lagoons, plants and facilities, private.
(i) Shooting ranges.
(j) Automobile repair.
(k) Welding repair.
(l) Machine repair.
(m) Feed and fertilizer sales.
(n) Woodworking shop.
(o) Other retail or wholesale businesses involving sales of and/or services similar to the activities listed above, and where they are not otherwise provided for in this chapter.
(p) Community Living Arrangements.

(3) DIMENSIONAL RULES AND OTHER STANDARDS.

(a) Standards and procedures found in par. (b) and sec. 17.28(3)(a), (c) and (d), shall apply to farm connected residential uses allowed in the district as permitted uses or special exceptions.
(b) The following are locational standards:
1. The site proposed for the use shall be non-tillable or unsuitable for agricultural productions.
2. The soil characteristics of the site shall be suited to residential use.
3. The public service demands (including police, fire, road construction and maintenance and school services) which the proposed use will cause in the location for which a permit is requested, shall not be unreasonable.
(c) Lot sizes for special exception uses listed under Section 17.37(2) shall be established by the Board of Adjustment upon granting of a special exception. These lots shall not be used for residential development if under 17 acres in size, unless the lot was created prior to May 21, 2002.

17.38 B BUSINESS DISTRICT

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

(1) PERMITTED USES.

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

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

(3) SPECIAL EXCEPTION USES.

(a) Other retail or wholesale businesses involving sales of goods and/or services.

(b) Manufacturing uses in connection with an approved business use, when clearly incidental to the conduct of the business use.

(c) Airports and airstrips, public or private.

(d) Structures exceeding one per business operation.

(4) DIMENSIONAL RULES AND OTHER STANDARDS.

(a) LOT SIZE & WIDTH: Minimum lot size and width standards shall be governed by sec. 17.52(1)(b).

(b) YARD SETBACKS: Minimum rear and side yard setbacks shall be governed by sec. 17.13(4)

(c) HIGHWAY SETBACKS: Minimum highway setback lines shall be governed by sec. 17.13(3).

(d) SHORELAND SETBACKS: Minimum setback from the ordinary high water mark of a navigable water shall be governed by sec. 17.41(5)(d)

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

17.39 I IDUSTRIAL DISTRICT

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

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

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

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

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

(3) DIMENSIONAL RULES AND OTHER STANDARDS.

- (a) LOT AREA. For buildings or parts of buildings erected, moved, or structurally altered for residential use, the lot area regulations of sec. 17.32(3) shall apply; otherwise no minimum lot area shall be required.
- (b) HEIGHT. For buildings or parts of buildings hereafter erected, moved or structurally altered for residential use, the height regulations of sec. 17.32(3)(b) shall apply; buildings erected, moved or structurally altered for any other purpose shall not exceed 50' in height. See also sec. 17.14.
- (c) SIDE YARDS. Side yards shall be 10' in width, except that any side yard that abuts a residential district shall be not less than 25' wide.
- (d) REAR YARDS. There shall be a rear yard of not less than 12' in depth, except that:

1. Such rear yard shall be increased in depth by 3’ for each additional 5’ by which the principal building of the lot exceeds 35’ in height.
2. Such rear yard which abuts a residence district, shall not be less than 25’ in depth, and no automobile parking lot, stock pile, waste or salvage pile, equipment storage yard or other accumulation of material or equipment in the open, shall be stored or placed in such rear yard, except that, loading platforms may be established in a rear yard if it abuts on a railroad.

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

17.40 PLANNED RESIDENTIAL DEVELOPMENT OVERLAY

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

(2) APPLICATION. A special exception application for a PRD shall be filed in accord with sec. 17.73(6).

(3) GENERAL REGULATIONS.

(a) Planned residential developments are allowed in the following districts: R-1, R-2, R-3 and RR.

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

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

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

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

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

(g) Private streets and accessways shall be developed to a standard equal to that required for public use by the Subdivision Code. Such private roads and accessways shall be protected by deed restrictions and covenants assuring their availability to all residents of the PRD.

(h) The Board of Adjustment may modify the requirements for density, off-street parking and loading, access and signs.

(4) STANDARDS FOR COMMON OPEN SPACE.

(a) The uses authorized for the open space must be appropriate to the scale and character of the PRD, considering its density, expected population, topography, and number and type of structures.

(b) Open area must be improved for its intended use, unless it contains natural features worthy of preservation, in which case, it may be left in an unimproved state.

(c) Construction of common infrastructure such as roads, parks and recreational facilities shall proceed at the same rate as the construction of principal structures.

(5) REQUIRED COVENANTS, EASEMENTS, AND PROVISIONS.

(a) The development plan shall contain such covenants, easements, and other provisions relating to the bulk, location and density of permitted structures, accessory uses thereto, and public facilities, as may be necessary for the PRD and surrounding land uses.

(b) The developer may be required to dedicate land for public streets, roads, driveways, or other public purposes, as may be necessary for the welfare of the PRD and surrounding land.

(c) Control of planned unit development following acceptance: All changes in use or rearrangements of lots, blocks, and building sites, and any changes in the approved plans, must be made by the Board of Adjustment under the Special Exception use permit process.

(d) Failure to begin planned residential development: If no construction has begun within one year from the final approval, the development plan shall lapse and be of no further effect, provided that at its discretion and for good cause, the Board of Adjustment may extend for one additional year, the period for beginning of construction.

(6) SIZE OF INDIVIDUAL LOTS. Each individual lot shall be of adequate size to provide a location for on-site waste disposal system satisfying the standards of the Sanitary Code and DSPS 383, WAC.

(7) YARDS. Side yard shall be minimum of 20 ft. from the exterior property lines of the development and other buildings. Rear yards shall be a minimum of 25 ft.

(8) BUILDING HEIGHT. Refer to standards in relevant underlying zoning district.

17.41 SHORELAND PROTECTION OVERLAY AREA

(1) FINDING OF FACT, STATEMENT OF PURPOSE.

(a) **FINDING OF FACT.** Uncontrolled use of the shorelands and pollution of the navigable waters of Barron County will adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Barron County, Wisconsin.

(b) **PURPOSE AND INTENT.** For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this ordinance has been established to:

1. Further the maintenance of safe and healthful conditions and prevent and control water pollution through:
   a. Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
   b. Controlling filling and grading to prevent soil erosion problems.
   c. Limiting impervious surfaces to control runoff which carries pollutants.
2. Protect spawning grounds, fish and aquatic life through:
   a. Preserving wetlands and other fish and aquatic habitat.
   b. Regulating pollution sources.
   c. Controlling shoreline alterations, dredging and lagooning.
3. Control building sites, placement of structures and land uses through:
   a. Prohibiting certain uses detrimental to the shoreland-wetlands.
   b. Setting minimum building setbacks from waterways.
   c. Setting the maximum height of near-shore structures.
4. Preserve and restore shoreland vegetation and natural scenic beauty through:
   a. Restricting the removal of natural shoreland cover.
   b. Preventing shoreline encroachment by structures.
   c. Controlling shoreland excavation and other earth-moving activities.
   d. Regulating the use and placement of boathouses and other structures.

(2) GENERAL PROVISIONS.

(a) **AREAS TO BE REGULATED.** Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Barron County which are:

1. Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages.
2. Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater.

(b) The provisions of this section apply to regulation of the use and development of unincorporated shoreland areas. Unless specifically exempted by law, all cities, villages, towns, counties and, when s. 13.48 (13), Stats, applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state

highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland zoning ordinances if s. 30.2022 (1), Stats, applies. (NR 115.02) Shoreland zoning requirements in annexed or incorporated areas are provided in s. 61.353 and s. 62.233, Stats.

(c) Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate office of the Department of Natural Resources ("Department") for a final determination of navigability or ordinary high-water mark. The county may work with surveyors with regard to s. 59.692(1h).

(d) Under s. 281.31(2m) Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:

1. Lands adjacent to farm drainage ditches if:
   a. Such lands are not adjacent to a natural navigable stream or river.
   b. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching.
2. Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

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

(3) MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this section and obtain all necessary permits. State agencies are required to comply when s. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.2022 Wis. Stats., applies. Shoreland zoning requirements in annexed or incorporated areas are provided in s. 61.353 and s. 62.233, Stats.

(4) ABROGATION AND GREATER RESTRICTIONS. (s. 59.692(5) Wis. Stats.) The provisions of this section supersede any provisions in Barron County Land Use Ordinance that solely relate to shorelands. In other words, if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supersedes those provisions. However, where an ordinance adopted under a statute other than s. 59.692, Wis. Stats., does not solely relate to shorelands and is more restrictive than this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions.

(a) (s. 59.692(2)(a), Wis. Stats.) This ordinance shall not require approval or be subject to disapproval by any town or town board.

(b) (s. 59.692(2)(b), Wis. Stats.) If an existing town ordinance relating to shorelands is more restrictive than this ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.

(c) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(d) The provisions of the Barron County Land Use Ordinance are hereby incorporated by reference; these provisions shall only apply to the shoreland area where they impose greater restrictions than this ordinance otherwise imposes.

(e) (s. 59.692(1d)(b), Wis. Stats.) This ordinance may establish standards to regulate matters that are not regulated in NR 115, but that further the purposes of shoreland zoning as described in 17.41(1)(b) of this ordinance.

(f) (s. 59.692(1k)(a)1., Wis. Stats.) Counties may not establish shoreland zoning standards in a shoreland zoning ordinance that requires any of the following:

1. Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.
2. Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.

(g) (s.59.692(7), Stats) The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if the Department has issued all required permits or approvals authorizing the construction or maintenance under ch. 30, 31, 281, or 283. A "facility" means any property or equipment of a public utility, as defined in s. 196.01 (5), or a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power to its members only or that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

(5) DIMENSIONAL STANDARDS. Permitted building setbacks and dimensional standards shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution.

(a) LOT SIZE. (minimum lot size as per section 17.52(1)(b))

1. Section 17.52(1)(b) establishes the minimum lot size required in Barron County, and the dimensional standards of Sections 17.28 through 17.39 shall apply.
2. The NR 115.05(1)(a) standards for shoreland lots (which are superseded by the Barron County minimum lot sizes for all districts as indicated in Section 17.52) are referenced as the following: For sewered lots in a shoreland zone, the minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet. For unsewered lots in a shoreland zone, the minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet.

(b) SIDE AND REAR YARD SETBACKS.

1. Side and rear yard setbacks shall meet the dimensional standards of Section 17.13(4).

(c) BOATHOUSE STRUCTURES. The standards for establishing a boathouse structure on a lot are as follows:

1. One boathouse structure is permitted on a lot as an accessory structure.
2. Shall be used solely for storage of aquatic equipment.
3. Shall not be used or designed for human habitation and shall not contain plumbing.
4. Patio doors, fireplaces and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.
5. Shall be located entirely within the access and viewing corridor.
6. Shall be placed entirely above the ordinary high water mark. The placement of a boathouse below the ordinary high-water mark of any navigable waters shall be prohibited.
7. Shall be constructed in conformity with floodplain zoning standards in 17.42.
8. Shall be setback a minimum of 10 feet from the ordinary high water mark.
9. Shall not exceed 96 square feet in floor area.
10. Shall have a pitched roof that is no flatter than 3/12 pitch and no steeper than 12/12 pitch, which shall not be designed or used as decks, observation platforms or other similar uses. Roof eaves shall not exceed 12 inches.

11. Sidewall height shall not exceed 8 feet.

(d) SHORELAND SETBACKS. Unless exempt under (d)1, reduced under (e), or increased under (f), a setback of 75 feet from the ordinary high-water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures.

1. EXEMPT STRUCTURES. All of the following structures are exempt from the shoreland setback standards in (d):
   a. Boathouses as per 5(c).
   b. Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the following requirements in s. 59.692(1v), Stats.
      (1) The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary-high water mark.
      (2) The floor area of all the structures in the shoreland setback area will not exceed 200 square feet and no more than 12" above or below natural grade.
      (3) Wall height shall not exceed eight (8) feet, the roof shall have a minimum roof pitch of 3/12.
      (4) The structure that is the subject of the request for zoning permission has no sides or has open or screened sides.
      (5) The county must approve a mitigation plan which will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.
   c. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter, and satellite earth station antennas that are 2 meters or less in diameter.
   d. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with ch. SPS 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.
   e. Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are 60 inches or less in width. One pedestrian access (i.e. stairway, walkway, path) up to 60 inches in width is permitted on each lot, except that one additional pedestrian access, being an incline elevator (i.e. hillside lift, tram system) type structure that is 60 inches in width or less, is also permitted. All pedestrian accesses are subject to the following standards:
      (1) The pedestrian access, when passing through the vegetative buffer zone as described in (6)(b)2, shall be located within the viewing and access corridor.
      (2) The pedestrian access shall be established or constructed in a manner that requires the least amount of land disturbance possible, will not be prone to soil erosion, and observes the purpose and intent of this section as stated in sub. (1)(b).
      (3) The pedestrian access shall be located and designed in a manner to provide a reasonably direct route of travel from the principal structure to the primary shoreline access (i.e. main boat dock location). Walkways and boardwalks that are situated parallel to the shoreline, which deviate from the purpose of providing a direct route of pedestrian access to the shoreline, shall be prohibited.
      (4) Pedestrian accesses that meander or have switch back designs that do not accomplish a reasonably direct route of travel from the principal structure to the primary shoreline access are prohibited. These types of designs often involve excessive land and vegetation

disturbance activities that violate the purpose and intent of this section as stated in sub. (1)(b).

f. Devices or systems used to treat runoff from impervious surfaces.

2. EXISTING EXEMPT STRUCTURES. (s.59.692(1k)(a)2m, Stats)

a. Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

b. The roof of an existing boathouse may be used as a deck provided that it meets the following criteria:

(1) The boathouse is located entirely above the ordinary high water mark.

(2) The boathouse is located entirely within the access and viewing corridor.

(3) The boathouse does not contain plumbing.

(4) The boathouse has a flat roof.

(5) The roof has no side walls or screens.

(6) If desired, the roof may be permitted to have a railing that meets the Department of Safety and Professional Services standards.

(e) REDUCED PRINCIPAL STRUCTURE SETBACK. (s.59.692(1n), Stats) A setback less than the 75 feet from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:

1. Where there are existing principal structures on both adjoining riparian lots, the setback shall equal the average distance the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:

a. Both of the existing principal structures are located on lots adjacent to the proposed principal structure.

b. Both of the existing principal structures are located within 250 feet of the proposed principal structure and are the closest principal structures.

c. Both of the existing principal structures are located less than 75 feet from the ordinary high water mark and lawfully placed at the time of construction.

d. The average setback shall not be reduced to less than 35 feet from the ordinary high water mark of any navigable water.

(f) INCREASED PRINCIPAL STRUCTURE SETBACK. A setback greater than 75 feet from the ordinary high water mark may be required for a proposed principal structure and determined as follows:

1. Where there are existing principal structures on both adjoining riparian lots, the setback shall equal the average distance the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:

a. Both of the existing principal structures are located on lots adjacent to the proposed principal structure.

b. Both of the existing principal structures are located within 200 feet of the proposed principal structure.

c. Both of the existing principal structures are located greater than 75 feet from the ordinary high water mark.

d. Both of the existing principal structures were required to be located at a setback greater than 75 feet from the ordinary high water mark at the time of construction.

e. The increased setback does not apply if the resulting setback limits the placement to an area on which the structure cannot be built.

(g) HEIGHT.

1. MAXIMUM HEIGHT. The maximum height of any structure constructed within 75 feet of the ordinary high-water mark of any navigable waters shall not exceed 35 feet.
2. Refer to section 17.14(2) for methods of determining permissible heights.

(h) FLOODPLAIN STRUCTURES. Buildings and structures to be constructed or placed in a floodplain shall be required to comply with Section 17.42.

(6) VEGETATION.

(a) PURPOSE. To protect natural scenic beauty, fish and wildlife habitat, and water quality, Barron County shall regulate removal of vegetation in shoreland areas and shall establish ordinance standards that consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion and the flow of effluents, sediments and nutrients.

(b) ESTABLISHMENT OF A VEGETATIVE BUFFER ZONE. To protect water quality, fish and wildlife habitat, natural scenic beauty, and to promote preservation and restoration of native vegetation, a vegetative buffer zone has been designated extending inland 35 feet from the ordinary high water mark, prohibiting removal of vegetation in the vegetative buffer zone except as follows:

1. Routine maintenance of vegetation as defined in 17.08.
2. The removal of trees and shrubs in the vegetative buffer zone to create an access and viewing corridor per s. 59.692(1f)(b), Stats. The viewing corridor may be 35 feet wide for every 100 feet of shoreline frontage. The access and viewing corridor may run contiguously for the entire maximum width of shoreline frontage owned and shall be offset from the property line the required side yard setback as per section (5)(b).
3. The removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with “generally accepted forestry management practices” as defined in s. NR 1.25 (2)(b), and described in Department publication “Wisconsin Forest Management Guidelines” (publication FR-226).
4. The removal of exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed is replaced by replanting in the same area as soon as practicable.
5. Barron County may authorize, by permit, additional vegetation management activities in the vegetative buffer zone. The permit issued shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, improve the plant community by replanting in the same area, and maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

(7) IMPERVIOUS SURFACE STANDARDS.

(a) PURPOSE. Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. Impervious surface standards apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any nonriparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

(b) CALCULATION OF PERCENTAGE OF IMPERVIOUS SURFACE. Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion

of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that lot and multiplied by 100. Impervious surfaces described in (e) shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

(c) GENERAL IMPERVIOUS SURFACE STANDARD. Up to 15% impervious surface is allowed on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark, except as allowed in (d) through (f).

(d) MAXIMUM IMPERVIOUS SURFACE. A property may contain impervious surface of more than 15% but not more than 30% on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark provided the landowner develops a mitigation plan that meets the standards found in 17.41(12) along with obtaining the required permits for development.

(e) TREATED IMPERVIOUS SURFACES. Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under section (b).

1. The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
2. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

(f) EXISTING IMPERVIOUS SURFACES. For existing impervious surfaces which were lawfully placed when constructed but that do not comply with the impervious surface standard in (c) the property owner may do any of the following:

1. Maintain and repair the existing impervious surfaces.
2. Replace existing impervious surfaces with similar surfaces within the existing footprint.
3. Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and the impervious surface meets the applicable setback requirements.

(8) FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING. Land disturbance activities such as filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of s. NR 115.04, the requirements of ch. 30, Stats., and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

(a) GENERAL STANDARDS. All filling, grading, lagooning, dredging, ditching or excavating activities including any activity that does not require a permit under (b) may be permitted in the shoreland area provided that:

1. It is not done within the vegetative buffer zone unless necessary for establishing or expanding the vegetative buffer.
2. It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.
3. Filling, grading, lagooning, dredging, ditching or excavating in a shoreland wetland district meets the requirements of Sections 17.43.
4. All applicable federal, state and local authority is obtained in addition to a permit under this ordinance.

5. Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover or a bulkhead.
6. No land disturbance shall occur within 35 feet landward of the OHWM unless it is determined to be necessary and there is no other reasonable alternative to accomplish the following:
   a. Gain pedestrian access to the waterbody in accordance with sub. (5)(d)1.e.
   b. Repair and stabilize, with vegetation whenever feasible, an on-going erosion issue.
   c. Prepare an area for replanting or expanding a vegetative buffer.
   d. Reclaim an area back to its original grade after land disturbance that was done in violation of this code or after removal of a nonconforming structure or building.

(b) PERMIT REQUIRED. Except as provided in (a), a grading permit is required:
1. For any filling or grading of any area which is within 300 feet landward of the ordinary highwater mark of navigable water and which has surface drainage toward the water and on which there is any:
   a. Filling or grading on slopes of more than 20%.
   b. Filling or grading of more than 1,000 sq. ft. on slopes of 12% 20%.
   c. Filling or grading of more than 2,000 sq. ft. on slopes less than 12%.
2. For any filling or grading of more than 100 square feet within the shoreland setback area as per (5)(d).
3. For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the ordinary highwater mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

(c) PERMIT CONDITIONS. In granting a grading permit under (b), the following conditions shall be attached, where appropriate, in addition to those provisions specified in section 17.74(5)(d).
1. The minimum amount of bare ground shall be exposed for the shortest time as feasible.
2. Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.
3. Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.
4. Lagoons shall be constructed to avoid fish trap conditions.
5. Fill shall be stabilized according to accepted engineering standards.
6. Filling shall comply with the floodplain zoning standards of 17.42 and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.
7. Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.
8. No land disturbance shall occur within 35 feet landward of the OHWM unless it is determined to be necessary and there is no other reasonable alternative to accomplish the following:
   a. Gain pedestrian access to the waterbody in accordance with sub. (5)(d)1e.
   b. Repair and stabilize, with vegetation whenever feasible, an on-going erosion issue.
   c. Prepare an area for replanting or expanding a vegetative buffer.
   d. Reclaim an area back to its original grade after land disturbance that was done in violation of this code or after removal of a nonconforming structure or building.

(d) SOIL CONSERVATION PRACTICES AND AGRICULTURAL DRAINAGE MAINTENANCE.

1. Soil conservation practices such as tiled terraces, runoff diversions and grassed waterways used for erosion control shall not require a permit under (b) when designed and constructed to Natural Resources Conservation Service technical standards.
2. The maintenance of existing agricultural drainage systems shall be permitted in conformity with the following construction standards:
   a. The maintenance dredging of farm drainage ditches is limited to reestablishing the original ditch cross section.
   b. Ditch banks shall be constructed at a slope of 2 horizontal to 1 vertical (50% grade) or flatter.
   c. Ditch banks shall be maintained in a sod cover and free of woody vegetation.
   d. A 35 foot wide buffer strip of untilled, un-grazed sod cover shall be maintained adjacent to the ditch bank.

(9) NONCONFORMING USES AND STRUCTURES.

(a) DISCONTINUED NONCONFORMING USE. If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance.

(b) MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF NONCONFORMING STRUCTURES. An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

(c) LATERAL EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURE WITHIN THE SETBACK. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per (5)(d) may be expanded laterally, provided that all of the following requirements are met:
   1. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
   2. The existing principal structure is at least 35 feet from the ordinary high-water mark.
   3. Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.
   4. The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 17.41(12).
   5. All other provisions of the shoreland ordinance shall be met.

(d) EXPANSION OF A NONCONFORMING PRINCIPAL STRUCTURE BEYOND SETBACK. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under section (5)(d), may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per (5)(d) and that all other provisions of the Land Use Ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required per (7).

(e) RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURE. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per (5)(d) may be relocated on the property provided all of the following requirements are met:

1. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
2. The existing principal structure is at least 35 feet from the ordinary high-water mark.
3. No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
4. The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement per (5)(d).
5. The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Section 17.41(12).
6. All other provisions of the Land Use Ordinance shall be met.

(10) MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE.

(a) A structure, of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015, may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

(11) MAINTENANCE, REPAIR, REPLACEMENT OF ILLEGAL STRUCTURES. s. 59.692(lk)(a)2c, Stats A structure that was illegally constructed, which is older than 10 years and may not be enforced under the shoreland ordinance (s. 59.692(lt) Wis. Stats.) may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the structure, (no vertical or lateral expansion allowed for structures in violation).

(12) MITIGATION. Development and human activity around the lakeshore has negatively impacted water quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic beauty. Mitigation is a way to restore these natural functions of the lakeshore which have been lost through development and human activities.

(a) WHEN REQUIRED. When the County receives a Land Use Permit Application for certain shoreland activities which require mitigation, the property owner must also submit a completed Shoreland Mitigation Plan for review and approval by the County. The shoreland activities that require mitigation include:

1. Increase of impervious surface as described in sub. (7)(d).
2. Lateral expansion to a nonconforming principal structure as described in sub. (9)(c).
3. Relocation of a principal structure as described in sub. (9)(e).
4. A shoreland activity that is granted by the Board of Adjustment through a variance. As a condition of approval, the Board may require mitigation if the activity is occurring within the shoreland setback.

(b) MITIGATION OPTIONS. The applicant has an array of mitigation options to choose from, which are detailed in Appendix A. These options can involve mitigation practices such as preserving existing natural vegetative buffers, restoring vegetative buffers that have been removed, and installing stormwater infiltration features.

1. The purpose of these practices is to restore the natural functions of the shoreland ecosystem, which have been lost through development and human activities.
2. The mitigation measures shall be proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.

(c) THE PLAN. A written plan must be submitted to the Zoning Office for review and approval, which describes and illustrates the proposed mitigation practices. The plan shall consist of:

1. A completed Shoreland Mitigation Plan worksheet, which will indicate the mitigation practices that are proposed along with other information pertaining to each specific mitigation practice. This worksheet is furnished by the Zoning Office.
2. A site plan which illustrates the proposed mitigation practices and all relevant size and location information.
3. An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation practices.
   a. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds.
   b. All necessary mitigation practices indicated in the approved Shoreland Mitigation Plan must be initially completed within one (1) year from the issue date of the associated Land Use Permit. Completion of mitigation obligations will be verified by an onsite inspection conducted by zoning staff.
   c. All mitigation obligations included in the approved Shoreland Mitigation Plan must be established by the required date of completion and maintained by the current property owner and by all subsequent property owners thereafter.

(d) ENFORCEMENT OF OBLIGATIONS. Zoning staff will conduct onsite inspections to verify that the mitigation obligations have been completed within 1 year of issuance of the associated Land Use Permit and that the practices are being maintained thereafter. Failure to complete and/or maintain the mitigation practices contained in the Shoreland Mitigation Plan will be considered a violation of the Barron County Land Use Ordinance. Violations will be forwarded to the Barron County Corporation Counsel for prosecution in accordance with Section 17.90 of this code.

APPENDIX A: MITIGATION OPTIONS

Below is a catalog of the mitigation practices, and their point values, that are available for completing a Shoreland Mitigation Plan. 3 points are required to satisfy a Shoreland Mitigation Plan.
A brief explanation of these options can be found on the pages below. More detailed information with diagrams and photos can be found in the Shoreland Mitigation Handbook which is available on the Barron County Website and in the Zoning Office.

MITIGATION OPTION CATALOG (3 points required)	
Type of Mitigation Practice	Number of Points
(1) Update or replace a non-compliant Sanitary System	2
(2) Preserve or restore a vegetative buffer zone that extends 35 feet landward from the ordinary high water mark (OHWM). (Must be native plants)	2
(3) Preserve or restore a vegetative buffer zone that extends 50 feet landward from the OHWM. (Must be native plants)	3
(4) Viewing and Access Corridor width of 15 feet or less	1
(5) Install a rock infiltration trench or pit	Up to 3 points
(6) Install a rain garden with native plantings, or similar feature	Up to 3 points
(7) Preserve or restore both shoreland sideyard areas with native plants	1
(8) Remove or relocate a building or impervious structure, which is located within the shoreland setback, to a compliant location.	1 point for each structure

EXPLANATION OF MITIGATION OPTIONS

Note: All Mitigation Plans must contain a written portion and site plan which provides all pertinent details to show that these mitigation options meet the necessary criteria for earning the proposed mitigation points.

(1) Update or replace a non-compliant Sanitary System. 2 points

In situations where the current Private Onsite Wastewater Treatment Systems (POWTS) on the property is potentially non-compliant, updating or replacing the system to make it code compliant can earn mitigation points. A non-compliant POWTS could potentially be releasing effluent into the soil which percolates into groundwater and possibly the nearby waterbody. Upon discussion with zoning staff, if it appears that the system may be non-compliant, the landowner would be advised to hire a Master Plumber, Master Plumber Restricted Sewer, or a POWTS Maintainer to conduct a detailed evaluation of the system and submit a Barron County Sanitary System Evaluation Form to the Zoning Office for review. (In some cases, if it is determined by zoning staff that the system is quite certainly non-compliant, the requirement to get the system evaluated may be waived). If after review, the evaluation determines the system to be non-compliant, the landowner can go forward with the process for having a licensed plumber design and install a new POWTS, which would earn 2 mitigation points. In order to obtain the mitigation points, the State Sanitary Permit for the new system must be issued before the Land Use Permit is issued. The new POWTS must be installed within 1 year of Land Use Permit issuing date.

(2) Preserve or restore a vegetative buffer zone that extends 35 feet landward from the ordinary high water mark (OHWM). (Must be native plants) 2 points

A vegetative buffer zone is an area that extends landward from the OHWM of a waterbody a specified distance (35 feet in this case) and extends the entire width of the lot, with the exception of the viewing and access corridor that passes through the buffer to the waterbody. An intact vegetative buffer zone has many functions and provides many benefits for the health of the nearby waterbody and for users of those waterbodies. Some of the functions and benefits of the buffer zone are cleaning/filtration of stormwater runoff carrying pollutants which flow downhill towards the waterbody, provides near-shore habitat for wildlife, and creates natural screening between the waterbody and structures on the lot. In this part of Wisconsin, the vegetative buffer zone must be densely covered with the 3 layers of vegetation which is comprised of plants that are native to Wisconsin, and should be void of non-native/invasive species. The 3 layers of vegetation that must make up the buffer are a tree canopy layer, shrub (or tree seedling/sapling) layer, and a ground cover (i.e. grasses, forbs, ferns) layer. In order to receive 2 mitigation points, an existing compliant buffer can be preserved, or if there is not a compliant buffer on the lot currently, it can be restored/replanted. When determining if an existing buffer is sufficient or when restoring/replanting a vegetative buffer, it shall be in accordance with the standards contained in the USDA – Natural Resource Conservation Service (NRCS) guidance document *Wisconsin Biology Technical Note # 1 – Shoreland Habitat*. In general, the vegetation within the buffer zone must be left untouched, with the exception of certain removal and maintenance situations as established in Section 17.41(6) of this code. Note that rather than a 30 foot wide viewing/access corridor as mentioned in the NRCS document, the current allowable width for the viewing/access corridor is 35% of the lot width/water frontage as stated in Sec. 17.41(6)(b)2 of this code.
- Website link to Wisconsin Biology Technical Note # 1 – Shoreland Habitat:
https://dnr.wi.gov/topic/ShorelandZoning/documents/NRCSBioTechNote.pdf

(3) Preserve or restore a vegetative buffer zone that extends 50 feet landward from the OHWM. (Must be native plants) 3 points

The vegetative buffer zone follows the same standards as mentioned in Option # 2 above, except 3 points can be earned rather than 2 if the buffer extends 50 feet or more landward from the OHWM.

(4) Viewing and Access Corridor width of 15 feet or less. 1 point

As briefly mentioned in Option # 2, each lot is allowed to have a viewing and access corridor that passes through the vegetative buffer zone. Unlike in the vegetative buffer zone, more vegetation removal is allowed within the viewing and access corridor. The purpose of the corridor is to concentrate human activity such as pedestrian traffic within one area, which can involve construction of a stairway or walkway if necessary for gaining access to the waterbody and also to allow a filtered view of the waterbody. As per Section 17.41(6)(b)2 of this code, the standard width that a viewing and access corridor can be is 35% of the width of lot/water frontage. In order to earn 1 mitigation point, the viewing and access corridor must be 15 feet or less in width and the lot must have a vegetative buffer zone that extends at least 15 feet landward from the OHWM of the waterbody. Having a narrower viewing corridor means the vegetative buffer zone is larger, which provides for even more effective filtration of stormwater runoff moving downhill towards the waterbody, more near-shore habitat for wildlife, and natural screening between the structures on the lot and the waterbody. An existing 15 foot wide viewing corridor can be preserved, or a wider corridor can be reduced down to 15 feet by restoring/replanting the necessary area of vegetative buffer, which must be done in accordance with the standards contained in the USDA – Natural Resource Conservation Service (NRCS) guidance document *Wisconsin Biology Technical Note # 1 – Shoreland Habitat*. Vegetation removal and maintenance within the vegetative buffer zone must be in accordance with Section 17.41(6) of this code.
- Website link to Wisconsin Biology Technical Note # 1 – Shoreland Habitat:
https://dnr.wi.gov/topic/ShorelandZoning/documents/NRCSBioTechNote.pdf

(5) Install a rock-filled infiltration trench or pit. Up to 3 points

Digging, installing, and maintaining a rock-filled infiltration trench or pit is an effective way to capture stormwater runoff carrying pollutants and allows the water to filter through the soil and recharge the ground water. Capturing the stormwater in an infiltration device lessens the amount of polluted runoff that would otherwise flow across the land downhill and enter the nearby waterbody, which has negative impacts on water quality. The sizing, location, materials, and other specifications for a rock infiltration trench or pit shall follow design standards contained in the Burnett County Land and Water Conservation Department publication *Controlling Runoff and Erosion from Your Waterfront Property – A Guide for Landowners* copyright 2008. If the infiltration device is designed to treat at least the amount of impervious surface area that is being added in the proposed construction project, 3 mitigation points can be earned. In cases where the proposed construction project involves less than 200 square feet of additional impervious surface, the infiltration device must be sized and designed to treat at least 200 square feet of impervious area, which will earn 3 mitigation points.

- Website link to Controlling Runoff and Erosion from Your Waterfront Property – A Guide for Landowners: *http://www.burnettcounty.com/DocumentCenter/Home/View/119*

(6) Install a rain garden with native plantings, or similar feature. Up to 3 points

Digging, installing, and maintaining a rain garden is an effective way to capture stormwater runoff carrying pollutants and allows the water to filter through the soil and plant roots which then recharges the ground water. Capturing the stormwater in a rain garden lessens the amount of polluted runoff that would otherwise flow across the land downhill and enter the nearby waterbody, which has negative impacts on water quality. A rain garden is a shallow depression in a yard area that has a flat bottom, which is designed to have stormwater from an impervious surface directed towards it, and is planted with native plants. Native plants have much deeper roots than lawn grass, which provides for much more effective filtration of pollutants and higher capacity for water absorption. Native plantings also provide habitat for many types of birds and butterflies. The sizing, location, materials, and other specifications for a rain garden shall follow design standards contained in the WI Standards Oversight Council & WI DNR publication *Rain Gardens: A Guide for Homeowners & Landscapers*. If the rain garden is designed to treat at least the amount of impervious surface area that is being added in the proposed construction project, 3 mitigation points can be earned. In cases where the proposed construction project involves less than 200 square feet of additional impervious surface, the rain garden must be sized and designed to treat at least 200 square feet of impervious area, which will earn 3 mitigation points.

- Website links to Rain Gardens: A Guide for Homeowners & Landscapers:

High quality publishing version: https://dnr.wi.gov/topic/Stormwater/documents/RainGardenManual.pdf
Printer friendly version: https://dnr.wi.gov/topic/Stormwater/documents/RainGardenManualPrint.pdf

(7) Preserve or restore both shoreland sideyard areas with native plants. 1 point

The shoreland sideyard areas extend 10 feet into the lot and run along each side lot line. There are 2 sideyards on a typical lot. For the purposes of this mitigation practice, a shoreland sideyard area is 10 feet in width and the depth starts at a point 35 feet landward from the ordinary high water mark (OHWM) of the waterbody and extends to a point 75 feet from the OHWM, which runs parallel to the side lot line. Whether it is restoring or just preserving, a shoreland sideyard vegetation buffer can slow down stormwater and filter out pollutants that are carried in the stormwater after a rainfall and allow it to seep into the ground, rather than flowing over the land and into the nearby waterbody. In order to receive 1 mitigation point, an existing compliant buffer can be preserved, or if there is not a compliant buffer on the lot currently, it can be restored/replanted. When determining if an existing buffer is sufficient or when restoring/replanting a vegetative buffer, it shall be in

accordance with the standards contained in the USDA – Natural Resource Conservation Service (NRCS) guidance document *Wisconsin Biology Technical Note # 1 – Shoreland Habitat*. In general, the vegetation within the buffer must be left untouched, with the exception routine maintenance and removal of invasive/non-native species, diseased vegetation, vegetation causing an imminent safety hazard, provided that any vegetation removed is replaced by replanting in the same area as soon as practicable.

- Website link to Wisconsin Biology Technical Note # 1 – Shoreland Habitat: https://dnr.wi.gov/topic/ShorelandZoning/documents/NRCSBioTechNote.pdf

(8) Remove or relocate a building or impervious structure, which is located within the shoreland setback, to a compliant location. 1 point for each structure

Removing a structure from the shoreland setback area (within 75 feet of the ordinary high water mark of a waterbody) is a good way to restore the natural scenic beauty of the shoreland area and reduce the amount of impervious surfaces in close proximity to the waterbody. Buildings and other impervious surfaces located near the waterbody means there is little or no vegetative buffer to filter out pollutants that are carried in the stormwater runoff coming from those impervious surface before entering the waterbody. 1 mitigation point will be earned for each building or other impervious surface that is removed/relocated out of the shoreland setback area. Zoning staff will determine whether the building or surface qualifies for receiving mitigation points for its removal/relocation. The footprint area of the building or surface must be restored, revegetated, and stabilized appropriately after removal. Additional requirements include:

(a) Structures removed/relocated from the vegetative buffer zone (within 35 feet of the OHWM and outside the allowable viewing corridor).

1. The footprint location shall be restored and revegetated with native plantings and a plan for such restoration shall be created following the standards contained in USDA – Natural Resource Conservation Service (NRCS) guidance document *Wisconsin Biology Technical Note # 1 – Shoreland Habitat*.
2. A site plan shall be drawn which depicts the current location of the structure including measurements from the OHWM, lot lines, septic system, roadways, etc.

(b) Structures being relocated.

1. The relocated structure shall comply with all size, density, location, and use standards of the Barron County Land Use Ordinance.
2. A site plan shall be drawn which depicts the current and new location of the structure including measurements from the OHWM, lot lines, septic system, roadways, etc.
3. All necessary Land Use Permits must be obtained prior to relocation.

- Website link to Wisconsin Biology Technical Note # 1 – Shoreland Habitat: https://dnr.wi.gov/topic/ShorelandZoning/documents/NRCSBioTechNote.pdf

17.42 FLOODPLAIN ZONING ORDINANCE

(1) STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS.

(a) STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authorization in s. 61.35 and 62.23, for villages and cities; s. 59.69, s. 59.692, and s. 59.694 for counties; and the requirements in s. 87.30, Stats.

(b) FINDING OF FACT. Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

(c) STATEMENT OF PURPOSE. This ordinance is intended to regulate floodplain development to:

1. Protect life, health and property.
2. Minimize expenditures of public funds for flood control projects.
3. Minimize rescue and relief efforts undertaken at the expense of the taxpayers.
4. Minimize business interruptions and other economic disruptions.
5. Minimize damage to public facilities in the floodplain.
6. Minimize the occurrence of future flood blight areas in the floodplain.
7. Discourage the victimization of unwary land and homebuyers.
8. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners.
9. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

(d) TITLE. This ordinance shall be known as the Floodplain Zoning Ordinance for Barron County, Wisconsin.

(e) GENERAL PROVISIONS.

1. AREAS TO BE REGULATED. This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.
2. OFFICIAL MAPS & REVISIONS. The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see sub. (8) Amendments) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Zoning Office, Barron County, Wisconsin. If more than one map or revision is referenced, the most restrictive information shall apply.
   a. OFFICIAL MAPS, BASED IN THE FIS. Flood Insurance Rate Map (FIRM) dated December 3, 2009 for unincorporated Barron County, with corresponding profiles that are based on the Flood Insurance Study (FIS) dated December 3, 2009, volumes 55005CV000A. The official map applicable to Barron County unincorporated areas include panel numbers: 55005C0020D, 55005C0040D, 55005C0043D, 55005C0044D, 55005C0075D, 55005C0088D, 55005C0089D, 55005C0093D, 5005C0094D, 55005C0120D, 55005C0138D, 55005C0139D, 55005C0160D, 5005C0176D, 55005C0177D, 55005C0178D, 55005C0179D, 55005C0183D, 5005C0184D, 55005C0185D, 55005C0187D, 55005C0190D, 55005C0191D, 5005C0192D, 55005C0194D, 55005C0203D, 55005C0204D, 55005C0205D, 5005C0206D, 55005C0208D, 55005C0210D,

55005C0211D, 55005C0212D, 5005C0213D, 55005C0214D, 55005C0218D, 55005C0220D, 55005C0227D, 5005C0230D, 55005C0231D, 55005C0232D, 55005C0235D, 55005C0240D, 5005C0245D, 55005C0253D, 55005C0259D, 55005C0260D, 55005C0261D, 5005C0262D, 55005C0263D, 55005C0264D, 55005C0266D, 55005C0267D, 5005C0268D, 55005C0276D, 55005C0277D, 55005C0278D, 55005C0279D, 5005C0283D, 55005C0290D, 55005C0291D, 55005C0328D, 55005C0330D, 5005C0335D, 55005C0336D, 55005C0337D, 55005C0339D, 55005C0341D, 5005C0345D, 55005C0353D, 55005C0355D, 55005C0361D, 55005C0362D, 5005C0365D, 55005C0375D, 55005C0380D, 55005C0382D, 55005C0384D, 5005C0386D, 55005C0387D, 55005C0388D, 55005C0389D, 55005C0391D, 5005C0392D, 55005C0393D, 55005C0394D, 55005C0401D, 55005C0402D, 5005C0403D, 55005C0404D, 55005C0410D, 55005C0411D, 55005C0412D, 5005C0413D, 55005C0414D, 55005C0418D, 55005C0419D, 55005C0420D, 5005C0450D, 55005C0457D, 55005C0459D, 55005C0476D, 55005C0477D, 5005C0478D, 55005C0479D, 55005C0500D, 55005C0525D, 55005C0531D, 5005C0532D, 55005C0539D, 55005C0540D, 55005C0545D, 55005C0551D, 5005C0552D, 55005C0554D, 55005C0556D, 55005C0557D, 55005C0558D, 5005C0559D, 55005C0562D, 55005C0563D, 55005C0564D, 55005C0567D, 5005C0570D, 55005C0578D, 55005C0579D, 55005C0580D, 55005C0586D, 5005C0590D, 55005C0600D, 55005C0625D, 55005C0650D, 55005C0655D, 5005C0675D, 55005C0700D, 55005C0701D, 55005C0702D, 55005C0703D, 5005C0704D

Approved by: The DNR and FEMA

b. OFFICIAL MAPS, BASED ON OTHER STUDIES. Approved by: The DNR and FEMA

(1) Hydrologic, Hydraulic and Dam Failure Analysis of the Eyk Dam, dated June 24, 2003, and titled “Dam Failure Analysis for Eyk Dam, Barron County, Wisconsin”, prepared by Cooper Engineering.

(2) Hydrologic, Hydraulic and Dam Failure Analysis of the Chetek Dam, dated January 17, 2006 and titled “Dam Hazard Assessment, Chetek Dam, Barron County, Wisconsin”, prepared by Ayres Associates.

(3) Hydrologic, Hydraulic and Dam Failure Analysis of the Moon Lake Dam, dated March 24, 2007 and titled “Dam Hazard Assessment, Moon Lake Dam, Barron County, Wisconsin”, prepared by Ayres Associates.

(4) Hardscrabble Dam Failure Analysis, Hydraulic Shadow Map titled “Dam Failure Flood Shadow’, dated Sept. 2010; floodway data titled ‘Table 1: High Water Level Comparison’ and flood profiles titled ‘Hardscrabble Dam, Pokegama Creek Profile, both dated December 2010, prepared by SEH.

(5) Bear Lake Dam Failure Analysis, with flood profiles titled ‘Dam 100-Yr Routing Profiles’ and Hydraulic Shadow Map titled ‘Dam Breach, Hydraulic Shadow Map’, both dated Dec. 2011, and floodway data titled ‘Dam Failure Analysis Floodway Data Tables’ dated May 2012, prepared by Cedar Corporation.

(6) Sweeney Pond Dam Failure Analysis, with Floodway Map titled ‘Appendix H: Dam Failure Model Inundation Area Hydraulic Shadow’, dated Feb. 2013; Flood profiles titled ‘Appendix D: Water Surface Profiles, WS Max MS – BREACH’, dated Feb. 2013; and Floodway date table titled ‘Table 5: Dam Failure Model – Hydraulic Shadow’, March 1, 2013, Revised July 11, 2013, prepared by Cedar Corporation.

(7) Prairie Farm Dam Failure Analysis, with Hydraulic Shadow Map titled ‘Dam Failure Scenario’, floodway data titled ‘Hay River – Prairie Farm Dam Failure’ and flood profiles titled ‘Hay River at Prairie Farm’, all dated June 2013, prepared by MSA Professional Services.

(8) Cedar Lake (Mikana) Dam Failure Analysis and Hazard Rating Assessment, with floodway data titled 'Hydraulic Shadow Floodway Data', flood profiles titled 'Hydraulic Model Plots', and Hydraulic Shadow Maps titled 'Inundation Maps', dated Nov. 2013, prepared by Ayres Associates.

(9) Beaver Dam Lake Dam Failure Analysis, dated January 2015, prepared by Ayres Associates.

(10) Rice Lake Dam Failure Analysis, dated March 2015, prepared by Ayres Associates.

(11) Hydrologic, Hydraulic and Dam Failure Analysis of the Birch Lake Dam, dated July 2016, prepared by Ayres Associates.

(12) Chetek River Regional Flood Elevation Determination, Town of Sioux Creek, Sections 11 & 14, dated Dec. 2002, prepared by Cooper Engineering.

(13) Big and Little Dummy Lakes Floodplain Analysis titled 'Dummy Lakes Flood Study' dated Jan. 2018, prepared by Cooper Engineering.

(14) Letter of Map Revision (LOMR), Case No. 12-05-0299P, Effective May 10, 2012, Community No. 550568, Affected Panel Nos. 0206D & 0208D, for Silver Lake (entire lake) in Barron County, Wisconsin.

(15) Letter of Map Revision (LOMR), Case No. 10-05-4615A, July 27, 2010, Affected Panel Nos. 55005C0532D & 55005C0551D, Flooding Source: Red Cedar River.

(16) Letter of Map Revision (LOMR), Case No. 16-05-1819A, March 3, 2016, Affected Panel No. 55005C0208D, Flooding Source: Silver Lake.

(17) Letter of Map Revision (LOMR), Case No. 18-05-4011A, June 18, 2018, Affected Panel No. 55005C0586D, Flooding Source: Lake Chetek.

(18) Letter of Map Revision (LOMR), Case No. 19-05-0286A, November 19, 2018, Affected Panel No. 55005C0208D, Flooding Source: Silver Lake.

(19) *Floodplain Study Appendix:* All DNR- and FEMA-approved floodplain maps, flood profiles, floodway data tables, regional or base flood elevations and other information located in the appendix to this Ordinance. The studies are kept on file in the Zoning Office. The community shall provide the most up to date appendix to the DNR and FEMA regional offices.

3. ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS. The regional floodplain areas are divided into three districts as follows:

   a. The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.

   b. The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.

   c. The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.

4. LOCATING FLOODPLAIN BOUNDARIES. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subd 1 or 2 below. If a significant difference exists, the map shall be amended according to sub. (8) Amendments. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line

shall be settled according to sub. (7)(c)3 and the criteria in a and b below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to sub. (8) Amendments.

a. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
b. Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.

5. REMOVAL OF LANDS FROM FLOODPLAIN. Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to sub. (8) Amendments.
6. COMPLIANCE. Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.
7. MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies.
8. ABROGATION AND GREATER RESTRICTIONS.
   a. This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. 59.69, 59.692 or 59.694 for counties; s. 62.23 for cities; s. 61.35 for villages; or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
   b. This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
9. INTERPRETATION. In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, WAC, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.
10. WARNING AND DISCLAIMER OF LIABILITY. The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.
11. SEVERABILITY. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
12. ANNEXED AREAS FOR CITIES AND VILLAGES. The Barron County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, WAC and 44 CFR 59-72, National Flood Insurance Program (NFIP).

These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

(2) GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS. The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

- Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in sub. (7)(a)2. Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

(a) HYDRAULIC AND HYDROLOGIC ANALYSES.

1. No floodplain development shall:
   a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
   b. Cause any increase in the regional flood height due to floodplain storage area lost.
2. The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of sub. (8) Amendments are met.

(b) WATERCOURSE ALTERATIONS. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of sub. (2)(a) must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to sub. (8) Amendments, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

(c) CHAPTER 30, 31, WIS. STATS., DEVELOPMENT. Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to sub. (8) Amendments.

(d) PUBLIC OR PRIVATE CAMPGROUNDS. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

1. The campground is approved by the Department of Health Services.
2. A land use permit for the campground is issued by the zoning administrator.
3. The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants.

4. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
5. This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. 4 - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations.
6. Only camping units that are fully licensed, if required, and ready for highway use are allowed.
7. The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
8. All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.
9. The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
10. All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either sub. (3), (4) or (5) for the floodplain district in which the structure is located.
11. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
12. All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

(e) FLOODED AGRICULTURE– CRANBERRY FARMS (FA-C).

1. STATEMENT OF PURPOSE. The Federal government created the National Flood Insurance Program (NFIP) to establish flood risk zones and to provide flood insurance to property owners in communities that adopt and enforce floodplain regulations in accordance with regulatory floodplain maps approved by the Federal Emergency Management Agency (FEMA). In recognition of the NFIP's requirements, the following ordinance shall apply to flooded agriculture– cranberry farms (FA-C).

Cranberry farming uses extensive water management systems that are often located in areas designated as a Special Flood Hazard Area (SFHA).

Within the SFHA, this ordinance establishes the minimum floodplain regulations, which apply to maintenance and FA-C development activities and it preserves the orderly and efficient use of land for agricultural purposes. The provisions of this ordinance are limited to floodplain management requirements. This section is designed to clarify permit procedures for routine activities related to cranberry culture.

2. APPLICABILITY. The ordinance provisions for this district shall apply to all flooded agriculture - cranberry farms (FA-C) in the SFHA as identified on the effective Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (FHBM) for the community. The intent of this district is to provide a consistent regulatory framework for both maintenance and development activities, which are required for the efficient management of a cranberry farming operation. These provisions describe

the activities associated with FA-C, the potential for each activity to impact the Base Flood Elevation (BFE) or floodway and the requirements for each activity. This ordinance does not apply to the construction, maintenance, repair or modification of any building in this district. Buildings and all other development activities not associated with cranberry farming are regulated by other sections of this floodplain zoning ordinance.

3. PERMITTED USE. Any use or FA development activity, which occurs in a FA-C must meet the requirements in this section.
4. DEFINITIONS. In this section:
   a. "Department" means the Wisconsin Department of Natural Resources.
   b. "Existing cranberry farm" means the area of established cranberry farming as established pursuant to sub. (2)(e)5.
   c. "FA-C" means the portions of the existing cranberry farm as defined in sub. (2)(e)5 and that are subject to the SFHA regulations.
   d. "FA-C development activities" are development activities listed in sub. (2)(e)6d. FA-C development activities do not include maintenance activities and do not include the construction, maintenance, repair or modification of any building.
   e. "Permit required" means that a FA-C Permit is required.
   f. "Perimeter dike" means the dike or system of dikes that are closest to the boundary line of the existing cranberry farm, usually the outermost dike.
   g. "Maintenance activities" are activities identified in (2)(e)8d that take place within the boundary of an existing cranberry farm.
   h. "Special Flood Hazard Area (SFHA)" means an area having special flood hazards and is shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map as an A, AE, AH or AO zone.
5. ESTABLISHMENT OF EXISTING CRANBERRY FARM. The construction or maintenance of a building is not covered by this section. (For construction or maintenance, please refer to sub. (3), (4) and (5)(a) of the ordinance.)
   a. To establish the boundary of an "existing cranberry farm," a person must file with the community a certified legal description of the farm boundary as it existed on December 3, 2009. The area of existing use includes all farm production areas, all farm support land and all farm support areas including dikes, impoundments, water storage reservoirs, ditches, sand stockpiles and roads. The area of established use does not include buildings.
   b. Upon issuance of the FA-C permit, the FA-C development that is completed in accordance with the FA-C permit shall be established as an existing cranberry farm upon completion.
6. REQUIREMENTS FOR NEW FAD DEVELOPMENT ACTIVITIES IN FLOODED AGRICULTURE DISTRICTS – CRANBERRY FARMS. (For construction or maintenance, please refer to sub. (3), (4) and (5)(a) of the ordinance.)
   a. A ZONES. FA-C development activities in an A Zone may not cause a cumulative impact on the base flood elevation (BFE) of more than 1.0 (one) foot at any point on the waterway. If any project causes an increase in flooding elevations that would impact other properties, then the provisions of the community's floodplain zoning standards apply. Increases equal to or greater than one foot would require submittal of the engineering study to FEMA for a Conditional Letter of Map Revision (CLOMR). It is the project sponsor's responsibility to contract for and submit the engineering study to the community. All studies shall be reviewed and approved by the Department at the community's request. It is the community's responsibility to determine if the project meets the district criteria, determine if a permit is appropriate, and submit the CLOMR application to FEMA when necessary.

b. AE ZONES. FA-C development activities in the designated floodway of an AE Zone must be analyzed using the current, effective hydraulic model to ensure that the project does not cause an increase to the BFE. If any project causes an increase in flooding elevations that would impact other properties, the provisions of NR 116.11(3) apply. Any increase requires submittal of the engineering study to FEMA for a Conditional Letter of Map Revision (CLOMR). It is the project sponsor's responsibility to contract for and submit the engineering study to the community. All studies shall be reviewed and approved by the Department at the community's request. It is the community's responsibility to determine if the project meets the district criteria, determine if a permit is appropriate, and submit the CLOMR application to FEMA when necessary

c. All FA-C development activities require a FA-C permit in accordance with sub. (2)(e)9.

d. FA development activities include:

(1) *New Dikes and Impoundments.* Construction of a dike or an impoundment outside the boundary of existing cranberry farm. Includes the use of heavy machinery.

(2) *New Ditches.* Construction of a new ditch outside the boundary of existing cranberry farm. Includes the use of heavy machinery to dig the ditch and the removal of plant and debris material.

(3) *New Farm Roads.* Construction of a farm road outside the boundary of existing cranberry farm. Includes the placement of materials as appropriate to build a road that is adequate for expected loads.

(4) *New Reservoirs.* Construction of a reservoir outside the boundary of existing cranberry farm. Includes the use of heavy machinery for excavation.

(5) *Sand Mining.* Sand Mining outside the boundary of existing cranberry farm. Includes the extraction and stockpiling of sand using heavy equipment or hydraulic dredges.

(6) *New Water Control Structures.* Placement of a water control structure in a ditch or reservoir outside the boundary of existing cranberry farm. Includes the placement of a bulkhead or other water control structure in a dike to control water movement in ditches and reservoirs. Rip rap and other material may be used to prevent erosion and failure of the structure.

(7) *New Bed Construction.* Construction of a new cranberry bed outside of the boundary of an existing cranberry farm.

7. MAINTENANCE ACTIVITIES.

a. Maintenance activities conducted in accordance with sub. (2)(e)8 in the designated floodway of an A Zone or an AE Zone will not cause an increase in the BFE.

b. Maintenance activities do not require an FA-C permit.

8. REQUIREMENTS FOR MAINTENANCE ACTIVITIES IN FLOODED AGRICULTURE – CRANBERRY FARMS.

a. Maintenance activities must take place within the boundary of an existing cranberry farm and below the top of the existing perimeter dike.

b. Maintenance of dikes or impoundments must be conducted such that the height of the existing dike or impoundment is maintained.

c. No spoil materials may be placed such that the height of the top of the perimeter dike on an existing cranberry farm is increased above the established height of the perimeter dike. If spoils materials are placed outside of the existing farm perimeter dike but within the existing farm boundary, then they must be placed outside of the SFHA, must meet the cumulative impact requirement for an A Zone or must be in the non-floodway portion of an AE Zone.

d. Maintenance activities include the following:

(1) *New Bed Drainage within Boundary of Existing Cranberry Farm.* Includes installation of drain tiles to improve water management; creation of perimeter ditches around the bed area (inside the impoundments) to direct water on and off the bed; and/or installation of water control structures on ends of beds to allow for flooding and drainage.

(2) *Bed Drainage – Renovation within Boundary of Existing Cranberry Farm.* Includes installation of drain tiles to improve water management; creation of perimeter ditches around the bed area (inside the impoundments) to direct water on and off the bed; and/or installation of water control structures on ends of beds to allow for flooding and drainage.

(3) *New Bed Leveling within Boundary of Existing Cranberry Farm.* Cranberry beds are leveled using heavy equipment and a laser level. Sand is deposited onto the bed surface as needed to achieve a level surface with a slight crown in the center such that water drains to the edges of the bed. Beds are entirely surrounded by dikes.

(4) *Bed Leveling – Renovation within Boundary of Existing Cranberry Farm.* Cranberry beds are leveled using heavy equipment and a laser level. Sand is deposited onto the bed surface as needed to achieve a level surface with a slight crown in the center such that water drains to the edges of the bed. Beds are entirely surrounded by dikes.

(5) *New Bed Planting within Boundary of Existing Cranberry Farm.* Vines are planted into the bed surface using plugs, mechanical planting equipment and/or vines spread on the ground and pushed into the surface with a modified disc. Beds are entirely surrounded by dikes.

(6) *Bed Planting – Renovation within Boundary of Existing Cranberry Farm.* Vines are planted into the bed surface using plugs, mechanical planting equipment and/or vines spread on the ground and pushed into the surface with a modified disc. Beds are entirely surrounded by dikes.

(7) *New Bed Removal of Materials or Scalping within Boundary of Existing Cranberry Farm.* Existing plant material is removed. Plant material is loaded into trucks and removed.

(8) Bed Removal of Materials or Scalping – Renovation within Boundary of Existing Cranberry Farm. Existing plant material is removed. Plant material is loaded into trucks and removed.

(9) *New Bed Sanding within Boundary of Existing Cranberry Farm.* Sand is deposited onto the bed surface using heavy equipment to bring the planting surface to the desired level.

(10) *Bed Sanding – Renovation within Boundary of Existing Cranberry Farm.* Sand is deposited onto the bed surface using heavy equipment to bring the planting surface to the desired level.

(11) *Dike – Seeding.* Reservoirs and bed dikes are seeded to stabilize banks and prevent erosion. Most seeding is done with a hydro seeder after a suitable planting medium has been placed on the area to be seeded.

(12) *New Dike or Impoundment within Boundary of Existing Cranberry Farm.* New construction of dikes and impoundments and placement of new water control structures within the established perimeter of an existing cranberry farm.

(13) *Dike or Impoundment – Repair / Maintenance of Existing Structures.* Includes excavating adjacent to dikes to increase storage capacity and control of water flow, excavating sand from a reservoir to increase the water storage capacity, installation of splitter dikes to manage water flow and subdivide reservoirs, and replacement of existing water control structures.

(14) *Ditch – Cleaning and Maintenance of Existing Ditches.* Drainage and irrigation ditches are cleaned using heavy equipment to remove plant material and debris. Spoils cannot be placed on the ditch side of any adjacent dike.

(15) *New Ditch within Boundary of Existing Cranberry Farm.* New ditches are constructed using heavy machinery. Plant material and debris are removed.

(16) *Farm Road – Maintenance of Existing Roads.* Farm roads are graded and repaired to maintain height, stability and width. Sand or gravel is placed in damaged areas. Culverts are replaced. Roads are mowed to prevent growth of brush or flowers that serve as competition for pollinators.

(17) *New Farm Road within Boundary of Existing Cranberry Farm.* Farm roads are constructed using placement of materials as appropriate for the loads expected to be carried.

(18) *Harvest – Flood.* Water is released from storage areas and gravity flowed or pumped into production (cranberry bed) areas. An initial "raking" flood of 6 to 12 inches is applied. After harvest machinery moves through the beds, the water level is increased above the vine canopy to allow the fruit to be corralled and removed.

(19) *Irrigation – Flood.* Water is released from the reservoir or pumped onto the beds to provide a flood for insect control or protection during severe weather. Water is then returned to the reservoir or other water body.

(20) *Irrigation System Maintenance and Renovation.* Periodic repair of cranberry bed sprinkler systems includes nozzle replacement; mainline replacement with aluminum or plastic materials; burial of laterals; upgrades to pumping systems and construction of pumping stations within the perimeter of the most-external impoundment of the farm.

(21) *Reservoir Maintenance and Construction of Reservoirs within the Boundary of Existing Cranberry Farm.* Reservoirs are periodically excavated to alter or maintain depth levels. Heavy equipment is used for excavation.

9. FA-C PERMITS. A FA-C permit shall be obtained before any development in the FA-C may be initiated. Application to the zoning administrator shall include:

a. GENERAL INFORMATION.

(1) Name and address of the applicant, property owner and contractor.

(2) Legal description of the proposed development area.

(3) Statement that the proposed use is cranberry farming.

b. SITE DEVELOPMENT PLAN. A site plan drawn to scale shall be submitted with the permit application form and shall contain:

(1) Location, dimensions, area and elevation of the proposed development area.

(2) Location of the ordinary high water mark of any abutting navigable waterways.

(3) Location of any structures with distances measured from the lot lines and street center lines.

(4) Location of SFHA floodplain and floodway limits as determined from the official floodplain zoning maps.

c. A ZONE APPLICATION. An application for FA-C development activity in an A zone shall include a certificate of no-rise, or a technical analysis sufficient to show that the proposed development will not cause a cumulative impact on the base flood elevation (BFE) of more than 1.0 (one) foot within the regulatory floodway of a particular reach on the waterway.

d. AE ZONE APPLICATION. An application for FA-C development activity in an AE zone shall include submission of a certificate of no-rise. If the analysis shows the project will cause an increase

greater than 0.00 feet in the BFE, then the project sponsor shall provide the community with information necessary for the community to evaluate the proposed project.

(3) FLOODWAY DISTRICT (FW).

(a) APPLICABILITY. This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to sub. (5)(d).

(b) PERMITTED USES. The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if they are not prohibited by any other ordinance, they meet the standards of sub. (3)(c) and (3)(d), and all permits or certificates have been issued according to sub. (7)(a).

1. Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
2. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
3. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of sub. (3)(c)4.
4. Uses or structures accessory to open space uses, or classified as historic structures that comply with sub. (3)(c) and (3)(d).
5. Extraction of sand, gravel or other materials that comply with sub. (3)(c)4.
6. Functionally water dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
7. Public utilities, streets and bridges that comply with sub. (3)(c)3.

(c) STANDARDS FOR DEVELOPMENTS IN THE FLOODWAY.

1. GENERAL
   a. Any development in the floodway shall comply with sub. (2) and have a low flood damage potential.
   b. Applicants shall provide the following data to determine the effects of the proposal according to sub. (2)(a) and (7)(a)2c:
      (1) A cross section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
      (2) An analysis calculating the effects of this proposal on regional flood height.
   c. The zoning administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for sub. (b) above.
2. STRUCTURES. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
   a. Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage.
   b. Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

c. Must be anchored to resist flotation, collapse, and lateral movement.
d. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation.
e. It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

3. PUBLIC UTILITIES, STREETS AND BRIDGES. Public utilities, streets and bridges may be allowed by permit, if:
   a. Adequate floodproofing measures are provided to the flood protection elevation; and
   b. Construction meets the development standards of sub. (2)(a).
4. FILLS OR DEPOSITION OF MATERIALS. Fills or deposition of materials may be allowed by permit, if:
   a. The requirements of sub. (2)(a) are met.
   b. No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met.
   c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading.
   d. The fill is not classified as a solid or hazardous material.

(d) PROHIBITED USES. All uses not listed as permitted uses in sub. (3)(b) are prohibited, including the following uses:
1. Habitable structures, structures with high flood damage potential, or those not associated with permanent open space uses.
2. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life.
3. Uses not in harmony with or detrimental to uses permitted in the adjoining districts.
4. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code.
5. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, WAC.
6. Any solid or hazardous waste disposal sites.
7. Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), WAC.
8. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

(4) FLOODFRINGE DISTRICT (FF).

(a) APPLICABILITY. This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to sub. (5)(d).

(b) PERMITTED USES. Any structure, land use, or development is allowed in the Floodfringe District if the standards in sub. (4)(c) are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in sub. (7)(a) have been issued.

(c) STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE. Sub. (2)(1) shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of sub. (6) Nonconforming Uses. *NOTE*: In order for land to be removed from

the floodplain, the area must be filled to a height of 2 feet above the regional flood elevation and follow all other procedures of sub. (1)(e)5 in addition to all standards established below.

1. RESIDENTIAL USES. Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of sub. (6) Nonconforming Uses.
   a. The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of sub. (4)(c)1b can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.
   b. The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation.
   c. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in sub. d.
   d. In developments where existing street or sewer line elevations make compliance with sub. c impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
      (1) The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
      (2) The municipality has a DNR-approved emergency evacuation plan.
2. ACCESSORY STRUCTURES OR USES. Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
3. COMMERCIAL USES. Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of sub. (4)(c)1. Subject to the requirements of sub. (4)(c)5, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
4. MANUFACTURING AND INDUSTRIAL USES. Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in sub. 7.5. Subject to the requirements of sub. (4)(c)5, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
5. STORAGE OF MATERIALS. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with sub. (7)(e). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
6. PUBLIC UTILITIES, STREETS AND BRIDGES. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
   a. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with sub. (7)(e).
   b. Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
7. SEWAGE SYSTEMS. All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to sub. (7)(e)3, to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, WAC.

8. WELLS. All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to sub. (7)(e)3, to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, WAC.
9. SOLID WASTE DISPOSAL SITES. Disposal of solid or hazardous waste is prohibited in floodfringe areas.
10. DEPOSITION OF MATERIALS. Any deposited material must meet all the provisions of this ordinance.
11. MANUFACTURED HOMES.
    a. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
    b. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
        (1) Have the lowest floor elevated to the flood protection elevation.
        (2) Be anchored so they do not float, collapse or move laterally during a flood.
    c. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in sub. (4)(c)1.
12. MOBILE RECREATIONAL VEHICLES. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in sub. (4)(c)11b and c. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

(5) GENERAL FLOODPLAIN DISTRICT (GFP).

(a) APPLICABILITY. The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.

(b) PERMITTED USES. Pursuant to sub. (5)(d), it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (sub. (3)(b)) and Floodfringe (sub. (4)(b)) Districts are allowed within the General Floodplain District, according to the standards of sub. (5)(c), provided that all permits or certificates required under sub. (7)(a) have been issued.

(c) STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT. Sub. (3) applies to floodway areas, sub. (4) applies to floodfringe areas. The rest of this ordinance applies to either district.
1. In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:
    a. At or above the flood protection elevation; or
    b. Two (2) feet above the highest adjacent grade around the structure; or
    c. The depth as shown on the FIRM.
2. In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

(d) DETERMINING FLOODWAY AND FLOODFRINGE LIMITS. Upon receiving an application for development within the general floodplain district, the zoning administrator shall:
1. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and

elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.

2. Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
   a. A Hydrologic and Hydraulic Study as specified in sub. (7)(a)2c.
   b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
   c. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

(6) NONCONFORMING USES.

(a) GENERAL.

1. APPLICABILITY. If these standards conform with s.87.30, Stats. and ch. NR 116.15, WAC and 44 CFR 59-72 , , they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.
2. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
   a. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.
      (1) The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
   b. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance.
   c. The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.
   d. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with sub. (4)(c)1. The costs of elevating the lowest floor of

a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph.

e. No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with sub. (4)(c)1.

f. If on a per event basis the total value of the work being done under sub. d and e equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with sub. (4)(c)1.

g. Except as provided in sub. h, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

h. For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

(1) Residential Structures.

(a) Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of sub. (7)(e)2.

(b) Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.

(c) Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

(d) In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

(e) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in sub. (5)(c)1.

(f) In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

(2) Nonresidential Structures.

(a) Shall meet the requirements of sub. (6)(a)2h(1)a-f.

(b) Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in sub. (7)(e)1 or 2.

(c) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in sub. (5)(c)1.

3. A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with sub. (3)(c)1, flood resistant materials are used, and construction practices and floodproofing methods that comply with sub. (7)e) are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of sub. (6)(a)2h(1) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

(b) FLOODWAY DISTRICT.

1. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
   a. Has been granted a permit or variance which meets all ordinance requirements.
   b. Meets the requirements of sub. (6)(a).
   c. Shall not increase the obstruction to flood flows or regional flood height.
   d. Any addition to the existing structure shall be floodproofed, pursuant to sub. (7)(e), by means other than the use of fill, to the flood protection elevation.
   e. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
      (1) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade.
      (2) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials.
      (3) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation.
      (4) The use must be limited to parking, building access or limited storage.
2. No new onsite sewage disposal system, or addition to an existing onsite sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing onsite sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, sub. (7)(e)3 and ch. SPS 383, WAC.
3. No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, sub. (7)(e)3 and chs. NR 811 and NR 812, WAC.

(c) FLOODFRINGE DISTRICT.

1. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of sub. (4)(c) except where sub. (6)(c)2 is applicable.
2. Where compliance with the provisions of sub. 1 would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in sub. (7)(c), may grant a variance from those provisions of sub. 1 for modifications or additions using the criteria

listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

a. No floor is allowed below the regional flood elevation for residential or commercial structures.
b. Human lives are not endangered.
c. Public facilities, such as water or sewer, shall not be installed.
d. Flood depths shall not exceed two feet.
e. Flood velocities shall not exceed two feet per second.
f. The structure shall not be used for storage of materials as described in sub. (4)(c)5.

3. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, sub. (7)(e)3 and ch. SPS 383, WAC.
4. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, sub. (7)(e)3 and ch. NR 811 and NR 812, WAC.

(7) ADMINISTRATION. Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

(a) ZONING ADMINISTRATOR.

1. DUTIES AND POWERS. The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:
   a. Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
   b. Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
   c. Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
   d. Keep records of all official actions such as:
      (1) All permits issued, inspections made, and work approved.
      (2) Documentation of certified lowest floor and regional flood elevations.
      (3) Floodproofing certificates.
      (4) Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
      (5) All substantial damage assessment reports for floodplain structures.
      (6) List of nonconforming structures and uses.
   e. Submit copies of the following items to the Department Regional office:
      (1) Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.
      (2) Copies of case by case analyses and other required information including an annual summary of floodplain zoning actions taken.
      (3) Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
   f. Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
   g. Submit copies of amendments to the FEMA Regional office.

2. LAND USE PERMIT. A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:
   a. GENERAL INFORMATION.
      (1) Name and address of the applicant, property owner and contractor.
      (2) Legal description, proposed use, and whether it is new construction or a modification.
   b. SITE DEVELOPMENT PLAN. A site plan drawn to scale shall be submitted with the permit application form and shall contain:
      (1) Location, dimensions, area and elevation of the lot.
      (2) Location of the ordinary highwater mark of any abutting navigable waterways.
      (3) Location of any structures with distances measured from the lot lines and street center lines.
      (4) Location of any existing or proposed onsite sewage systems or private water supply systems.
      (5) Location and elevation of existing or future access roads.
      (6) Location of floodplain and floodway limits as determined from the official floodplain zoning maps.
      (7) The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD).
      (8) Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met.
      (9) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to sub. (2)(a). This may include any of the information noted in sub. (3)(c)1.
   c. HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.
      (1) *Zone A Floodplains.*
         (a) *Hydrology.* The appropriate method shall be based on the standards in ch. NR 116.07(3), WAC, 'Hydrologic Analysis: Determination of Regional Flood Discharge'.
         (b) *Hydraulic Modeling.* The regional flood elevation shall be based on the standards in ch. NR 116.07(4), WAC, 'Hydraulic Analysis: Determination of Regional Flood Elevation' and the following:
            1. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
            2. Channel sections must be surveyed.
            3. Minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
            4. A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.

5. The most current version of HEC_RAS shall be used.
6. A survey of bridge and culvert openings and the top of road is required at each structure.
7. Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
8. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
9. The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

(c) *Mapping.* A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

1. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
2. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

(2) *Zone AE Floodplains.*

(a) *Hydrology.* If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, 'Hydrologic Analysis: Determination of Regional Flood Discharge'.

(b) *Hydraulic Model.* The regional flood elevation shall be based on the standards in ch. NR 116.07(4), WAC, 'Hydraulic Analysis: Determination of Regional Flood Elevation' and the following:

1. Duplicate Effective Model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
2. Corrected Effective Model. The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.
3. Existing (Pre-Project Conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the

Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

4. Revised (Post-Project Conditions) Model. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
5. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
6. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

(c) *Mapping.* Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

1. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
2. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
3. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
4. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
5. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
6. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
7. Both the current and proposed floodways shall be shown on the map.
8. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

d. EXPIRATION. All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

3. CERTIFICATE OF COMPLIANCE. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

a. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance.
b. Application for such certificate shall be concurrent with the application for a permit.
c. If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed.
d. The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. (7)(e) are met.

4. OTHER PERMITS. Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

(b) ZONING AGENCY.

1. The Zoning Committee shall:
   a. Oversee the functions of the office of the zoning administrator.
   b. Review and advise the governing body on all proposed amendments to this ordinance, maps and text.
2. The Zoning Committee shall not:
   a. Grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals.
   b. Amend the text or zoning maps in place of official action by the governing body.

(c) BOARD OF ADJUSTMENT/APPEALS. The Board of Adjustment/Appeals, created under s. 59.694, Stats., for counties or s. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.

1. POWERS AND DUTIES. The Board of Adjustment/Appeals shall:
   a. APPEALS. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
   b. BOUNDARY DISPUTES. Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
   c. VARIANCES. Hear and decide, upon appeal, variances from the ordinance standards.
2. APPEALS TO THE BOARD.
   a. Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.
   b. NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES.
      (1) *Notice.* The Board shall:
         (a) Fix a reasonable time for the hearing.
         (b) Publish adequate notice pursuant to Wis. Stats., specifying the date, time, place and subject of the hearing.

(c) Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

(2) *Hearing.* Any party may appear in person or by agent. The board shall:

(a) Resolve boundary disputes according to sub. (7)(c)3.

(b) Decide variance applications according to sub. (7)(c)4.

(c) Decide appeals of permit denials according to sub. (7)(d).

c. DECISION. The final decision regarding the appeal or variance application shall:

(1) Be made within a reasonable time.

(2) Be sent to the Department Regional office within 10 days of the decision.

(3) Be a written determination signed by the chairman or secretary of the Board.

(4) State the specific facts which are the basis for the Board's decision.

(5) Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application.

(6) Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

3. BOUNDARY DISPUTES. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

a. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.

b. The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.

c. If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to sub. (8) Amendments.

4. VARIANCE.

a. The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:

(1) Literal enforcement of the ordinance will cause unnecessary hardship;

(2) The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;

(3) The variance is not contrary to the public interest; and

(4) The variance is consistent with the purpose of this ordinance in sub. (1)(c).

b. In addition to the criteria in sub. a, to qualify for a variance under FEMA regulations, the following criteria must be met:

(1) The variance shall not cause any increase in the regional flood elevation;

(2) Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and

(3) Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

c. A variance shall not:

(1) Grant, extend or increase any use prohibited in the zoning district.
(2) Be granted for a hardship based solely on an economic gain or loss.
(3) Be granted for a hardship which is self-created.
(4) Damage the rights or property values of other persons in the area.
(5) Allow actions without the amendments to this ordinance or map(s) required in sub. (8) Amendments.
(6) Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

d. When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to $25.00 per $100.00 of coverage. A copy shall be maintained with the variance record.

(d) TO REVIEW APPEALS OF PERMIT DENIALS.

1. The Zoning Agency (sub. (7)(b)) or Board shall review all data related to the appeal. This may include:
   a. Permit application data listed in sub. (7)(a)2.
   b. Floodway/floodfringe determination data in sub. (5)(d).
   c. Data listed in sub. (3)(c)1b where the applicant has not submitted this information to the zoning administrator.
   d. Other data submitted with the application, or submitted to the Board with the appeal
2. For appeals of all denied permits the Board shall:
   a. Follow the procedures of sub. (7)(c).
   b. Consider zoning agency recommendations.
   c. Either uphold the denial or grant the appeal.
3. For appeals concerning increases in regional flood elevation the Board shall:
   a. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of sub. (8) Amendments.
   b. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

(e) FLOODPROOFING STANDARDS FOR NONCOMFORMING STRUCTURES OR USES.

1. No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.
2. For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
   a. Certified by a registered professional engineer or architect; or
   b. Meets or exceeds the following standards:
      (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
      (2) The bottom of all openings shall be no higher than one foot above grade.
      (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
   c. Floodproofing measures shall be designed, as appropriate, to:

(1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors.
(2) Protect structures to the flood protection elevation.
(3) Anchor structures to foundations to resist flotation and lateral movement.
(4) Minimize or eliminate infiltration of flood waters.
(5) Minimize or eliminate discharges into flood waters.

(f) PUBLIC INFORMATION.

1. Place marks on structures to show the depth of inundation during the regional flood.
2. All maps, engineering data and regulations shall be available and widely distributed.
3. Real estate transfers should show what floodplain district any real property is in.

(8) AMENDMENTS. Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with sub. (8)(a).

- In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with sub. (8)(a). Any such alterations must be reviewed and approved by FEMA and the DNR.
- In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with sub. (8)(a).

(a) GENERAL. The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in sub. (8)(b) below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

1. Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height.
2. Any change to the floodplain boundaries and/or watercourse alterations on the FIRM.
3. Any changes to any other officially adopted floodplain maps listed in sub. (1)(e)2b.
4. Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
5. Correction of discrepancies between the water surface profiles and floodplain maps.
6. Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, WAC, or otherwise required by law, or for changes by the municipality.
7. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

(b) PROCEDURES. Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats., for cities and villages, or s. 59.69, Stats., for counties. The petitions shall include all data required by sub. (5)(d) and (7)(a)2. The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

1. The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment

procedure shall comply with the provisions of s. 62.23, Stats. for cities and villages or s. 59.69, Stats., for counties.

2. No amendments shall become effective until reviewed and approved by the Department.
3. All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

(9) ENFORCEMENT AND PENALTIES. Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than $50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

(10) DEFINITIONS. Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

1. A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

2. AH ZONE – See “AREA OF SHALLOW FLOODING”.

3. AO ZONE – See “AREA OF SHALLOW FLOODING”.

4. ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

5. ALTERATION – An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

6. AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

7. BASE FLOOD – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

8. BASEMENT – Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

9. BUILDING – See STRUCTURE.

10. BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

11. CAMPGROUND – Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

12. CAMPING UNIT – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.

13. CERTIFICATE OF COMPLIANCE – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

14. CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

15. CRAWLWAYS or CRAWL SPACE – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

16. DECK – An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

17. DEPARTMENT – The Wisconsin Department of Natural Resources.

18. DEVELOPMENT – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

19. DRYLAND ACCESS – A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

20. ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.

21. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.

22. FLOOD INSURANCE RATE MAP (FIRM) – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

23. FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- The overflow or rise of inland waters;
- The rapid accumulation or runoff of surface waters from any source;
- The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
- The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

24. FLOOD FREQUENCY – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.

25. FLOODFRINGE – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

26. FLOOD HAZARD BOUNDARY MAP – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

27. FLOOD INSURANCE STUDY – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

28. FLOODPLAIN – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

29. FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

30. FLOODPLAIN MANAGEMENT – Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

31. FLOOD PROFILE – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

32. FLOODPROOFING – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

33. FLOOD PROTECTION ELEVATION – An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)

34. FLOOD STORAGE – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

35. FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

36. FREEBOARD – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

37. HABITABLE STRUCTURE – Any structure or portion thereof used or designed for human habitation.

38. HEARING NOTICE – Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

39. HIGH FLOOD DAMAGE POTENTIAL – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

40. HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

41. HISTORIC STRUCTURE – Any structure that is either:

- 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;
- 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;

- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- 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 by the Secretary of the Interior in states without approved programs.

42. INCREASE IN REGIONAL FLOOD HEIGHT – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

43. LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

44. LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.

45. LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

46. MAINTENANCE – The act or process of restoring to original soundness, including redecorating, refinishing, non-structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

47. MANUFACTURED HOME – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

48. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

49. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

50. MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring if concrete pads.

51. MOBILE RECREATIONAL VEHICLE – 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 a permanent dwelling, but as temporary living quarters for recreational, 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."

52. MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

53. MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

54. MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

55. MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

56. MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

57. MUNICIPALITY or MUNICIPAL – The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

58. NAVD or NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.

59. NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.

60. NEW CONSTRUCTION – For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

61. NONCONFORMING STRUCTURE – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it

occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

62. NONCONFORMING USE – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

63. OBSTRUCTION TO FLOW – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

64. OFFICIAL FLOODPLAIN ZONING MAP – That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.

65. OPEN SPACE USE – Those uses having a relatively low flood damage potential and not involving structures.

66. ORDINARY HIGHWATER MARK – The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

67. PERSON – An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

68. PRIVATE SEWAGE SYSTEM – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It 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.

69. 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.

70. REASONABLY SAFE FROM FLOODING – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

71. REGIONAL FLOOD – A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

72. START OF CONSTRUCTION – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent

construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

73. STRUCTURE – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

74. SUBDIVISION – Has the meaning given in s. 236.02(12), Wis. Stats.

75. SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

76. SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

77. UNNECESSARY HARDSHIP – Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

78. VARIANCE – An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

79. VIOLATION – The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

80. WATERSHED – The entire region contributing runoff or surface water to a watercourse or body of water.

81. WATER SURFACE PROFILE – A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

82. WELL – means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

ADOPTION & AMENDMENTS TO THE FLOODPLAIN ZONING ORDINANCE

1989, September 5	Public Hearing for Adoption of Ordinance
1989, September 25	Ordinance Adopted (approved by County Board)
1991, April 16	Ordinance Repealed & Recreated (approved by County Board)
1996, July 22	Ordinance Amended (approved by County Board)
2009, September 2	Public Hearing for Repeal & Recreate of Ordinance
2009, October 21	Ordinance Repealed & Recreated (approved by County Board)
2019,_____	Public Hearing for Repeal & Recreated of Ordinance
2019, _____	Ordinance Repealed & Recreated (approved by County Board)

OUTDATED OFFICIAL MAPS

- Flood Insurance Rate Maps (FIRM) for Barron County based on Insurance Study date September 29, 1989.
  Prepared by the Federal Emergency Management Agency (FEMA)
  Dated: September 29, 1989
  Approved by: FEMA and the Department of Natural Resources (WDNR)
- Revised FIRM for Barron County.
  Prepared for FEMA by Dewberry and Davis.
  Dated: August 2, 1996 (revised date)
  Approved by: WDNR and FEMA

17.43 SHORELAND WETLAND OVERLAY

(1) DESIGNATION. This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer: https://dnrmaps.wi.gov/H5/?viewer=SWDV.

(a) LOCATING SHORELAND WETLAND BOUNDARIES. Where an apparent discrepancy exists between the shoreland wetland district boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the county shall contact the Department to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time.

(b) SHORELAND-WETLAND MAPS. The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made part of this ordinance. The maps can be viewed at http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland.

(2) PURPOSE. This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

(3) PERMITTED USES. The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of chs. 30, 31, and 281.36, Stats, and the provisions of other applicable local, state and federal laws:

(a) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating:

1. Hiking, fishing, trapping, hunting, swimming, and boating.
2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
3. The pasturing of livestock.
4. The cultivation of agricultural crops.
5. The practice of silviculture, including the planting, thinning, and harvesting of timber.
6. The construction or maintenance of duck blinds.

(b) Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below.

1. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.
2. The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries.
3. The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil

adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible.

4. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance.
5. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance.
6. The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

(c) Uses which require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below.

1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
   a. The road cannot as a practical matter be located outside the wetland.
   b. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in section 17.81(3)(b)5b.
   c. The road is designed and constructed with the minimum cross sectional area practical to serve the intended use.
   d. Road construction activities are carried out in the immediate area of the roadbed only.
2. The construction or maintenance of nonresidential buildings, provided that:
   a. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland wetland district.
   b. The building cannot, as a practical matter, be located outside the wetland.
   c. Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area.
   d. Only limited filling or excavating necessary to provide structural support for the building is authorized.
3. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
   a. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under ch. 29, Stats, where applicable.
   b. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in section (c)1.
   c. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
4. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:
   a. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland.

b. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in section 17.81(3)(b)5b.

(4) PROHIBITED USES. Any use not listed in sections (3)(a), (3)(b) or (3)(c) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section (5) of this ordinance and s. 59.69(5)(e), Stats.

(5) REZONING OF LANDS IN THE SHORELAND WETLAND OVERLAY DISTRICT. Refer to Section 17.81(3)(b)5.

17.49 MOBILE TOWER SITING ORDINANCE

(1) PURPOSE. The purpose of this ordinance is to regulate by land use permit, in a county zoned town or within the shoreland jurisdiction, (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities. It is intended that Barron County shall apply these regulations to accomplish the following:

(a) Maintain and ensure that a non-discriminatory, competitive and broad range of telecommunications services and high quality telecommunications infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community, as well as serve as an important and effective part of the Barron County Law enforcement, fire and emergency response network.

(b) Provide a process for obtaining necessary permits for telecommunications facilities while at the same time protecting the interest of Barron County citizens.

(2) DEFINITIONS.

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

(b) All definitions in 17.08 shall apply unless specifically defined in this chapter.

(3) SITING AND CONSTRUCTION OF ANY NEW MOBILE SERVICE FACILITY OR SUBSTANTIAL MODIFICATION OF FACILITIES.

(a) APPLICATION PROCESS. A Land Use Permit is required for the siting and construction of any new mobile service support structure and facilities and the substantial modification of an existing support structure and mobile service facilities (Class 1 collocation).

1. New mobile service support structure and facilities means a freestanding structure that is designed to support a mobile service facility and the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area.
2. Substantial modification of an existing support structure and mobile service facilities means the modification of a mobile service support structure, including the mounting of an antenna on such a structure that does any of the following:
   a. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
   b. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more. If a greater height is necessary to avoid interference with an existing antenna, the activity is not considered a substantial modification.
   c. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a necessary for collocation. If a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable, the activity is not considered a substantial modification.
   d. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

(b) A land use permit application must be completed by any applicant and submitted to the county. The application must contain the following information, if applicable:

1. The name, business address, phone number, email address, facsimile number of the applicant and the contact individual.
2. The location of the proposed or affected support structure.
3. The location of the proposed mobile service facility.
4. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
5. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocations, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
6. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and the network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
7. Federal Communications Commission (FCC) license number & registration numbers, if applicable.
8. Copies of finding of no significant impacts (FONSI) statement from the Federal Communication Commission, if applicable.
9. Copies of determination of no hazard from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings, if applicable.
10. Plans indicating security measures (i.e. fencing, lighting, etc).
11. A report prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate additional antennas.
12. Copies of an Affidavit of Notification, indicating that all operators and owners of airports located within ½ mile radius from heliports, 1 mile from private airport runways, or 3 mile radius from public use airport runways, have been notified via certified mail, if applicable.

(c) Applications for a land use permit shall be made on forms furnished by the county.

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

(e) Within 90 days of its receipt of a complete application, the county shall complete all of the following or the applicant may consider the application approved, except that the applicant and the county may agree in writing to an extension of the 90 day period:

1. Review the application to determine whether it complies with all applicable aspects of Barron County's Ordinances, subject to the limitations in this section.
2. Make a final decision whether to approve or disapprove the application.
3. Notify the applicant in writing, of its final decision.
4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(f) The Zoning Administrator may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph (3)(b)5.

(g) If an applicant provides the zoning administrator with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required, that setback or fall zone area does not apply to such a structure unless the county provides the applicant with substantial evidence that the engineering certification is flawed.

(4) CLASS 2 COLLOCATION - APPLICATION PROCESS.

(a) A Land Use Permit is required for a class 2 collocation.

(b) A Land Use Permit application must be completed by any applicant and submitted to the county. The application must contain the following information:

1. The name, business address, phone number, e-mail address, facsimile, etc., of the applicant and the contact individual.
2. The location of the proposed or affected support structure.
3. The location of the proposed mobile service facility.

(c) Applications for a land use permit shall be made on forms furnished by the county.

(d) A class 2 collocation is subject to the same requirements for the issuance of a land use permit to which any other type of commercial development or land use development in Chapter 17 is subject.

(e) If an applicant submits to the county an application for a land use permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the county shall consider the application complete. If any of the required information is not in the application, the county shall notify the applicant in writing, within five (5) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(f) Within 45 days of its receipt of a complete application, the county shall complete all of the following or the applicant may consider the application approved, except that the applicant and the county may agree in writing to an extension of the 45 day period:

1. Make a final decision whether to approve or disapprove the application.
2. Notify the applicant in writing of its final decision.
3. If the application is approved, issue the applicant the relevant permit.
4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(5) SETBACKS AND SITE DEVELOPMENT.

All setbacks shall be measured from the base of the tower or structure.

(a) Setbacks from property lines. All new towers shall be setback a minimum of 50 feet from all property lines. (This requirement does not apply to the boundary of the leased parcel unless the leased parcel boundary is also a property line.)

(b) Setback from road right of way of all streets. All new towers shall be setback from all streets a minimum as defined in the county zoning ordinances.

(c) Setback from ordinary high water mark (OHWM). All new towers shall be setback to the minimum standards of Section 17.41(5)(d).

(d) Guy wire anchor setback. All guy wire anchors shall be at least 25 feet from all property lines.

(e) An existing legal substandard mobile service support structure or facility existing at the time of the adoption or amendment of this ordinance may be continued although the structure's size and/or location does not conform to the required setback(s). Additions, enlargements, reconstruction or replacement, within the scope of this Chapter, shall conform with the legally established setback lines, as detailed in Chapter 17.

(f) Equipment shelters/buildings shall be limited to 350 square feet or less in size per mobile service provider and 15 feet in height measured from the lowest finished grade to the ridge of the highest roof line of the structure.

(g) The leased area/equipment compound, intended for the location of the mobile service support structure and mobile service facility shall maintain a minimum size of twenty-five hundred (2,500) square feet.

(h) All sites must be served by a minimum 30 foot wide easement. All sites shall use existing access points and roads whenever possible. Any new access point to the site shall be approved by the applicable road jurisdiction.

(i) Any parcel created shall meet the minimum lot area, width and frontage requirements in accordance with Chapter 17.

(6) <u>ABANDONMENT, REMOVAL, AND SECURITY FOR REMOVAL.</u>

(a) REMOVAL. It is the express policy of Barron County and this ordinance that mobile service support structures be removed once they are no longer in use and not a functional part of providing mobile service and that it is the mobile service support structure owner's responsibility to remove such mobile service support structures and restore the site to its original condition or a condition approved by the County. This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the mobile service support structure down to three feet below the surface. After a mobile service support structure is no longer being used for mobile service that is in operation, the mobile service support structure owner shall have one hundred twenty (120) days to effect removal and restoration unless weather prohibits such efforts. Permittee shall record a document with the Barron County Register of Deeds showing the existence of any subsurface structure remaining below grade. Such recording shall accurately set forth the location and describe the remaining structure.

(b) SECURITY FOR REMOVAL. The owner of any mobile service support structure other than a municipality or other unit of government shall provide to Barron County, prior to the issuance of the land use permit, a performance bond in an amount based on a written estimate of a qualified remover of said types of structures, or twenty thousand dollars ($20,000), whichever is less, to guarantee that the mobile service support structure will be removed when no longer in operation. Barron County will be named as oblige in the bond and must approve the bonding company. The county may require as increase in the bond amount after five (5) year intervals to reflect increases in the Consumer Price Index, but at no point shall the bond amount exceed twenty thousand dollars ($20,000). The provider shall supply any increased bond within a reasonable time, not exceeding sixty (60) days, after the county's request. A permittee may submit a letter of credit in the amount set forth above, or, in the alternative, a permittee with several sites in the county may submit a master bond to cover all the said sites.

(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 committee. 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) ACCESS. Access must be provided by an all-weather gravel or paved driveway, which shall have a minimum width of 30 feet.

(g) ACCESSORY BUILDINGS. Accessory buildings, structures, cabinets and other accessory facilities may be allowed and shall not exceed 15 feet in height, measured from the original grade, and 350 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.

(7) TRANSFERABILITY. Permits granted under this chapter go with the land and are transferable. All chapter and permit requirements shall apply to subsequent owners. The county 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.

(8) ADMINISTRATION. Chapter 17.70 shall apply.

(9) EXCEPTIONS. Exempt from review under this section 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, mounted antennas. Exempt structures under this chapter are subject to all other applicable provisions of Chapter 17.

(10) LIMITATIONS. All limitations contained in Wis. State. § 66.0404(4) are hereby incorporated by reference.

(11) PERMIT FEES.

(a) New mobile service support structure and facilities shall be $3000.00.

(b) Class 1 and Class 2 Collocation shall be $500.

LAND DIVISION ORDINANCE

17.50 APPLICABILITY

This subchapter applies to any land division in an unincorporated area of the county unless the division is covered by the exemptions listed in SS 236.03(2), 236.03(3) or 236.45(2)(am)1 through 3

(1) Any document which creates a land division shall be reviewed by the county prior to recording as set forth in Sec. 17.54.

(2) <u>EXEMPTIONS UNDER STATE LAW.</u>

- (a) Cemetery or assessors' plats per SS 236.03(2).
- (b) Sale or exchange of parcels of public utility or railroad right-of-way to adjoining property owners per SS 236.03(3).
- (c) Other exemptions per SS 236.45(2)(am).
  - 1. Transfers of interests in land by will or pursuant to court order.
  - 2. Leases for a term not to exceed 10 years, mortgages or easements.
  - 3. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances.
    - a. A draft of the recordable document creating a land division for an exemption based on 236.45(2)(am)3 shall be reviewed by the county prior to recording. The document shall clearly describe or indicate the parcel to which it is to be attached. Review of such land divisions shall follow the application process outlined in Sec 17.53(2).

17.51 LAND DIVISION REQUIREMENTS

(1) Land division which creates parcel(s) of land 19 acres or smaller in size: Requires CSM or plat which fully complies with SS 236. In addition, Sec 17.52, 17.53, 17.54, and 17.55 also apply.

- (a) Except division of a fractional ¼ ¼ in half, which results in parcels of less than 19 acres, is allowed without CSM or plat but requires review of land division document.
- (b) Except division by road or railroad is allowed without CSM or plat but requires review of land division document.
- (c) Owner may combine remainder parcel areas of less than 19 acres with adjoining unplatted property to avoid requirement to survey an additional lot.
  - 1. Owner consent shall be noted on the Application for Review form, and owner shall indicate the parcel to which it is to be attached on said form.

(2) Land division which creates parcel(s) greater than 19 acres: Requires review of a draft of the recordable land division document.

(3) Acreage calculations shall be based on contiguous parcel area (unplatted areas not divided by road or railroad).

(4) Review of all land division documents shall follow the procedure for county review per Sec 17.54.

17.52 COUNTY STANDARDS

(1) The following standards apply to all land divisions in Sec 17.51(1):

(a) INTENDED USES. If the lands are zoned by the county, the intended uses listed within the application shall be permitted or special exception uses in the zoning district where the lands are located.

(b) LOT. If a lot is subject to county zoning standards, the lot size must be appropriate for the lot's intended uses under the county zoning standards. Unless differently specified elsewhere in the county ordinances, lot size requirements are as follows:

1. LOT SERVED BY PUBLIC SEWER (Lakeland Sanitary District #1 and Crystal Lake Sanitary District #1).
   a. Minimum net area of 20000 square feet.
   b. Minimum 100' width.
      (1) Width required beginning at road right-of-way setback distance per 17.13(2).
   c. Minimum area required to allow for dwelling construction as defined in 17.08, Dwelling, Single Family.
2. LOT not served by public sewer.
   a. Minimum net area of 43560 square feet (1 acre).
   b. Minimum 150' width.
      (1) Width required beginning at road right-of-way setback distance per 17.13(2).
   c. Minimum area required to allow for dwelling construction as defined in 17.08, Dwelling, Single Family. .

(c) FLOOD HAZARD DESIGNATION. If the land division is within the shoreland jurisdiction and is an area of flood hazard designation on a flood hazard map, the county and the surveyor shall consult regarding available flood elevations, and the surveyor shall make notation and/or delineation of the area on the plat or CSM with brief reference to the use restrictions which result from the hazard delineation.

(d) DESIGN; LAYOUT STANDARDS.

1. The design and layout of the land division shall respect and be reasonably compatible with the natural contours of the land and with the objectives of avoiding excessive cutting, filling, grading, removal of trees and natural vegetation, and the avoidance of soil erosion.
2. Each lot shall have a minimum footage of 66' on a street or be provided with street access per Sec 17.15(2).
   a. Lots fronting on a cul-de-sac shall have a minimum frontage of 35' on the cul-de-sac.
3. Land division shall be designated to be compatible with traffic, drainage, waste disposal and other services as well as in relation to present and potential land uses on neighboring properties and public facilities and service systems.
4. Subdividers are encouraged to design land divisions which allow maximum uses of renewable energy resources such as solar power and wind.
5. All existing structure locations shall be shown on CSM or plat.

(e) RESTRICTIONS FOR PUBLIC BENEFIT. Restrictions for public benefit shall be governed by SS 236.293 which is adopted by reference.

(f) RESERVATIONS OF SITES FOR PUBLIC ACCESS TO WATERS.

1. Subdivisions which fall within the definition of SS 236.02(8) shall follow the standards of SS 236.16(3).
2. Other land divisions.
   a. Where the Zoning Committee deems it feasible and necessary, land divisions abutting a navigable lake or stream may be required to include a reservation of a public access to such lake or stream. Standards in SS 236.16(3) may be utilized.

b. The character and location of public access areas shall be determined by the Zoning Committee based on input from agencies, local town boards, and the general public.

3. Reservations status shall be clearly noted on the final plat or CSM or in accompanying recorded instrument.

(g) PRIVATE LAKE ACCESS. All private lake accesses, lake access easements, deed or contractual accesses, or outlots for the purpose of lake access shall meet the following requirements:

1. The access to a navigable waterway for backlot or off-lake development shall meet the minimum lot and parcel size requirements in Sec 17.52(1) and Sec 17.41(5).
2. The number of single family lots, building sites, single family units, or single family condominium units utilizing said access shall be limited to six (6).

(2) The following standards apply to all land divisions in Sec 17.51(2):

(a) Minimum widths per 17.52(1)(b) for any lots within the shoreland overlay area.

(b) Public road access or recorded easement to provide such.

17.53 APPLICATION FOR COUNTY APPROVAL

The following items constitute a completed application:

(1) CSM OR PLAT.

(a) FINAL OR PRELIMINARY CSM OR PLAT.

1. PRELIMINARY. Before submitting a final CSM or plat for approval, the subdivider may submit, or the approving authority may require that the subdivider submit, a preliminary plat. Zoning Committee review may occur on the basis of preliminary CSM or plat and accompanying materials provided that:
   a. The applicant demonstrates to the committee that the services of a professional land surveyor have been engaged to perform required surveying and documentation.
   b. The committee approval be conditioned upon submission of, and staff approval of, a final CSM or plat which conforms to the requirements of Sec 17.51(1) and which is consistent with the preliminary version approved by the committee.

(b) REQUIRED ACCOMPANYING MATERIALS.

1. COMPLETED APPLICATION FOR REVIEW FORM. Containing at minimum:
   a. Identification of the intended use of each lot
   b. Owner signature indicating consent to land division
   c. Owner contact information
2. COMPLETED TOWN CHECKLIST FORM.
   a. Where road(s) are dedicated on CSM or plat and not already built to town specifications, town and/or subdivider shall provide documentation regarding agreement and/or financial assurance to develop road(s).
   b. Where the subdivider or surveyor engaged by the subdivider successfully demonstrates that the appropriate town officials were aware of a request to complete the checklist, and the town officials failed, refused, or neglected to complete the checklist despite diligent efforts by the subdivider or surveyor, the Zoning Committee may waive this requirement.
   c. The Town Checklist form may be excluded for lots which are parceling existing buildings and where no new roads or services of any type are required.
3. Agricultural Preservation Covenant where required per Sec 17.28(3)
4. "Right to Farm" statement if lot is within A-1 zoning district as required per Sec 17.28(3)(a)3.
5. Highway access approvals if required on County, State, or US Highways.

6. Ingress/egress or access easement document (or draft thereof to be recorded concurrently with CSM or plat) if new easement(s) are shown on CSM or plat and not dedicated per SS 236.34.
7. City extraterritorial review approval or waiver of approval if within extraterritorial subdivision area.
8. Review fee as determined by County Board Resolution.

(2) OTHER LAND DIVISION.

(a) Draft of the recordable land division document.
(b) Agricultural Preservation Covenant where required per Sec 17.28(3).
(c) Ingress/egress or access easement document (or draft thereof to be recorded concurrently with land division document) if new lot(s) do not have existing road access as required.
(d) Review fee as determined by County Board Resolution.

17.54 PROCEDURE FOR COUNTY REVIEW

(1) Upon receipt by the Zoning Administrator of a completed application, the Zoning Administrator shall cause the application to be placed upon the agenda of the next meeting of the Zoning Committee occurring no sooner than 48 hours from the time the completed application is received except as provided under subs (4) and (5).

(2) The Zoning Committee shall review the proposed land division for compliance with the standards of this subchapter and shall render a decision whether to approve, reject, or approve with conditions, within 30 calendar days from the date the completed application was received by the Zoning Administrator. Decisions shall be in writing.

(a) However, plats (subdivisions which fall within the definitions of SS 236.02(8) and 236.02(12)) shall be governed by the time limits of SS 236.11 & 236.12.

(3) The Zoning Committee may consider requests for and may grant modifications from the standards of this subchapter, upon a finding that unique conditions of the site or environs make the modification appropriate, and that no harm will be done to the public interest.

(4) Where the Zoning Committee has approved a CSM or plat in preliminary form, the final version may be reviewed by the Zoning Administrator. If the Zoning Administrator finds that the final version conforms with the approved preliminary CSM or plat, and if it is prepared and signed by a professional land surveyor, the Zoning Administrator shall approve it under delegated authority from the Zoning Committee.

(5) The Zoning Committee may identify classes of land divisions for which it chooses to delegate its review and approval authority to the Zoning Administrator with the provision that denials by the Zoning Administrator cause the issuer to be referred to the Zoning Committee for final decision. Such delegations shall be made only by written policy adopted by the Zoning Committee, preceded by notice to all professional surveyors regularly practicing in the county and opportunity for such persons to comment upon the policy. This policy may be modified by the Zoning Committee as necessary following such delegation procedures.

(6) Decisions by the Zoning Administrator under subs (4) and (5) shall be made within 10 working days commencing with the date on which the completed application was received. Decisions by the Zoning Administrator map be appealed to the Zoning Committee pursuant to Sec 17.55(3).

17.55 MISCELLANEOUS PROVISIONS

(1) Certificate to appear on plat or CSM shall contain the following wording at minimum: "Approved by the County Zoning Administrator on behalf of the Zoning Committee" and contain areas for a date and signature.

(2) Recording of plats and CSMs: Final plats and Certified Survey Maps meeting the requirements of state law and this chapter shall be submitted to the Register of Deeds for recording. The Register of Deeds shall accept and record those plats and CSMs only if such instrument bears the signed county certificate pursuant to Sec 17.55(1) when required. Recording must occur within the timeframes set forth in SS 236.25(2)(b) or 236.34(2)(b)1.

(3) APPEALS. Decisions of the Zoning Administrator in reviewing plats or CSMs may be appealed to the Zoning Committee by any aggrieved person. Such appeals shall be initiated within 20 days of the Zoning Administrator's decision by filing a notice of appeal. Appeals shall be set on the agenda of the Zoning Committee which shall provide the appellant and others opportunity to appear and present evidence. The Zoning Administrator shall be invited to appear and explain. The Zoning Committee shall render de novo review and a decision within 60 days of the hearing. If the Zoning Committee reverses the Zoning Administrator's decision, it shall direct the Zoning Administrator to execute approval of the application. Appeals from the Administrator's decision or appeal decisions of the Zoning Committee may be taken to court pursuant to SS 236.13(5).

(4) Adoption by reference: Provisions of the Wisconsin Statutes reference within this subchapter are adopted by such reference and made part thereof.

SANITARY ORDINANCE

17.60 PRIVATE WELLS AND ONSITE WASTEWATER TREATMENT SYSTEMS

This ordinance is adopted to promote and protect public health and safety by assuring the proper siting, design, installation, inspection and management of private sewage systems and non-plumbing sanitation systems.

17.63 WATER SUPPLY

(1) PUBLIC WATER SUPPLY. All plumbing fixtures shall be served by a public water supply system where available. Where such public water system is not available, a private water system may be used.

(2) PRIVATE WATER SUPPLY.

(a) Well construction, location and materials shall be as specified in SPS 382 and NR 112, WAC, hereby incorporated by reference, and which shall apply until amended and then shall apply as amended.

(b) Wells shall be located as specified in Chapter NR 112, WAC.

17.64 PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS (POWTS)

(1) STATUTORY AUTHORITY. This ordinance is adopted pursuant to the authorization in §§ 59.70(1), 59.70(5), 145.04, 145.19, 145.20 and 145.245 Wisconsin Statutes.

(2) PURPOSE. This ordinance is adopted to promote public health and safety by assuring the proper siting, design, installation, inspection and management of private sewage systems and non-plumbing sanitation systems.

(3) SEVERABILITY AND LIABILITY. Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. This ordinance shall not create a liability on the part of or a cause of action against the County or any employee thereof for any private sewage system which may not function as designed. There shall be no liability or warranty for any site which is approved or denied. The issuance of a sanitary permit and the final inspection of such a system does not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply to Wisconsin Statute or Administrative Code requirements.

(4) INTERPRETATIONS. The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and, shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statures and related Administrative Codes.

(5) COMPLIANCE.

(a) All structures or premises in the County that are permanently or intermittently intended for human habitation or occupancy, which are not serviced by a public sewer, shall have a system for holding or treatment and dispersal of sewage and wastewater, which complies with the provisions of this Ordinance.

(b) The POWTS for newly constructed structures or structures requiring a County Sanitary Permit, shall be installed, inspected, and approved for use before the structure may be occupied.

(6) INCORPORATION OF PROVISIONS BY REFERENCE. The following rules, regulations and laws governing the location, construction and use of private sewage systems are incorporated by reference:

(a) Wisconsin Statutes: Chapter 145 and ss. 59.70(5), 254.59, 281.48 and 968.10.

(b) Wisconsin Administrative Code (WAC): Chapters SPS 381 through 385, SPS 391, SPS 352.63, and Chapters NR 113 and NR 116. These provisions shall apply until amended and renumbered and then shall apply as amended and renumbered.

(7) LIMITATIONS.

(a) All domestic wastewater shall enter a Private Onsite Wastewater Treatment System POWTS, unless otherwise exempted by the state or this ordinance.

(b) A non-plumbing sanitation system may be permitted only when the structure or premises served by the non-plumbing system is not provided with an indoor plumbing system. If plumbing is installed in the structure or water under pressure is supplied to the structure, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.

(c) Any POWTS, or portion(s) thereof, installed within a floodplain, shall comply with all applicable requirements of subsection 17.42 and SPS 383, WAC.

(d) The installation of holding tanks shall be limited as follows: Holding tanks shall not be permitted in any case unless the site is found to be unsuitable for other systems by SPS 383, WAC, including non-pressurized in-ground, in-ground pressure, at-grade or mound systems.

(e) A thorough soil and site evaluation shall be completed in all areas within 300 feet of an existing or proposed structure that will be utilizing a POWTS for compliance with 17.64(10).

(f) A temporary holding tank may be installed, if a public sewer approved by the Department of Natural Resources will be installed to serve the property within 2 years of the date of sanitary permit issuance. In addition to items required s. 17.64(12), an application for a sanitary permit to install a temporary holding tank shall include written agreements from:

1. The municipality or sanitary district, verifying the date that the public sewer will be installed and available to serve the property;
2. The Department of Natural Resources, verifying approval of the public sewer; and
3. The property owner, agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank. If public sewer does not become available within 2 years of the date of sanitary permit issuance, Section 17.64(7)(d) shall apply.

(g) Emergency Holding Tank may be installed, provided that a fully code compliant system is installed within six (6) months of installation of the Holding Tank. For the purpose of this subchapter, holding tank refers to the installation of a tank component to allow continued use of a structure prior to the completion of a soil and site evaluation. Verification by the County is required prior to the issuance of a sanitary permit for the installation of such holding tank.

(h) A holding tank may be installed to serve a use with a Design Wastewater Flow of less than 150 gallons per day. The application for a sanitary permit shall include an affidavit to be recorded with the Barron County Register of Deeds agreeing to install another type of system approved under SPS 383, if any change of occupancy or use occurs which results in a Design Wastewater Flow which equals or exceeds 150 gallons per day.

(8) FAILING SYSTEM.

(a) When a failing private sewage system or non-plumbing sanitation system is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system, or its use discontinued within that period of time required by County order.

(b) Unlawfully modified private sewage systems, a private sewage system that has sewage bypassed, or a holding tank which is discharging untreated or partially treated sewage to the ground surface or surface waters, may be ordered by the County or the Department to be corrected or replaced with a code compliant system.

(9) ABANDONMENT OF PRIVATE SEWAGE SYSTEMS.

(a) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the private sewage system shall be disconnected and a connection made to the public sewer in accordance with the local sewer service entity.

(b) Abandonment of the disconnected private sewage system shall be done in accordance with the provisions of SPS 383, WAC.

1. The components of an existing private sewage system that are not part of the approved design of a replacement system, shall be abandoned at the time of the installation of the replacement system by the plumber installing of the system. The abandonment shall comply with SPS 383, WAC.

(10) SOIL & SITE EVALUATION.

(a) Soil and site evaluations shall be done prior to the issuance of permits as specified in SPS 383 or SPS 391, WAC.

(b) Soil test pits shall be constructed pursuant to SPS 385, WAC. This is best accomplished by the construction of backhoe pits.

(c) County verification of a Soil and Site Evaluation report may be necessary to determine the suitability of a lot for a POWTS. This verification will be made at the discretion of the inspector and will be made prior to the issuance of the sanitary permit. This verification shall result in one of the following:

1. Issuance of the permit provided all information on the application is correct and complete.
2. Establishment of a file indicating site suitability.
3. Holding the application pending clarification of information or new information by the owner, the plumber or the certified soil test.
4. Determination of site unsuitability. In such cases, written notice of the determination shall be provided to the certified soil tester and property owner.
5. A certified soil tester may request County verification of a Soil and Site Evaluation Report before a complete sanitary permit application is submitted. An original copy of the Soil and Site Evaluation Report shall be filed with County prior to such verification.

(11) SANITARY PERMITS.

(a) Every POWTS and non-plumbing system shall require a separate application and sanitary permit.

(b) A sanitary permit shall be obtained by the property owner, his/her agent or contractor, in the name of the property owner, before a POWTS or part thereof may be installed, replaced, reconnected, modified and before the establishment or construction of a structure that requires a POWTS or non-plumbing sanitation system. Any property owner, his/her agent or contractor, who starts construction of a structure prior to obtaining a sanitary permit is in violation and may be subject to the penalties provided in this ordinance.

(c) A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, manhole risers, filters, baffles, and pumps.

(d) A County Sanitary Permit shall be obtained prior to constructing, installing, replacing or modifying a non-plumbing sanitation system.

(e) If any part of a private sewage system has failed or requires replacement or modification, the entire system shall be evaluated for compliance with existing codes prior to sanitary permit issuance. This shall include a soil and site evaluation for those components that utilize in situ soil for treatment or dispersal, unless a valid report is already on file with the County.

(f) If any part of the system is found to be defective or not in conformance with the applicable provisions of this ordinance, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part.

(g) When any official State action is required prior to the issuance of a sanitary permit, an original copy of the official action shall accompany the application.

(12) APPLICATION REQUIREMENTS.

(a) A sanitary permit application shall include the following information, which shall be furnished by the applicant on forms required by the State and/or the County along with all applicable fees.

1. Names and addresses of the applicant (owner of the site), and the plumber employed (when applicable).
2. Legal description of the subject site and the parcel identification or parcel number.
3. All lot dimensions.
4. Building use (single family, duplex, etc.).
5. Soil & Site Evaluation Report pursuant to SPS 383, SPS 385 and SPS 391.
6. System plans (see s. 17.64(13).
7. Appropriate agreements and contracts for system management and maintenance.
8. Verification that all existing private sewage systems serving the same structure are not failing private sewage systems.
9. Copies of any documents required in s.17.64(13).
10. Affidavit of Responsibility for all systems that contain electrical components.

(b) When any official State action is required prior to the issuance of a sanitary permit, an original copy of the official action shall accompany the application.

(c) Pit privy permit applications shall be accompanied by soil data provided by a Certified Soil Tester to determine compliance with SPS 391, WAC.

(d) The following documents must be recorded with the Barron County Register of Deeds prior to sanitary permit issuance:

1. Maintenance agreements or contracts, if recording is required by SPS 383 WAC, or s. (17)(c) of this ordinance.
2. If a private sewage system, or parts thereof, are located on a different parcel than the structure served, an appropriate easement must be recorded.
3. If a private sewage system serves more than one structure under different ownership, a document identifying all parties that have ownership rights and are responsible for the operation and maintenance must be recorded.
4. If a private sewage system is owned by a party other than the owner of the parcel on which it is installed, a document identifying the owner of the system, the structures to be served by the system and the party responsible for operation and maintenance must be recorded.

5. If the design wastewater flow of a private sewage system for a dwelling is not based upon the number of bedrooms within the dwelling, an affidavit limiting occupancy to that used in the design must be recorded and is limited to a one (1) bedroom increase.

(e) The County reserves the right to require Floodplain and/or Wetland delineation for a building site or proposed private sewage system area prior to sanitary permit issuance. The County may require elevations on plans to be tied to floodplain elevation datum by a Registered Land Surveyor.

(f) The County reserves the right to refuse incomplete or incorrect permit applications or delay permit issuance until corrected or completed applications are received.

(13) PLANS. System plans shall be submitted for approval to the County or to the State in accordance with SPS 383, WAC. Plans shall comply with the requirements of SPS 383, WAC and this ordinance.

(a) Plans submitted to the County shall include the original and as many copies as are required by the County.

(b) For plans reviewed and approved by the State, at least one set of the plans submitted to the County shall bear an original State approval stamp or seal or an electronic approval letter issued by the State.

(c) Plans submitted shall be clear, legible and permanent copies.

(d) Plans submitted shall comply with SPS 383, WAC and include the following:

1. The name of the property owner, the legal description of the site and the parcel number.
2. Estimated daily wastewater flow and design wastewater flow.
3. A clear and legible detailed plot plan (site plan) dimensioned or drawn to scale, on paper no smaller than 8 ½ inches by 11 inches in size, but no larger than 11 ½ inches by 17 inches in size. The plot plan shall delineate the lot size and location of all existing and proposed private sewage system components, building sewers, private interceptor main sewers, wells, water mains or water services, existing buildings and proposed buildings that will be hooked to a sewer system or impact a sewer system, lot lines, swimming pools, navigable waters, and the benchmark established on the Soil and Evaluation Report. Adjoining properties shall be checked to ensure that horizontal setback parameters in SPS 38.43, WAC are complied with. All separating distances and dimensions shall be clearly shown on the plot plan.
4. Details and configuration layouts depicting how the system is to be constructed including appropriate component cross sections.
5. A description of a contingency plan in the event the proposed private sewage system fails and cannot be repaired.
6. Sufficient reporting of information to determine whether the proposed design, installation and management of the proposed private sewage system or modification of an existing system complies with this ordinance.

(e) Plans shall be signed or sealed as specified in SPS 383, WAC.

(f) A copy of the approved plans shall be maintained at the construction site until the private sewage system installation is completed, inspected and accepted. The plans will be made available to the County or the State upon request.

(g) A modification to the design of a private sewage system which has been previously approved shall be submitted to the County or the State as specified in SPS 383, WAC. Plan revisions must be approved prior to system installation.

(14) PERMIT EXPIRATION.

(a) A sanitary permit for a private sewage system or non-plumbing sanitation system which has not been installed, modified or reconnected and approved shall expire two years after the date of issuance.

Permits may be renewed following written application to the County by the property owner, his agent or contractor, prior to the expiration date of the original permit.

(b) There shall be a fee for the renewal of a sanitary permit.

(c) The renewal shall be based on ordinance requirements in force at the time of renewal.

(d) Changed ordinance requirements may impede the renewal.

(e) All sanitary permits issued prior to the effective date of this ordinance shall expire two years from the date of issuance unless renewed.

(f) A new sanitary permit shall be obtained by the owner or his agent prior to beginning construction if a sanitary permit has expired.

(15) REVISIONS.

(a) When an owner chooses to change plumbers, the owner shall submit a sanitary permit application signed by the new plumber meeting the standards of (12).

(b) The revision of sanitary permits shall take place prior to the installation of the private sewage system.

(c) Sanitary permits for systems requiring State plan approval shall not be revised or transferred to a different plumber unless the plan bears the stamp of an architect, engineer or plumbing designer, or a State level approval is obtained by the new plumber.

(16) TRANSFER OF SANITARY PERMIT.

(a) Transfer of ownership of a property for which a valid sanitary permit exists shall be subject to the following:

1. The applicable State transfer form shall be submitted to the County.
2. Transfer of ownership shall not affect the expiration date or renewal requirements.

(17) MAINTENANCE AND MANAGEMENT.

(a) All private onsite wastewater treatment sewage systems shall be managed and maintained in accordance with State Statutes, Administrative Code, and this ordinance.

(b) The property owner shall ensure that their authorized agent reports to the County each inspection, evaluation, pumping, maintenance or servicing event, in accordance with State Statutes, Administrative Code, and this ordinance.

1. On the form and/or in the manner (electronic) as prescribed by the County.
2. Within 30 days of service.

(c) The property owner shall submit a copy of an appropriate management plan, maintenance agreement or servicing contract to the County prior to sanitary permit issuance.

(d) The property owner shall submit a new or revised management plan, maintenance agreement or servicing contract to the County whenever there is a change to such document(s).

(e) The property owner shall submit a new maintenance agreement and/or servicing contract to the County prior to expiration of any existing maintenance agreement and/or servicing contract.

(18) POWTS MAINTAINANCE PROGRAM.

(a) As required by State of Wisconsin Statutes and Administrative Codes; Barron County hereby established a POWTS maintenance program for the purpose of inventorying and monitoring the location and maintenance events of all POWTS located in Barron County.

(b) The owner of the property served by the POWTS and those licensed to service a POWTS are hereby required to comply with the following maintenance program.

1. All septic tanks shall be visually inspected and/or pumped within three years of the date of installation or inclusion into the POWTS maintenance program and at least once every three years thereafter, unless upon inspection the tank is found to have less than 1/3 of the volume occupied by sludge or scum.
2. Pumping of septic tank shall be done by a certified septage servicing operator in accordance with State Statutes, Administrative Code and this Ordinance.
3. Visual inspection of a private sewage system to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface shall be performed by one of the following service providers (authorized agent):
   a. A licensed master plumber.
   b. A licensed master plumber-restricted service.
   c. A certified POWTS inspector.
   d. A certified septage servicing operator under State Statutes or Administrative Code.
   e. A registered POWTS maintainer.
4. If a POWTS has not been inspected or pumped within 3 years of the last reported inspection or pumping the County shall mail a POWTS Maintenance Program Form to the property owner. The form shall contain the maintenance program information required by State Statutes, Administrative Code and this Ordinance. The POWTS owner shall ensure the pumping or inspection is completed and reported to the County by their authorized agent.

(c) HOLDING TANK MAINTENANCE AGREEMENT.

1. The owner of the holding tank shall enter into a Maintenance Agreement with the County. The County has the right to have the holding tank serviced in order to prevent or abate a nuisance as described in ss. 254.59 Stats, should the owner fail to have the holding tank properly serviced. The County may recoup the cost of having the holding tank serviced from the property owner by placing the charges on the tax bill as a special assessment for current services rendered. The charges will be assessed as prescribed by s. 66.60 Stats.
2. The owner or agent shall submit a copy of the holding tank Maintenance Agreement when plans are submitted to the County for review.
3. The Maintenance Agreement under paragraph 1 shall be binding upon the owner, the heirs of the owner and assignees of the owner. The Maintenance Agreement shall be filed with the Register of Deeds and shall be recorded in a manner which will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.
4. The owner of a holding tank will have on file with the County a contract for servicing the holding tank with a person who is licensed under ch. NR 113 to have the holding tank serviced. The owner shall file a copy of any changes to the service contract or a copy of a new service contract with the County within ten (10) business days from the date of change to the service contract. The person responsible for servicing a holding tank under paragraph (D) shall submit to the County a report for the servicing on a semiannual basis. The service report shall include:
   a. The name and address of the person responsible for servicing the holding tank.
   b. The name of the owner of the holding tank.
   c. The location of the property on which the holding tank is installed.
   d. The sanitary permit number issued for the holding tank.
   e. The dates on which the holding tank was serviced.
   f. The volumes in gallons of the contents pumped from the holding tank for each servicing.

(19) RECONNECTION.

(a) A County Sanitary Permit for a reconnection to an existing POWTS shall be obtained prior to the following, however, the reconnection shall not allow the wastewater load and/or contaminate load of the structure to exceed the limitations of the existing system:
   1. Construction of a structure to be connected to an existing POWTS.
   2. Disconnection of a structure from an existing POWTS and connection of another structure to the system, except as permitted in sec. 17.64(19)(f).
   3. Rebuilding a structure that is connected to a POWTS.

(b) Prior to issuing a County Sanitary Permit, the existing POWTS shall be examined to:
   1. Determine if it is functioning properly or whether it is a failing system.
   2. Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.
   3. Determine that all minimum setback requirements of SPS 383, WAC, will be maintained. Well setbacks are pursuant to NR 811 and NR 812 Wis. Adm. Code.

(c) Application for a County reconnection permit shall include the following:
   1. All items in 17.64(12)(a)1-4 and 17.64(12)(a)8-10.
   2. For all systems that utilize in situ soil for a treatment or disposal, a Soil and Site Evaluation report verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater elevation and bedrock complies with SPS 383, WAC, unless a valid report meeting these criteria is on file with the County.
   3. A report provided by a licensed plumber, certified septage servicing operator or a POWTS inspector relative to the condition, capacities, baffles and manhole covers for any existing treatment or holding tanks.
   4. A report provided by a licensed plumber or POWTS inspector relative to the condition and capacities of all other system components and verifying that the system is not a failing system.
   5. Complete plans, as specified in sec. 17.64(13) for any system components which will be modified or replaced.

(d) Reconnection to existing holding tanks may require a new servicing contract and an updated holding tank agreement which meets the requirements of this ordinance.

(e) Reconnection to an existing system other than a holding tank may require a new maintenance agreement or contract.

(f) Replacing a structure with a new or different structure within two years of the date of permit issuance will only require statements indicating that the system has not been altered, that a modification in wastewater flow or contaminant load will not occur, and a plot plan that documents all setbacks between the structure and system components.

(g) When reconnection to an undersized system is permitted, an affidavit limiting occupancy for the system must be recorded in the Register of Deeds office. Continued use of an undersized system is limited to no more than one-bedroom increase.

(20) <u>CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD.</u> Prior to commencing the construction of an addition to or modification of a structure, which will affect the wastewater flow and/or contaminant load to an existing POWTS, the owner(s) of the property shall:

(a) Possess a sanitary permit to construct a new POWTS system or modify an existing POWTS to accommodate the modification in wastewater flow or contaminant load or;

(b) Provide the following to the County:

1. Documentation that a Private Sewage System of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in SPS 383, WAC.
2. Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing POWTS components.
3. Documentation specified in sec. 17.64(19)(c)2,3,4 & 5.

(c) If the existing private sewage system is found not to be compliant with this ordinance, construction of the building addition or modification shall be allowed only if a sanitary permit has been issued to modify or replace the existing POWTS.

(d) Any installation, addition, modification of a POWTS must be completed and accepted before the addition or modified area of the structure may be occupied.

(21) INSPECTIONS: GENERAL. The County shall inspect all private sewage systems as required by WAC after construction but before backfilling no later than the end of the next workday, excluding Saturdays, Sundays and holidays after receiving notice from the plumber in charge. The plumber in charge or an authorized journeyman plumber must be present during the inspection and must provide all necessary equipment and assistance to the inspector as requested. Inspections shall be reported on forms furnished by the State.

(a) REQUEST OF INSPECTION.
1. Request for inspection shall be made no later than the end of the previous work day by plumber in charge.
2. Additional inspections of a private sewage system may be necessary based on private sewage system type, complexity or due to unforeseen circumstances. Private sewage systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary.

(b) INSPECTIONS: SITE CONSTRUCTED TANKS.
1. All site constructed treatment tanks may be inspected after the floor is poured and the key way and water stop are installed or after the forms for the tank walls have been set but in all instances before any concrete for the walls has been poured.
2. Concrete walls may be poured only after it has been determined that the tank, as formed complies with the approved plans.

(c) INSPECTIONS: NON-PLUMBING SANITARY SYSTEMS.
1. All non-plumbing sanitary systems installed shall be inspected for compliance with SPS 391, WAC or as amended, by this ordinance. Non-plumbing sanitary systems serving uses other than one and two family dwellings shall also be inspected for compliance with SPS 352.63, WAC.
2. The property owner shall notify the County for inspection immediately after the non-plumbing sanitary system has been constructed or installed.

(d) INSPECTIONS: MOUNDS AND AT-GRADE SYSTEMS. Mound and At-Grade systems may be inspected at the time the ground surface is plowed, at the time the distribution piping installation has been completed and after all work has been completed.

(e) INSPECTIONS: SAND FILTERS. Sand filters may be inspected at the time the liner or tank and under drain are in place, before placement of any treatment media, at the time the distribution piping installation has been completed and after all work has been completed.

(f) INSPECTIONS: EXPERIMENTAL SYSTEMS.
1. The plumber installing the system shall co-ordinate any required pre-construction meeting(s).

2. The plumber installing the system shall notify the County at least two (2) workdays prior to beginning the installation of the system to schedule the inspection(s) and shall notify the State as may be required by the approved plans.
3. Inspections shall be done pursuant to the approved plan requirements and as deemed necessary by the County to assure compliance with appropriate codes and the plan approval.
4. This section shall apply all systems not recognized by SPS 383.61, WAC.

(g) RE-INSPECTION.

1. An inspection fee shall be assessed when a re-inspection of a private sewage system is required because the initial inspection disclosed that the installation is incomplete at the scheduled inspection time or does not comply with applicable Wisconsin Statutes, Administrative Codes, the approved plans or this ordinance. Each additional re-inspection required at the site will require a fee.
2. The inspection fee shall be due within ten workings days of written notification by the County. Failure to pay this fee within that period shall constitute a violation of this ordinance.

(h) TESTING.

1. If testing of new systems or new system components is required by SPS 382, 383 or 384, WAC, or as a condition of plan approval notice shall be given to the County as specified in s. 17.64(21), so that the County may make an inspection during the test.
2. The County shall verify that required testing has been completed by one of the following:
   a. Performing an inspection during the test.
   b. Requiring written verification from the responsible person.

(22) NON-PLUMBING SYSTEMS.

(a) TRANSFER TANKS. The transfer tank for use with a recreational vehicle must be State approved, installed pursuant to product stipulations and requires the issuance of an annual Barron County Sanitary Permit. Only one (1) such transfer tank shall be allowed with each recreational vehicle and the transfer tank shall only serve one recreational vehicle. A servicing contract shall be submitted with an application for each County sanitary permit, indicating that the service provider will report maintenance activities to the county.

(b) Privies and portable restrooms shall be constructed and maintained in a clean condition so that insects and rodents cannot enter the vault.

(c) No plumbing shall be installed in the privy.

(d) Privies and portable restrooms shall be located at a minimum horizontal distance of; 25 feet from dwellings, 25 feet from the lot line, 50 feet from the water supply wells, 75 feet from a stream, lake or other water course, and 25 feet from the edge of a slope greater than 20%.

(e) Pit privy permit applications shall be accompanied by soil data provided by a Certified Soil Tester to determine compliance with DSPS 391, WAC.

(f) The structure that is placed over the vault or pit shall be constructed to these minimum standards:

1. The structure over the vault or pit shall have a minimum of 12 sq. ft. in floor area and shall not exceed 36 sq. ft. in floor area.
2. The height of the interior walls shall be at least 6 1/2 feet.
3. The vault or pit shall be provided with a vent pipe with a minimum diameter of 3 inches and shall extend at least one foot above the roof.
4. The storage chamber of a vault privy shall have a minimum storage capacity of 200 gallons or one cubic yard and shall comply with SPS 384.25.

5. All windows, vents and other openings shall be screened to prevent entrance of insects and rodents and the door shall be self-closing.
6. A County Sanitary Permit is required prior to the construction or location of a privy.

(23) VIOLATIONS AND PENALTIES. Any person who fails to comply with the provisions of this ordinance, or any order of the County issued in accordance with this ordinance, or resists enforcement, shall be subject to a citation or other enforcement action. Citation authority is pursuant to sec. 17.90(3)(b).

17.65 ANIMAL WASTE. See § 11.02 of this Municipal Code.

ADMINISTRATION AND ENFORCEMENT

17.70 GENERAL PROVISIONS. This subchapter contains provisions on, and shall apply to, the administration and enforcement of the requirements of the zoning, subdivision and sanitary sections of this chapter.

17.71 BOARD OF SUPERVISORS. The County Board of Supervisors is responsible for the enactment, amendment and repeal of the County Land Use Ordinances. The Board appropriates funds in support of the Office of the Zoning Administrator, the Zoning Committee and the Board of Adjustment.

17.72 ZONING COMMITTEE.

(1) CREATED. The County Zoning Committee is a committee of the County Board, created pursuant to § 59.69(2), Wis. Stats., and serves as the County planning agency pursuant to § 236.02(1), Wis. Stats.

(2) DUTIES. The Zoning Committee is responsible for overseeing the office of the Zoning Administrator and for other functions assigned to it by this chapter, by other actions of the County Board and by § 59.69, Wis. Stats.

(3) OPERATING PROCEDURES.

(a) QUASI-JUDICIAL DETERMINATIONS AND PROCEEDINGS. Certain sections of this chapter assign to the Zoning Committee, the function of deciding appeals of interpretation decisions made, in the first instance by the Zoning Administrator. In performing those specific functions, the Committee shall follow the procedures set forth in sec. 17.73(4) for the conduct of investigations, hearing, deliberations and decisions.

(b) OTHER PROCEEDINGS. In performing assigned functions other than those set forth in par. (a), the Committee shall follow procedural standards found in applicable statutes, ordinances, or in its own operating rules.

(c) DELEGATION OF AUTHORITY. The Committee shall assign responsibility within its own membership or to the Zoning Administrator, for recording the actions of the Committee on certificates and reports which require such a recording.

17.73 ZONING ADJUSTMENT BOARD

(1) CREATED. The County Zoning Adjustment Board (known throughout this section as the "Board"), is a board created by action of the Board of Supervisors pursuant to §59.694, Wis. Stats.

(2) DUTIES. The Zoning Adjustment Board is responsible for hearing and deciding administrative appeals, variance applications, and applications for special exceptions as provided in this chapter.

(3) APPOINTMENT AND TERM. The Board shall consist of not more than five (5) members who shall be appointed for staggered 3 year terms, commencing on July 1st, by the County Board Chairperson. Vacancies shall be filled in like manner for the unexpired term of any member whose terms becomes vacant. Members

shall all reside in the County and outside incorporated cities and villages, and no 2 members shall reside in the same town.

(4) OPERATING RULES.

(a) The Board shall choose its own chairperson, vice-chairperson, and secretary.

(b) The Board shall meet at the call of the Chairperson or at such other times as the Board may determine.

(c) The Board shall comply with all requirements of the Wisconsin Open Meeting Law in the conduct of the business before it. The nature of the Board's proceedings are quasi-judicial. The Board may therefore, deliberate in closed session after a hearing on the matter, provided legal requirements are compiled with.

(d) The Board may conduct site inspections of premises and surrounding areas which are the subject of matters before the Board, provided that, when the Board as a unit or individual members are engaged in such site inspections, they shall not allow interested parties to present arguments or advocacy materials. Such arguments and materials shall be received only at hearings before the Board.

(e) The Board shall conduct a public hearing on all administrative appeals, special exception and variance matters before it, and shall cause a Class 2 notice under Ch. 985, Wis. Stats. to be published, and shall give due notice of the hearing to all parties in interest. Any party may appear in person or by attorney at such hearing. The Chairperson may administer oaths to parties testifying and may compel attendance of witnesses. Due notice to parties in interest shall mean that the office of the Zoning Administrator will mail by ordinary postage, reasonable advance notice of all hearings and meetings on any pending matter to the applicant, to owners of record of properties which are located within 300' of the parcel involved in the application, to the clerk of the town where the property is located, to the clerk of any other town or any other village located within 1.5 miles of the property involved in the application, and to other parties who have made known to the office their specific interest in the matter and their request to receive such notices. Failure of the office to accomplish such provision of notice shall not invalidate or prejudice the proceedings, provided the Board concludes that reasonable efforts were made or that the parties who subsequently complain of not having been sent or of not receiving notice, did in fact, know of the proceedings and had reasonable opportunity to attend or to be represented, or to convey their views prior to the Board's decision.

(f) All testimony before the Board by persons other than Board members, and written or documentary evidence or material pertaining to matters before the Board, shall be received at the hearings conducted by the Board, provided however, that the content of relevant ordinance or statutory materials shall be deemed to be before the Board in all cases, and need not be entered into the record. All parties in interest shall be afforded reasonable opportunity to comment on all materials or information so received. Board members who are in possession of facts which may have a bearing on the matter before the Board, shall enter same into the record of the hearing, and opportunity shall be allowed for comment on such entries.

(g) If following the close of a hearing, the Board finds it necessary or desirable to receive additional information, evidence, or arguments which may have a bearing upon the Board's decision, it shall reconvene a public hearing with notice given in the same manner as for the initial hearing, for the purpose of so doing.

(h) The Board shall deliberate on matters before it. The concurring vote of a majority of the Board shall be necessary to approve any appeal, variance or special exception before the Board. The vote of each member on each matter decided by the Board shall be recorded in the minutes. If a member is absent or if a member fails to vote, such fact shall similarly be recorded. The minutes of the Board shall show the Board's decisions and the votes of members thereon. Each decision of the Board shall be

accompanied by written reasons in support of the decision, which written statement shall be signed or acknowledged by the members and entered into the minutes.

(i) All decisions by the Board shall be made in strict accord with the standards of the ordinance. The Board shall decide all matters before it, within a reasonable time.

(j) The Board shall cause complete records to be kept of its examinations on matters before it, of public hearings, site inspections, decisions and other official actions, which shall be immediately filed in the County zoning office and shall be a public record.

(k) The Board may adopt procedural rules not in conflict with this chapter or State law.

(5) ADMINSTRATIVE APPEALS.

(a) APPEALABLE MATTERS.

1. Decisions by the Zoning Administrator which consist of interpretations of the terms of this chapter, and which are made in the course of determining whether a permit or approval will be issued by the Administrator, are appealable to the Board of Adjustment as administrative appeals.
2. Decisions by the Zoning Administrator to issue an enforcement demand or to commence other ordinance enforcement activities, where the Administrator has determined that violation of the ordinances exists, is appealable to the Board of Adjustment as an administrative appeal.
3. Decisions by the Zoning Committee which consist of interpretations of the terms of this chapter and in determining whether a permit or approval will be issued by the Committee are appealable to the Board of Adjustment as administrative appeals.
4. Where the ordinance states that a decision or interpretation shall be made by the Zoning Administrator, with a right of appeal specified to the Zoning Committee, such appeal shall be taken to the Committee before an appeal shall be allowed to the Board of Adjustment.

(b) PROCEDURES FOR INITIATING AN ADMINISTRATIVE APPEAL.

1. ELIGIBLE APPELLANTS. Administrative appeals may be initiated by any person aggrieved by the decision or interpretation being appealed, or by any officer, department, board, or committee of the County government.
2. TIME FOR APPEALS. An appeal shall be commenced within 30 days after the making of the decision or interpretation being appealed.
3. INITIATING AN APPEAL. An appeal shall be commenced by filing with the office of the Zoning Administrator, a notice of appeal specifying the decision being appealed and grounds for the requested relief and payment of the fee specified by Sec. 17.74(5)(e). Upon receipt of such a notice, the Zoning Administrator shall immediately notify the Board of Adjustment and the Zoning Committee, and shall transmit to the Board all papers and files which constitute the record of the decision being appealed.
4. STAYS. An appeal of a decision to issue a permit, approval or enforcement demand, or to commence other ordinance enforcement proceedings, shall cause the permit or approval action to be suspended, or shall stay further enforcement prosecution unless the Zoning Administrator or District Attorney shall file with the Board of Adjustment a certificate, supported by a statement of facts, alleging that suspension or stay will cause imminent peril to life or property. If such a certificate is filed, proceedings shall not be stayed except upon a restraining order issued by a court.
5. DECISIONS BY THE BOARD OF ADJUSTMENT. Following a public hearing and other investigation conducted pursuant to sub. (4), the Board shall decide the matter based upon whether the decision, determination or interpretation being appealed was in error. The Board may reverse or affirm, wholly or partly, or may modify the decision appealed from, and may make such decision as ought to have been made, and to that end shall have all powers of the officer from whom the appeal is

taken. All decisions by the Board on administrative appeals shall be based upon the terms of the ordinance and evidence as to legislative intent.

(6) SPECIAL EXCEPTION USES.

(a) NATURE OF. Certain uses are of such special nature or their effects are so dependent upon specific circumstances as to make impractical the determination in advance of where and when and under what conditions they should be permitted. Provision has been made in this chapter for the determination of such cases as special exception uses. Special exceptions are land uses listed as such in each zoning district. They may be established in such district only upon approval by the Board of Adjustment.

(b) APPLICATION FOR APPROVAL. Any person holding an interest in lands within an area included in a County zoning district may apply for a special exception approval by filing an application and fee as specified in sec. 17.74(5)(e). Special exception approval applications can include single parcels of land or groupings of parcels, contiguous or non-contiguous. The application shall be transmitted by the Administrator to the Board. Re-applications may not be considered by the Board within two years after denial by the Board of a prior application, unless the reapplication is substantially different in content or justification than the original application or unless the reapplication is made pursuant to court order.

(c) BOARD REVIEW AND DECISION. Following a public hearing and other investigations conducted pursuant to sub. (4), the Board shall decide the matter based upon the following standards:

1. Whether the use is listed as a special exception use in the zoning district where the lands are located or is a use which is not assigned by this chapter to any zoning district, and which is similar in character to uses allowed in the district in which the site is located, and which is compatible with the purpose and intent of such zoning district.
2. Where the regulations of the zoning district in which the lands are located contain specific standards for the class of special exception use under consideration, those standards shall be applied by the Board.
3. In addition or where the zoning district contains no standards unique to that district or use, the Board shall apply the following general standards:
   a. No grant of a special exception shall violate the spirit or intent of this chapter.
   b. No special exception shall be allowed which would be contrary to the public health, safety, or general welfare, or which would be substantially adverse to property values in the neighborhood affected.
   c. No use shall be permitted by special exception that would constitute a nuisance by reason of noise, dust, smoke, odor, or other similar factors.

(d) CONDITIONS. The Board of Adjustment may make the granting of an application for a special exception use contingent upon such express conditions, as it considers necessary to further the aims of this chapter. These conditions may include, but are not limited to, specifications of:

1. The period of time in which all or part of the use may be permitted.
2. Setback and yard dimensions.
3. Specified sewage disposal and water supply facilities.
4. Landscaping and planting screens.
5. Operational controls.
6. Sureties.
7. Deed restrictions.
8. Location of structures, docks, piers or signs.
9. Location and amount of parking facilities.
10. Type of construction.

11. Type of shore cover.

(e) **TECHNICAL REVIEW.** The Zoning Administrator, upon direction of the Barron County Zoning Board of Adjustment, shall employ an independent consultant specializing in the subject matter before the Board for additional technical review. The applicant shall pay all associated costs of such a review. The payment to the Barron County Zoning Office shall be due upon receipt of the invoice. All invoices, fees and charges accumulated for the technical review, must be paid in full prior to the issuance of the Special Exception Permit.

(7) VARIANCES.

(a) **NATURE OF.** Variances are waivers in the terms of this chapter. In a variance case the terms of the ordinance are not in dispute. An applicant for a variance acknowledges that the ordinance forbids the development for which approval is sought. Two avenues of relief can be pursued in such a case. One is for the applicant to seek an amendment to the ordinance. The second possible avenue of relief, one that is available only under strictly defined circumstances, is to seek a variance. Variances are an available form of relief only were the use in question is allowed in the zoning district, but the dimensional standards (setbacks, minimum lot area, etc.) block or hinder the desired form of development. Where dimensional standards create a hardship which can be relieved by modifying the standards for that parcel of land without destroying the basic intent of the ordinance, a variance procedure allows the impact of general rules to be varied in response to unusual local circumstances, without involving the County Board in amendment procedures for each such localized situation.

(b) **APPLICATIONS FOR.** Applications for variances in the applicable zoning regulations may be filed with the Zoning Administrator, along with payment of the application fee specified in sec. 17.74(5)(e). The Administrator shall transmit the application to the Board. Reapplications may not be considered by the Board within two years after denial by the Board of a prior application, unless the reapplication is substantially different in content or justification than the original application, or unless the reapplication is made pursuant to a court order.

(c) **BOARD REVIEW AND DECISION.** Following a public hearing and other investigations conducted pursuant to sub. (4), the Board shall decide the matter based upon the following standards:

1. No variance may be granted which would have the effect of allowing in any district a use not permitted in that district.
2. No variance may be granted which would have the effect of allowing a use of land or property which would violate State laws or administrative rules.
3. Subject to the above limitations, variances may be granted where strict enforcement of the terms of the ordinance results in an unnecessary hardship and where a variance in the standards will allow the spirit of the ordinance to be observed, substantial justice to be accomplished, and the public interest not violated.

(d) **CONDITIONS.** Conditions shall be attached in writing to all approved variances where such conditions will achieve compliance with standards of this chapter.

17.74 ZONING ADMINISTRATOR

The office of the Zoning Administrator is an administrative department of the County government, created by the County Board of Supervisors. The office is headed by a Zoning Administrator appointed by the Board of Supervisors on recommendation of the Zoning Committee. The office shall also consist of such other personnel as shall be provided for the office. In addition to duties and responsibilities specified elsewhere in this chapter, the Zoning Administrator shall be responsible for directing the work of the office, for making periodic reports as

required on the activities of the office, and for training and educational activities to assure that persons connected with ordinance administration are able to keep abreast of developments in the field of County land use ordinances. In addition to the duties specified elsewhere in this chapter, the Zoning Administrator shall be responsible for the following administrative duties:

(1) ADVISING APPLICANTS. The Zoning Administrator shall advise applicants for permits and approvals as to the provisions of this chapter and shall assist them in preparing applications.

(2) KEEPING RECORDS. The Zoning Administrator shall keep records of applications received, committee or board or office actions on such applications, permits issued, inspections made, enforcement actions undertaken and other similar activities.

(3) MAKING INSPECTIONS. The Zoning Administrator shall make such inspections of premises as are required to determine compliance of land use activities with the terms of this chapter. Except in cases of emergency, such inspections shall be made only at a reasonable hour, with reasonable notice to the owner and\or occupant of the premises and with consent, unless it is made pursuant to an inspection warrant issued pursuant to the Wisconsin Statutes.

(4) MAKING DETERMINATIONS. The County Zoning Administrator will make those administrative decisions and determinations this chapter specifically assigns to the administrator. Subject to review by the County Zoning Board of Adjustment, the Administrator will determine whether specific ordinance requirements should be waived and a permit issued when:

(a) An applicant alleges that he or she is handicapped or disabled and is entitled to "reasonable accommodations" under the Federal Fair Housing Act (42 U.S.C. §3601-3631) or the Wisconsin Open Housing Law (Wis. Stats. §106.50 and 106.52), or

(b) The owner of a facility qualifying as a "public place of accommodation or amusement" under Wis. Stats. §106.50 and 106.52 or as a "public accommodation" under 42 U.S.C. §12181(7) specifically alleges the need to waive certain zoning restrictions in order to make the facility accessible to the handicapped or disabled.

(5) PERMITS, APPROVALS AND FEES. The Zoning Administrator shall receive applications for the following permits and shall process the applications and the fees collected in the following manner:

(a) SANITARY PERMITS. The permitting process for Sanitary Permits is established in Section 17.64.

(b) APPROVALS OF EXPERIMENTAL ON-SITE WASTEWATER TREATMENT SYSTEMS. See Section 17.64.

(c) LAND USE PERMIT.

1. WHEN REQUIRED. A land use permit shall be required to be issued before any of the following may occur:

a. Before any building or structure, or addition thereto, is erected, moved, or structurally altered except that land use permits shall not be required for structural alterations involving ordinary upkeep and maintenance, and provided further that in agricultural zoning districts land use permits shall be required only for the following structures:

(1) Structures used in part or whole for human habitation.

(2) Structures used in part or whole for animal habitation that exceed 600 square feet in floor area.

(3) Waste storage systems for all types of manure storage, including abandonment of such system. See Chapter 18 of Barron County Codes.

(4) Structures located within 75 feet of the right-of-way line of a road or street.

(5) Structures that will be used in part or whole for an approved special exception use.

b. Before any building or structure, or any parcel or tract of land, is substantially changed as to use.

c. Before any bathroom is installed and connection to a POWTS occurs within an accessory structure.

2. COMPLIANCE REQUIRED. Land use permits shall be issued only if the parcel is in compliance with the sections 17.50 through 17.55.

3. APPLICATION AND ISSUANCE. Applications for land use permits must be made on forms furnished by the county zoning administrator. If a use of land requires a sanitary permit in addition to a land use permit, the applicant must obtain the sanitary permit before the county zoning administrator issues a land use permit. The county zoning administrator will issue a land use permit only if the application, as well as information obtained through field inspection (if any), causes the administrator to conclude that the proposed use will comply with all applicable regulations. When an applicant requests waiver of zoning restrictions in order to provide a handicapped or disabled person with equal housing opportunities, or with access to a place of public accommodation, the process shall follow that of sub. (h).

(d) GRADING PERMIT.

1. WHEN REQUIRED. A grading permit shall be required before undertaking any of the following activities:

a. Filling, grading, lagooning, or dredging in the Shoreland Overlay Area as defined in Sec. 17.41(8).

b. Wetland altering activities within the C-1 District as defined in Sec. 17.29(2)(d).

2. APPLICATION AND ISSUANCE. Applications for grading permits shall be made on forms furnished by the Zoning Administrator. Permits shall be issued if the application and information obtained through field inspections, if any, causes the Administrator to conclude that the proposed activity will comply with all applicable regulations.

3. FEES. A fee set pursuant to par. (g) shall be submitted to the Zoning Administrator when application is made for a grading permit.

(e) APPLICATIONS FOR SPECIAL EXCEPTION USE APPROVALS, VARIANCES, ADMINISTRATIVE APPEALS AND APPLICATIONS FOR REZONING.

1. APPLICATION AND REFERRAL. Applications for special exception approvals, variances and administrative appeals, shall be made to the Zoning Administrator on forms prepared by the Administrator and approved as to form and content by the Zoning Board of Adjustment. Completed applications shall be referred by the Administrator to the Board for processing and disposition, as provided in sec. 17.73. Applications for a rezoning request shall be made to the County Clerk on forms prepared by the Administrator, and approved as to form and content by the Zoning Committee. Completed forms shall be referred by the Clerk to the Administrator who will in turn refer it to the Zoning Committee for processing and disposition, as provided in Sec. 17.81.

2. FEES. A fee set pursuant to par. (g) shall be submitted to the Zoning Administrator for a rezoning request after such request has been submitted to the County Clerk.

(f) LAND DIVISION AND SUBDIVISION APPROVALS.

1. APPLICATIONS. Applications for approval of land divisions and subdivisions shall be made pursuant to Sections 17.50 through 17.55.

2. FEES. A fee set pursuant to par. (g) shall be submitted to the Zoning Administrator when application is made.

(g) FEES.

1. Permit fees shall be determined by resolution adopted from time to time by the Board of Supervisors. The fees established in this method are adopted by reference as part of this chapter.
2. All fees received by the Zoning Administrator shall be placed within the county general fund or transmitted to State agencies as required by the County Board or State Statutes. Fees are collected at the time of application and are not refundable if the application is denied.

(h) PERMITS THAT AUTHORIZE "REASONABLE ACCOMMODATIONS" FOR A HANDICAPPED PERSON.

1. When an applicant requests waiver of zoning restrictions in order to provide a handicapped or disabled person with equal housing opportunities, or with access to a place of public accommodation, the applicant must provide the following on the permit application:
   a. Specify each zoning restriction for which the applicant seeks a waiver;
   b. Specify each handicap or disability requiring a waiver;
   c. Explain the need for the waiver; and
   d. Describe each alternative solution (if any) the applicant has considered and for each alternative solution considered, each reason for rejecting it.
2. The County Zoning Administrator will use a zoning permit that waives specified zoning ordinance requirements, if the administrator determines that both of the following conditions have been met.
   a. The requested accommodation (i.e., the requested waiver of zoning restrictions), or another less-extensive accommodation, is:
      (1) Necessary to afford handicapped or disabled persons equal housing opportunity or equal access to public accommodations, and
      (2) The minimum accommodations that will give the handicapped or disabled persons adequate relief.
   b. The accommodation will not unreasonably undermine the basic purposes the zoning ordinance seeks to achieve.
3. If the County Zoning Administrator issues either to a handicapped or disabled person, or to the owner of a place of public accommodation, a zoning permit waiving compliance with specified zoning requirements, the permit must:
   a. State that issuance of the permits required by Federal Fair Housing Act, the Wisconsin Open Housing Law, or the Americans with Disabilities Act, or any combination of them; and
   b. Include the condition that the building addition or other structure (such as entrance ramps) authorized by the permit must be constructed to make it easily removable when the handicapped or disabled person no longer occupies the property, unless the county zoning administrator specifies in writing the, reason for not including the condition. If the permit includes this condition, the property owner must notify the zoning administrator not more than 30 days after the handicapped or disabled person vacates the property.
4. In cases where the county zoning administrator issues a handicapped or disabled person a permit conditioned on removal of the building addition or other structure when the handicapped or disabled person no longer occupies the property, the permit will not become effective until the property owner:
   a. Signs an affidavit that includes the legal description of the property and acknowledges that the building addition or other structure authorized by the permit is authorized for only the period a handicapped or disabled person who requires the structure occupies the property, and
   b. Records the affidavit in the office of the County Register of Deeds.

(i) SANITARY AND LAND USE PERMITS FOR SPECIAL EXCEPTION AND VARIANCE USES. Issuance by the Board of Adjustment of a special exception approval or a variance shall not relieve the applicant of the obligation to obtain sanitary and land use permits.

(j) EFFECT AND POSTING OF PERMITS.

1. Permits or special exception approvals and other permits issued on the basis of plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction at variance with that authorized shall be deemed a violation of this chapter.
2. Permits shall be placed in a prominent location on the premises during construction, alteration or moving.
3. Permits shall lapse and become void if operations or structures described in the permit are not established or completed within one year of issuance of the permit; except that the Zoning Administrator, for the purpose of an order for compliance, may determine a specific date for completion.
   a. The exterior of a building shall be completed within one year.

17.75 IMPACT STUDIES AND REPORTS

In the course of carrying out administration of these ordinances, the various boards and committees which are assigned decision-making responsibilities hereunder, will find themselves occasionally confronting proposed land use changes which have unusually significant consequences, or which would arouse unusually high levels of citizen interest. In such cases, the unit responsible for making the decision may find that the procedures specified in the sections of the ordinance which govern the case, do not allow for a full and complete examination of the environmental and other impacts of the proposed decision. This situation is to be expected, since the procedures set forth herein are generally tailored to the more average or routine cases, and are designed to balance in such cases, the need of the board or committee for information against the burdens which a more complete procedure would impose upon landowners. The purpose of this section is to provide a special procedure for the handling of more complex cases or applications.

(1) COVERAGE. This section shall apply to:

(a) Proposed amendments to this chapter governed by sec. 17.81.
(b) Proposed special exception uses.
(c) Variances and administrative appeals.
(d) Proposed minor and full subdivisions.

(2) DETERMINATION THAT IMPACT STUDIES ARE NEEDED. The board or committee, which has before it a matter listed in sub. (1), may for reasons stated in a written determination, decide that the particular application, petition, or matter raises unusually significant questions of impact (environmental or other) and/or that an unusually high level of citizen interest has been shown in the proposed use, change, or amendment. Such a decision shall be followed by adoption by the board or committee of a resolution in which it shall set forth the impact questions on which it requires research, data, and input from affected or interested persons. The listing of impact questions can include items of data which this chapter already enables the board or committee to obtain, or it may include additional items of information which are relevant to the impact questions specified in the resolution. The resolution may also assign responsibility for the acquisition of data on the specified impact questions, to County agencies or officials, to officials or agencies in other units of government who have or may be willing to assist, or to the developer or applicant. The resolution may set a date for the return of the requested data and information and it may specify the format in which the data is to be presented.

(3) HEARINGS ON THE IMPACT STUDIES. Following the return to the board or committee of the data called for in the resolution adopted under sub. (2), the board or committee shall cause the information to be compiled in the form of an impact report. The board or committee shall make such report available for scrutiny by the applicant or petitioner, by other interested persons or agencies, and shall schedule and hold a public hearing on the findings of the report. The hearing shall be preceded by a Class II notice under Ch. 985, Wis. Stats. Persons attending such hearing shall be afforded an opportunity to comment on the report, and to make recommendations as to the weight which the board or committee should give to the report or data therein, in deciding the matter pending before it.

(4) SUSPENSION OF ORDINANCE TIME LIMITS TO ALLOW FOR IMPACT STUDY AND REVIEW. Prior to commencing activities under this section, the board or committee shall consult the ordinance sections under which it is operating, and shall consult with its legal counsel to determine the time limits, if any, which are placed upon its deliberations on the matter before it. Notwithstanding other provisions of this chapter, those time limits which are not specified in State law and which do not permit the board or committee sufficient time to conduct an impact review under this section, may be suspended by passage of the resolution described in sub. (2). In the case of time limits set by State law, which conflict with the availability of reasonable time for an impact review, a formal request shall be made to the applicant for a consent to a reasonable and adequate extension of time for an impact review.

17.76 LIMITATIONS ON COUNTY LIABILITY

This chapter and approvals, and inspections under it, are not to be construed as establishing legal responsibility on the part of the County, its officers or agencies, for design or construction of building or premises.

17.81 REZONINGS AND ORDINANCE AMENDMENTS

(1) AUTHORITY. Pursuant to the authority of Sections 59.70(5), 59.70(6), 59.07, 59.69, 59.692, 59.693, and 87.30 and Chapters 91, 281 and 285, 145, 146, and 236 of the Wisconsin Statutes, the County Board may by ordinance, change the district boundaries established by this chapter and the maps incorporated herein, or amend, change, or supplement the text of the regulations established by this chapter or amendments thereto.

(2) PROCEDURE.

(a) FILING A PETITION. A petition for amendment of this ordinance may be made by any property owner in the area to be affected by the amendment, by the town board of any town wherein the ordinance is in effect, by any member of the county board or by the county zoning committee. A petition for amendment of this ordinance shall be submitted in triplicate directly to the zoning administrator, in order that notice of hearings and other processing may be initiated without unnecessary delay.

(b) FEE. A petition for amendment of this ordinance submitted by other than a governmental body or agency, shall be accompanied by the proper fee as established under this ordinance and, shall be payable to the Barron County Zoning Department.

(c) REZONING PETITION INFORMATION. In addition to all information required on the petition form, the petitioner for rezoning shall supply the following information:

1. A plot map in triplicate, accurately drawn to a scale of not less than 100 feet to the inch, showing the land in question, its location, the length and direction of each boundary thereof, the location and existing use of all buildings on each land, and the principal use of all property within 300 feet of such land.
2. The names and complete mailing addresses, including zip codes, of the owners of all properties within 300 feet of any part of the land included in the proposed change.
3. Any further information which may be required by the zoning administrator or the zoning committee to facilitate the making of a comprehensive report to the County Board.

(d) HEARING AND NOTICE. The zoning administrator shall immediately file the original of a petition filed under this section with the county clerk, who shall present it to the county board at its next meeting for formal referral to the zoning committee for report and recommendations as required by § 59.69(5)(e), Stats. As soon as practical after receipt of petition, the zoning committee shall set a time, and place public hearing on the petition and shall give notice of the time and place of such hearing in the manner prescribed under sec. 17.81(1) of this ordinance. The hearing shall be held in accordance with the procedures specified in sec. 17.81(2) of this ordinance.

1. NOTICE TO COUNTY BOARD SUPERVISOR. Immediate notice of a rezoning petition shall be sent to the county board supervisor(s) of the affected area.
2. NOTICE TO TOWNS. A copy of the public hearing notice on all petitions for rezoning or other amendment, shall be submitted by registered mail to the town clerk of each town affected by the proposed rezoning or other amendment, at least ten (10) days prior to the public hearing on the petition.
3. NOTICE TO OWNERS. If a petition for rezoning has been submitted by someone other than the owner(s) of record, a copy of the petition and public hearing notice and an explanation of the rezoning procedures shall be submitted by registered mail to the owner(s) of record, at least thirty (30) days prior to the public hearing on the petition.
4. Notice to Department of Natural Resources.
   a. SHORELAND ZONING CHANGES. If a petition proposes a change in the provisions or maps related to shoreland zoning, a copy of the petition and the notice of public hearing shall be forwarded to the Wisconsin Department of Natural Resources, not less than ten (10) days prior to the hearing.
   b. SHORELAND-WETLAND ZONING CHANGES. If a petition proposes a change in the provisions of maps related to shoreland-wetland zoning, the Wisconsin Department of Natural Resources shall be provided with the following:
      (1) A copy of the petition within five (5) working days of the filing of such petition with the county clerk.
      (2) Written notice of the public hearing to be held on a proposed amendment at least ten (10) days prior to such hearing.
   c. FLOODPLAIN ZONING CHANGES. If a petition proposes a change in the provisions or maps related to floodplain zoning, a copy of the petition and the notice of public hearing shall be submitted to the Wisconsin Department of Natural Resources not less than ten (10) days prior to the hearing and a copy of the petition and notice of public hearing shall be sent to the Federal Emergency Management Agency.
5. NOTICE TO AIRPORT OWNERS OR OPERATORS. If a petition proposes any change in an airport affected area as defined in § 62.23(6)(am)1.b., Stats., a copy of the petition and the notice of public hearing shall be mailed to the owner or operator of the airport, bordered by the airport affected area, not less than ten (10) days prior to the hearing.

(e) ZONING COMMITTEE ACTION AND REPORT. As soon as possible after such public hearing, the county zoning committee shall act on a petition referred to it under this section by either approving, modifying and approving, or disapproving of the same. If its action is favorable to granting a requested change, or any modification thereof, it shall cause an ordinance to be drafted effectuating its determination, and it shall submit such proposed ordinance directly to the county board with a report stating the reasons for its recommendation. If the county zoning committee after its public hearing, shall recommend denial for the petition, it shall submit a report with its recommendation directly to the county board stating its reasons for such action. Proof of publication of the notice of public hearing held by the county zoning committee, and proof of giving notice to the town clerk of such hearing, shall be attached to either such report. Notification of town board resolutions filed under subsection (i) of this section, shall be attached to either such report. A copy of the zoning committee's findings and recommendations on each proposed amendment affecting shoreland, shoreland-wetlands and floodplains, shall be mailed to the Wisconsin Department of Natural resources within ten (10) days after the submission of those findings or recommendations to the county board.

(f) COUNTY BOARD ACTION. Upon receipt of the report of the county zoning committee and proposed ordinance, if any, the county board shall either:

1. Adopt the ordinance drafted by the zoning committee;
2. Adopt the ordinance drafted by the zoning committee with amendments;
3. Deny the petition for amendment;
4. Refuse to deny the petition for amendment as recommended by the county zoning committee, in which case it shall re-refer the petition to the county zoning committee, with direction to draft an ordinance to effectuate the petition, and report the same back to the county board, which may then adopt or reject such ordinance; or
5. As an alternative to, or in addition to any public hearing held by the zoning committee, hold a public hearing on the proposed amendment if proper notice of such hearing has been provided as required by this ordinance or other law, and the persons specified in subsection (b) of this section have also been notified as required therein, except that, notice to the town clerks of the affected towns shall be given 20 days prior to the time set for the hearing. If a public hearing is held under this section, the town board veto provisions provided hereafter in this section, shall be modified to require submission of a certified resolution or disapproval of the petition, at least twenty-four (24) hours prior to time set for the hearing. The procedures for town veto and effectuation after passage of a proposed amendment by the county board, shall be as provided hereafter in this section.
6. If a protest against a proposed rezoning is filed with the county clerk at least twenty-four (24) hours prior to the date of the meeting of the county board at which the report of the county zoning committee is to be considered, duly signed and acknowledged by the owners of fifty percent (50%) or more of the area proposed to be altered, or by the owners of at least fifty percent (50%) of the frontage immediately in the rear or along the side boundaries thereof within 300 feet of the area proposed to be changed, or by the owners of at least fifty percent (50%) of the frontage directly opposite and across a public street, highway or alley from the area proposed to be altered, action on such ordinance may be deferred until the county zoning committee has had a reasonable opportunity to ascertain and report to the county board as to the authenticity of such ownership statements. Each signer of such protest shall state the amount of area or frontage owned by the signer, and shall include a description of the lands owned by the signer. If such statements are found to be true, the requested rezoning ordinance shall not be adopted except by the affirmative vote of three-fourths of the members of the county board of supervisors present and voting. If such

statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest may be disregarded.

7. If a proposed amendment would make any change in an airport affected area as defined in § 62.23(6)(am)1.b., Stats., and the owner or operator of the airport bordered by the airport affected area, files a protest with the county clerk at least twenty four (24) hours prior to the date of the meeting of the county board at which the report of the county zoning committee is to be considered, no ordinance which makes such a change may be adopted, except by the affirmative vote of two-thirds of the county board of supervisors present and voting.

(g) ADVERSE IMPACT CLAUSE REQUIREMENT. If the Department of Natural Resources has notified the county zoning department that a proposed amendment to the shoreland-wetland provisions of the ordinance may have a significant adverse impact upon any of the criteria listed in subsection (3)(b)4 of this section, that amendment, if approved by the county board, shall contain the following provision:

- This amendment shall not take effect until more than thirty (30) days have elapsed since written notice of the county board's approval of this amendment was mailed to the Department of Natural Resources. During that thirty (30) day period, the Department of Natural Resources may notify the county board that it will adopt a superseding shoreland ordinance for the county under § 59.692(6), Stats. If the Department does so notify the county board, the effect of this amendment shall be stayed until the § 59.692(6) adoption procedure is completed or otherwise terminated.

(h) NOTICE OF COUNTY BOARD DECISION TO STATE AGENCIES. Written notice of the county board's decision on each proposed amendment affecting shorelands, shoreland-wetlands and floodplains, shall be mailed to the Wisconsin Department of Natural Resources within ten (10) days after it is issued. The Wisconsin Department of Agriculture Trade and Consumer protection shall be notified in writing within ten (10) days of any decision approving the rezoning of any area zoned for exclusive agricultural use.

(i) TOWN VETO AND EFFECTUATION.

1. If a town affected by a proposed rezoning disapproves of the rezoning, the town board of such town may file a certified copy of the resolution adopted by such board disapproving of the petition with the county zoning committee prior to, at or within ten (10) days, or thirty (30) days under § 59.69(5)(e)3.m., Stats., if applicable, after the public hearing thereon. If the town board of the town affected by a proposed rezoning files such a resolution, the county zoning committee shall not recommend approval of the petition without a change, but may only recommend approval with change or recommend disapproval. If a town affected by a proposed amendment, other than a rezoning, disapproves of the proposed amendment, the town board of such town may file a certified copy of the resolution adopted by such board disapproving of the petition with the county zoning committee prior to, at or within ten (10) days, or thirty (30) days under § 59.69(5)(e)3.m., Stats., if applicable, after the public hearing thereon. If the town boards of a majority of the towns affected in the case of such amendatory ordinances file such resolutions, the county zoning committee shall not recommend approval of the petition without a change, but may only recommend approval with change or recommended disapproval.
2. If any proposed ordinance amendment makes only the change sought in the petition, and if the petition is not disapproved at or within ten (10) days after the public hearing by the town board of the town affected in the case of rezoning, or by the town boards of a majority of the towns affected in the case of all other amendatory ordinances, it shall become effective upon passage by the county board. The county clerk shall record in the clerk's office the date on which such ordinance becomes effective and the clerk shall notify the town clerk of all towns affected by such ordinance of such effective date, and also insert such effective date in the proceedings of the county board.

Any other such amendatory ordinance which would be a change from the change sought in the petition, when so adopted by the county board, shall within seven (7) days thereafter be submitted in duplicate by the county clerk, by registered mail, to the town clerk of each town in which lands affected by such ordinance are located. If after forty (40) days from the date of such adoption, a majority of such towns have not filed certified copies of resolutions approving such amendment with the county clerk, or if within a shorter time a majority of the towns in which the ordinance is in effect have filed certified copies of resolutions approving the amendment with the county clerk, the amendment shall thereupon be in effect in all the towns affected by the ordinance. Any rezoning ordinance shall within seven (7) days after adoption by the county board, be transmitted by the county clerk by registered mail only to the town clerk of the town in which the lands affected by such change are located and shall become effective forty (40) days after adoption of the ordinance by the county board, unless such town board has previously filed a resolution disapproving the petition and prior to such date, files a certified copy of resolution disapproving of such ordinance with the county clerk. If the town board of the town affected by a proposed rezoning files such a resolution, the rezoning ordinance adopted by the county board shall be vetoed and of no effect. If such town board approves the ordinance prior to the forty (40) day limit, said ordinance shall become effective upon the filing of the resolution of the town board approving same with the county clerk. The county clerk shall record in the clerk's office the date on which such ordinances become effective, and the clerk shall notify the town clerk of all towns affected by such ordinance of such effective date, and also make such report to the county board, which report shall be printed in the proceedings of the county board.

3. All changes to shoreland, shoreland-wetland, and floodplain provisions, shall be effective only after review and approval by the Wisconsin Department of Natural Resources.
4. The provisions of this section relating to town board disapprovals shall not apply to any amendment of the shoreland, shoreland-wetland, floodplain, land division or sanitary and private sewage system provisions, including maps of this ordinance.

(3) REZONING AND AMENDMENT STANDARD.

(a) GENERAL REZONING STANDARDS. The district boundaries established by this chapter and the maps designating said boundaries may be amended, if upon consideration of the following general standards which address public necessity, convenience, general welfare, and good zoning practice, it is determined that:

1. Additional property of the proposed zoning classification is needed in the area to meet public need, because existing property of the classification is being utilized, or uses that would be beneficial to the neighborhood and are authorized under proposed classification are not reasonably accessible to the neighborhood.
2. The principal uses and accessory uses thereto authorized under the proposed zoning classification, are unlikely to impair the use, enjoyment, or economic value of neighboring properties due to appearance, noise, dust, odor, smoke or vibration.
3. The principal uses and accessory uses thereto authorized under the proposed zoning classification, are unlikely to endanger the public health or safety, if located in the area.
4. The principal uses and accessory uses thereto authorized under the proposed zoning classification, are unlikely to cause an unreasonable adverse impact on air quality, ground water, surface water, or natural vegetation if located in the area.

5. The principal uses and accessory uses thereto authorized under the proposed zoning classification, are unlikely to cause an unreasonable adverse impact on historically significant features if located in the area.
6. The principal uses and accessory uses thereto authorized under the proposed zoning classification, are unlikely to impair the normal development of neighboring properties if located in the area.
7. The proposed zoning classification is unlikely to cause undesirable land use patterns, including but not limited to small, isolated zoning districts or neighboring incompatible uses.
8. The proposed zoning classification is consistent with the county land use plan, or a land use plan of the affected town or neighboring municipality.

(b) **SPECIFIC STANDARDS.** The district boundaries established by this chapter for the following districts, and the maps designating said boundaries or the regulatory provisions therein, may be amended only if, in addition to appropriate findings upon consideration of the general standards of subsection (a), the following provisions are also applied where applicable:

1. EXCLUSIVE AGRICULTURAL DISTRICT (A-1). A petition for rezoning an area zoned for exclusive agricultural use (A-1) may be approved only if it is determined that:
   a. The land is better suited for a use not allowed in the farmland preservation zoning district.
   b. The rezoning is consistent with any applicable comprehensive plan.
   c. The rezoning is substantially consistent with the county certified farmland preservation plan.
   d. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agriculturally use.
2. BUSINESS DISTRICT (B). A petition to designate a property as business district use (B), may be approved only if a rural location is required because of such factors as access to transportation facilities, or need for a large land area and such needs cannot be met in alternative urban locations already zoned as business district use (B).
3. MINERAL RESERVATION DISTRICT. A petition to designate a property as a mineral reservation district may be approved only if the mineral extraction is an appropriate land use at the site in question, based upon consideration on such factors as follows:
   a. Existence of mineral deposits.
   b. Proximity of the site to transportation facilities and to market areas and other land uses.
   c. The proposed zoning classification is consistent with the county Land Use Plan, or a land use plan of the affected town or neighboring municipality.
4. FLOODPLAIN DISTRICT AND REGULATIONS. The county board may change or supplement the boundaries of the floodplain overlay district, and the regulations specified therein in the manner provided by law.
   a. Actions which require an amendment include, but are not limited to, the following:
      (1) Any change to the official floodplain zoning map including the flood way line or boundary of any floodplain area;
      (2) Correction of significant discrepancies between the water surface profiles and floodplain zoning maps;
      (3) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
      (4) Any fill or encroachment into the floodplain that will obstruct flow causing an increase of 0.01 foot or more in regional flood height; or
      (5) Any upgrading of floodplain zoning ordinance overlay district text required by section NR116.05, WAC, or otherwise required by law, or for changes by the county.

b. Changes to the floodplain districts or provisions therein shall require consideration where applicable of the following, by the zoning committee prior to recommendation for approval:
   (1) All persons petitioning for an amendment which involves an obstruction to flow causing an increase of 0.01 foot or more in the height of the region of flood, shall obtain flooding easements, or other appropriate legal arrangement, from all adversely affected property owners and notify all affected local units of government before the amendment can be approved by the county board.
   (2) When considering amendments to the official floodplain zoning map, in areas where no water surface profiles exist, the zoning committee shall consider data submitted by the Wisconsin Department of Natural Resources, the zoning administrator's visual on-site inspections and other available information.

5. SHORELAND WETLAND OVERLAY DISTRICT.
   a. For all proposed text and map amendments to the shoreland wetland provisions of this ordinance, the appropriate office with the Department shall be provided with the following:
      (1) A copy of every petition for a text or map amendment to the shoreland wetland provisions of this ordinance, within 5 days of the filing of such petition with the county clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland wetland;
      (2) Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;
      (3) A copy of the county zoning agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the county board; and
      (4) Written notice of the county board's decision on the proposed amendment within 10 days after it is issued.
   b. A wetland, or a portion thereof, in the shoreland wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
      (1) Storm and flood water storage capacity;
      (2) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
      (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
      (4) Shoreline protection against soil erosion;
      (5) Fish spawning, breeding, nursery or feeding grounds;
      (6) Wildlife habitat; or
      (7) Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04, WAC, which can be accessed at the following web site: http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf
   c. If the Department notifies the county zoning agency that a proposed text or map amendment to the shoreland wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in section (3)(b)5b of this ordinance, that amendment, if approved by the county board, shall contain the following provision: “This amendment shall not take effect until more than 30 days have elapsed after written notice of the county board's approval of this amendment is mailed to the Department of Natural Resources. During that 30

day period the Department of Natural Resources may notify the county board that it will adopt a superseding shoreland ordinance for the county under s. 59.692(6), Stats. If the Department does so notify the county board, the effect of this amendment shall be stayed until the s. 59.692(6), Stats, adoption procedure is completed or otherwise terminated."

(4) SPECIAL PROVISIONS.

(a) ZONING OR REZONING COUNTY OWNED LANDS. The county board may by ordinance, zone and rezone any lands owned by the county, except for land subject to a town zoning ordinance which is purchased by the county for use as a solid or hazardous waste disposal facility, or hazardous waste storage or treatment facility, as those terms are defined in § 289.01, Stats., without necessity of securing the approval of the town boards of the towns wherein such lands are situated, and without following the procedures outlined in § 59.69(5) Stats., provided that the county board shall give written notice to the town board of the town wherein such lands are situated of its intent to so rezone and, shall hold a public hearing on the proposed rezoning ordinance and give notice of such hearing by posting in five (5) public places in the town.

(b) ZONING IN ANNEXED AREAS.

1. REMOVAL FROM OFFICIAL COUNTY ZONING MAP. When any lands previously under the jurisdiction of the county zoning ordinance shall have been finally removed from such jurisdiction by reason of annexation to an incorporated municipality, and after the regulations imposed by the county zoning ordinance have ceased to be effective as provided in § 59.69(7), Stats., the county board may, on the recommendation of the zoning committee, adopt such amendatory ordinances and shall remove or delete such annexed lands from the official zoning map or written descriptions without following any of the procedures provided in §§ 59.69(5)(e)1. through 7., Stats., and such amendatory ordinances shall become effective upon passage and publication. A copy of such ordinance shall be forwarded by the county clerk, and to the clerk of each town in which the lands affected were previously located. Nothing in this paragraph shall be construed to nullify or supersede the provisions of § 80.64 Stats.

2. CONTINUED EFFECT OF COUNTY ORDINANCE.

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

   b. SHORELAND REGULATIONS. The shoreland zoning provisions of this ordinance that were applicable prior to annexation to any shoreland area annexed by a city or village after May 7, 1982, shall continue in effect and shall be enforced after annexation by the annexing city or village, except as provided in §§ 59.692 Stats. The shoreland zoning provisions of this ordinance that were applicable prior to incorporation to any shoreland area that is part of a town that incorporates as a city or village, under §§ 66.0215, 66.0203, 66.0211, or 66.0213, Stats., after April 30, 1994, shall continue in effect and shall be enforced after incorporation by the incorporated city or village, except as provided in §§ 59.692(ad)1. through 3., Stats.

(5) REPORTING PROVISIONS.

(a) EXCLUSIVE AGRICULTURAL DISTRICT (A-1). The county shall, by March 1 of each year, provide to the Department of Agriculture, Trade and Consumer Protection a report of the number of acres that the county has rezoned out of a farmland preservation zoning district during the previous year and a map that clearly shows the location of those acres.

17.90 ENFORMENT AND PENALTIES

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

(2) LIABLE PERSONS.

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

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

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

(3) ENFORCEMENT PROCEDURE.

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

(b) CITATION. If a Notice of Violation and Order for Compliance is issued pursuant to par. (a) of this section, the Zoning Administrator or Assistant Zoning Administrator may also concurrently issue a citation requesting an appropriate forfeiture which conforms with the requirements of sections 25.04(4)(b)1 through 7, of the Barron County General Code.

(c) NONCOMPLIANCE WITH ORDER FOR COMPLIANCE. If an order for compliance is issued under par (a), and is not complied with, the Zoning Administrator shall either issue a citation or refer the matter to the Corporation Counsel for prosecution, unless an administrative appeal has been commenced and a stay order has been issued pursuant to sec. 17.73(5) of this chapter. Enforcement demands for violations of sections 17.60 through 17.65 may also be submitted to the Wisconsin Attorney General for enforcement.

(4) PROSECUTION BY THE COUNTY. The County Corporation Counsel shall expeditiously prosecute all violations of this ordinance reported by the Zoning Administrator.

(5) PROSECUTION BY PRIVATE PARTIES. Nothing in this section shall be deemed to prevent, restrict, or otherwise prohibit private prosecutions of violations of this ordinance pursuant to § 59.69(11), Stats., or any other law.

(6) PENALTIES. Any liable person who violates this ordinance shall be subject to a penalty of not less than twenty-five dollars ($25.00), but not more than one-thousand dollars ($1000.00) for each offense, together with the cost of the action. In default of payment thereof, the person shall be subject to contempt of county proceedings and any penalty authorized thereby the law. Each day that a violation is permitted to exist shall constitute a separate offense and be punishable as such.

(7) INJUNCTIONS. As a substitute for, or in addition to prosecution for fine or imprisonment, the County Corporation Counsel may seek compliance with this ordinance by suing for an injunctional 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 injunctional proceedings.

(8) REVOCATIONS OR MODIFICATIONS. Where a permit, special exception use approval or variance grant has been authorized subject to conditions, and where such conditions appear to have been violated or not complied with, as an alternative or in addition to any other enforcement action, the Zoning Administrator shall petition the Board of Adjustment to hold a public hearing to determine whether the conditions of the permit, special exception approval or variance grant have been violated or otherwise not complied with. If the Board determines that a condition has been violated or not complied with, then the Board may revoke or modify all or part of the permit, approval or variance or place designated the land use as probationary for a specified period of time subject to such additional conditions the Board deems necessary. The additional conditions imposed as part of a probationary designation shall be permanent modifications of the permit, approval or variance unless otherwise expressly stated.

(9) OTHER ENFORCEMENT PROVISIONS.

(a) ASSESSOR'S PLATS. The County Board may, upon recommendation of the Zoning Committee, order as assessor's plat pursuant to the procedures of § 70.27, Stats., or amendment thereof, whenever the conditions specified in that section are found to be present.

(b) CORRECTION INSTRUMENTS. The Zoning Committee may require creation, committee approval, and recording of correction instruments correcting errors in distances, angles, directions, bearing, chords, block or lot number, street names or other details of a recorded map or plat at the expense of the sub-divider or affected property owners.

(c) VIOLATION OF LAND DIVISION OR SUBDIVISION ORDINANCES OR LAWS.

1. No person will be permitted to divide any land except in compliance with this chapter and applicable state laws.
2. No person will create any land division, or create or convey any lot or parcel within a land division, without having the land division reviewed by the county zoning administrator, approved by the county pursuant to this chapter, and recorded with the register of deeds.
3. No person will cause to be recorded with the register of deeds, a plat or certified survey map of land division without first having the plat map reviewed and approved by the county zoning administrator, and then approved by the county pursuant to this chapter.
4. Failure of an owner of lands involved in a county approved land division:
   a. To place monuments, or
   b. To construct features of the land division as prescribed in the approved map or plat will be a violation of this chapter.
5. Sections 236.30 (relating to the improper recording of a final plat), 236.31 (relating to the transfer of lots without a recorded plat), and 236.32 (relating to disturbing or not placing monuments) of the Wisconsin statutes, are incorporated by reference. A violation of any of those sections shall be punished both:
   a. As provided in the statutory section violated, and
   b. As provided in section 17.90(6) of the Barron County General Code.

(10) NUISANCE ACTIONS NOT BARRED. No provisions of this ordinance shall be constructed to bar any action to enjoin or abate the use or occupancy of any land or structure as a nuisance under the laws of the State.

(11) PRE-EXISTING VIOLATIONS.

(a) Where a building or structure violates the dimensional or use standards of this ordinance, and the violating building or structure has been in place more than ten years before an enforcement action initiated, such building or structure shall be treated as a legal nonconforming structure. All provisions of sec. 17.17 of this ordinance shall apply to such nonconforming buildings or structures.

(b) Any property owner asserting as a defense to a charge of violating this ordinance that the alleged violation has been in place more than ten years before enforcement action was initiated has the burden of proving that:
   1. The building or structure that is in violation has been in place more than ten years before enforcement action was initiated.
   2. That the building or structure (and its use, if the use is nonconforming) has remained essentially unchanged for at least ten years.
   3. That the use of the building or structure has been active and continual for ten years or more. If use was discontinued for more than twelve months, that use shall not be considered active and continual.

INDEX