

GRANT COUNTY COMPREHENSIVE AMENDED ZONING ORDINANCE 2004 CONTENTS

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The Grant County Board of Supervisors, State of Wisconsin, do ordain as follows:

GRANT COUNTY COMPREHENSIVE ZONING ORDINANCE

Being Chapter 3 of the Revised Ordinances of Grant County.

Section 3.01 PREAMBLE

- (1) Findings of Fact: The increase in population, leisure time and family income throughout the county coupled with the proximity of Grant County to urban metropolitan areas, its unique beauty and its abundant recreational and scenic resources have recently resulted in a rapid increase in the construction of rural residential and vacation homes and rural businesses and industries. Certain problems in addition to those usually concerned in zoning which are unique to Grant County have developed as a result thereof, among these unique problems being the development of sites unsuitable for the particular use, the concentration of commercial areas along highways with resulting traffic congestion and hazards, the installation of septic tanks on soil types unable to absorb their effluent, the construction of buildings and improvements in flood plains and flood ways where they are periodically endangered or damaged by floods, the lowering of the water table, the destruction of unique and irreplaceable areas of scenic beauty and the construction of buildings of types that cannot be adequately protected from fire in their location.
- (2) Statement of Purpose: The purpose of this ordinance is to protect and to promote the public health, safety, morals, prosperity and general welfare, to preserve aesthetic values, to guide development throughout the county and particularly in Flood plain areas consistent with nature's demands and land use needs to provide a reasonable degree of flood protection as a part of the initial development and redevelopment of land and subsequently to reduce flood damage, inconvenience and expense to the tax paying residents of the county: to prevent and control water pollution, protect spawning grounds, fish and aquatic life, preserve shore cover and natural beauty and maintain safe and healthy conditions within the shore lands and flood plains of the county.
- (3) Statement of Intent: It is the intent of this ordinance to promote the public health, safety and general welfare by determining, establishing, regulating and restricting where business and recreation may be conducted, where residences may be located, and where structures and business can be located in relation to bodies of water, It is also the intent of this ordinance to regulate the location of trailer camps, schools, roads, mobile home parks, motels, tourist camps, and manufactured homes. It has become necessary for the county to regulate the uses of property, buildings and structures as well as the height, number of stories, size and set back of buildings and structures.

SECTION 3.02 GENERAL PROVISIONS

(1) Authorization and Jurisdiction:

- (a) These regulations are adopted under the authority granted by Sections 59.69 and 87.30 of the Wisconsin Statutes.
- (b) The jurisdiction of this ordinance includes all unincorporated lands and waters within the boundaries of Grant County, Wisconsin except those extraterritorial lands and waters specifically exempt or excluded as a result of a municipality's exercise of its extraterritorial zoning power, and then only to the extent of such specific exemption or exclusion.

(2) Abrogation and Greater Restriction:

- (a) It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restriction, agreements, rules, regulations, or permits previously adopted or issued pursuant to laws. However, wherever this Ordinance or any amendment thereto imposes greater restriction, the more restrictive shall prevail.

(3) Interpretation, Severability, and Repeal

- (a) In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- (b) If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- (c) All other ordinance or parts or ordinances of the County inconsistent or in conflict with this Ordinance are hereby repealed to the extent of such conflict or inconsistency, but only to that extent.

(4) Title and Effective Date:

- (a) This Ordinance shall be known as, referred to, or cited as the "Grant County Comprehensive Zoning Ordinance" Being Chapter Three of the Revised Ordinances of Grant County, Wisconsin.
- (b) This amended ordinance shall be effective in towns in Grant County as provided in Wisconsin Statutes Section 59.69 and after passage and publication.

(5) Use Restriction:

- (a) Permitted Uses: Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district:
 - 1. Accessory uses and structures including incidental repairs, garages and parking facilities, gardening, laborer's and watchman's quarters not for rent, minor storage facilities, private swimming pool and emergency shelters, shelters for pets, fences and the like, may be permitted in any district but not until their principal structure is present or under construction, provided such accessory use in a residential district shall not involve the conduct of any business, trade or industry.
- (b) Conditional uses are considered as special uses or unusual uses which would conform to the purpose and intent of this Ordinance and the provisions of the particular district if subjected to certain special conditions. A conditional use is not a permitted use as it must be approved by the Planning and Zoning Committee.
- (c) Unclassified or unspecified uses similar in character to the principal uses permitted in the particular district may be permitted only if approved by the Planning and Zoning Committee. This subparagraph (c) does not apply to property zoned exclusive agricultural as the Planning and Zoning Committee cannot approve any unclassified or unspecified uses for exclusive agricultural property and said unclassified and unspecified uses are not allowed on exclusive agricultural property.
- (d) Temporary uses such as real estate field offices, offices and shelters for materials and equipment being used in the construction of a permanent structure, and the like, may be permitted by the Zoning Administrator subject to such limitation as may be imposed.
- (e) Reduction of Joint Use. No lot, yard, parking area, floor area, setback, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance as it applies to the particular area or dimension, nor shall any part of any lot, yard, parking space or other space required by a particular structure or use be assigned or devoted to or used by any other structure or use.
- (f) Standards. All uses in all districts shall comply with the standards specified by this Ordinance, which are applicable to such uses.

(6) **Site Requirements:**

- (a) A particular lot shall be designated as the site for each principal structure and only one principal structure shall be located, constructed, erected, or placed on a particular lot except as otherwise specifically authorized by a provision of this Ordinance of by the Planning and Zoning Committee.
- (b) All lots shall abut upon or have irrevocable recorded access to a public road, street, or highway. Abutting lots shall have a frontage as required by this Ordinance but not less than forty (40) feet. ***All lots or parcels on which a single family residence is built or is to be built shall abut upon or have irrevocable recorded access to a public road, street, or highway. Abutting lots/parcels shall have a frontage as required by this ordinance of not less than forty (40) feet. Such recorded access shall have width of not less than four (4) rods or sixty-six (66) feet unless a narrower recorded access existed prior to the municipality first adopting the Grant County Zoning Ordinance. If the recorded access is a private road, it shall serve no more than four (4) single family dwellings. If a recorded access is a private road and already serves four (4) single family dwellings, no zoning permits shall be granted for construction of an additional single family dwelling or dwellings until the private road has been converted to a public road pursuant to procedures set fourth in the Wisconsin Statutes. A private road shall not serve a multiple-family dwelling or dwellings or commercial or industrial buildings. All lots or parcels on which a multiple family dwelling, commercial building, or industrial building is built or is to be built shall abut upon a public road, street or highway and shall have a frontage of not less than forty (40) feet.**
- (c) No Zoning Permit shall be issued for a lot which abuts upon a public road, street, or highway dedicated to only a portion of its proposed width if such a lot is located on the side thereof from which the required dedication has not been secured.
- (d) No Zoning Permit shall be issued for a lot abutting a U.S. Numbered Highway, State Trunk Highway, County Trunk Highway, or Town Road if any part of such lot is required for highway purposes and a statement thereto is filed with the Zoning Administrator before the end of the thirty (30) day period following receipt of the application for such zoning permit. Such restriction shall expire upon acquisition of the required right -of-way or sixty (60) days from the date such zoning permit is denied unless a jurisdictional offer has been served on the lot owner within said period of time.
- (e) No Zoning Permit shall be issued for any building or structure designed to use on-site sewage disposal facilities if existing municipal or central station disposal facilities are available to such site, or if such facilities can be constructed or installed at a comparable cost. This subparagraph (e) does not apply to lands zoned exclusive agricultural or property subject to a farmland preservation agreement.
- (f) The width and area of all lots for which public or central station sewerage service is not available or feasible shall be sufficient to permit the use of an on-site disposal system designed in accordance with the Grant County Private Sewage System and Sanitation

***August 15, 2006, Amendment #367**

Ordinance, any applicable flood plain and shoreland district provisions of this ordinance and any applicable provisions of the Grant County Shoreland Zoning Ordinance and the Grant County Flood Plain Ordinance.

- (g) The lot and the structures and facilities to be placed or constructed thereon, shall be monumented and/or staked out on the ground prior to issuing a zoning permit.
- (h) All lots shall have an average width of not less than thirty (30) percent of their respective average depth. Any portion of such lots having a width of less than thirty (30) feet shall not be considered in determining conformity with the minimum area or width-to-depth relationship.

(7) Manufactured Housing:

- (a) No Zoning Permit shall be issued for any manufactured housing unit, which does not meet Federal Housing Authority (FHA) construction, quality and safety standards. A valid manufacturer's certification must be presented by the permit applicant at the time of application. Modifications to any existing manufactured housing unit, which would void the FHA certification, are grounds for non-issuance of a zoning permit.
- (b) A manufactured housing unit shall not be joined with another manufactured housing unit or units to form larger structures unless specifically designed and certified for that purpose by the original manufacturer and certified by the FHA.
- (c) No Zoning permit shall be issued for any manufactured housing or any dwelling to be constructed or installed upon any property, which is not owned by the owner(s) of the planned dwelling or manufactured housing. Likewise, the landowner(s) or vendee (land contract) of that parcel must own any dwelling or manufactured housing erected or placed on any particular parcel of land. A single mobile home on an operating farm, regulated mobile parks and campgrounds and multi-family dwellings are exempt for this provision. Additionally, this paragraph is not intended to prevent the establishment and operation of properly regulated condominium developments.
- (d) A manufactured house must have a minimum width of 24 feet regardless of the method of manufacture in order to receive a zoning permit. The length of the structure must exceed the width along the entire width dimension.

Section 3.03 ZONING DISTRICTS

ZONING MAPS AND DISTRICT BOUNDARIES

(1) **Primary Zoning Districts:** The unincorporated lands of Grant County are hereby divided into following zoning districts:

- 3.04 Agriculture A-1
- 3.045 Exclusive Agriculture EA
- 3.05 Agriculture A-2
- 3.06 Residential R-1
- 3.07 Residential R-2
- 3.08 Residential R-3
- 3.09 Commercial C-1
- 3.10 Commercial C-2
- 3.11 Industrial M-1
- 3.12 Industrial M-2
- 3.13 Conservancy-Forestry-Recreation CFR

(2) **Overlay Zoning Districts:** Certain, limited, lands in the unincorporated areas of Grant County are hereby divided into the following overlay districts. Regulations, restrictions and special provisions set forth for the particular overlay district shall supplement and be in addition to the regulations, restrictions and provisions set forth for the underlying primary district. Said overlay districts are:

- 3.17 Highway Interchange
- 3.18 Forest Fire Protection
- 3.19 Floodplain
- 3.20 Shoreland

(3) **Zoning District Boundaries:** The location and boundaries of the County's Zoning districts are shown on the "Official Zoning Map" for each zoned township in Grant County and on detailed property tax parcel/zoning maps for each Section in each zoned Township. These maps together with all-explanatory materials and regulations thereon are an integral part of this ordinance. In the event of a conflict between zoning district boundaries shown on the "OFFICIAL ZONING MAP" and the tax parcel map, the latter shall govern and prevail. District boundaries are normally lot lines, section and quarter section on sixteenth lines; recorded survey lines; center of streets, roads, highways, railroads or such lines extended; unless otherwise noted on the zoning map. Distances not specifically indicated on the tax parcel map shall be determined by the scale of the tax parcel/zoning map. In accordance with Section 59.69 (4) & (5) of Wisconsin Statutes, zoning district boundaries shall be decided by the County Board. It shall be the policy of the Grant County Planning and Zoning Committee to consult with individual township boards in decisions regarding district boundaries before making recommendations to the county board. The Grant County Planning and Zoning Committee shall decide disputes regarding exact location of district boundaries. Decisions may be reviewed on appeal to the Grant County Board of Adjustment as provided for in Section 3.27.

Flood plain district boundaries shall be interpreted to be the landward limits of those lands which have been or will be inundated by a regional flood when such flood has been determined by the U.S. Army Corps of Engineers, the State Department of Natural Resources or other officially designated agency; otherwise, the landward limits of frequently flooded soils and such occasionally flooded soils as may be included and so delineated due to their unique and contiguous location.

Floodways shall be interpreted to be the channel of the river or stream and that portion of the adjoining flood plain required to carry and discharge the flood waters of flood flows associated with a regional flood when such flood has been determined and delineated on the official zoning map.

Shoreland overlay district boundaries shall parallel the normal high water mark of navigable waters at a distance and will include all shorelands within one thousand feet of a lake, pond or flowage and within three hundred feet of a river or stream or to the landward side of the flood plain where such exceeds said three hundred feet, for which a flood plain has been delineated on the official zoning map.

In any case in which a zoning district boundary is disputed, the following procedures shall be observed: Boundaries of primary districts, other than a flood plain district, shall be determined on the basis of evidence provided by registered land surveyors. Flood plain district boundaries shall be established by flood maps, flood elevations, or flood profiles for the point in question. Shoreland Overlay District boundaries shall be established by an accurate measurement of the prescribed distance from the normal highwater mark, which shall be determined on the basis of evidence provided by a designated and competent technician.

The FEMA Flood Plain Maps and Profiles, the DNR Wisconsin Wetlands Inventory Maps, and the DNR High Water Profiles are hereby adopted and made a part of this Ordinance.

(4) ZONING MAP

- (a) A certified copy of the zoning maps shall be adopted and approved with the text and made a part of this ordinance. These maps shall be certified by the Chairman of the County Board and attested by the County Clerk. Any changes affecting zoning district boundaries or explanatory matter and regulations shall be recorded on the applicable maps. All such changes shall be made in accordance with provisions of Wisconsin Statutes, Chapter 59.69. Changes thereafter to the districts shall not be effective until entered and attested on this certified copy.

Section 3.04 AGRICULTURAL A-1 DISTRICT

The Agricultural A-1 district consists of and includes the predominantly rural lands of Grant County where soil or site characteristics limit the use of such lands. It is therefore intended that activities and land uses permitted in this district shall be conservative in nature and in accordance with such limitation.

- (1) **Permitted Uses:** The following uses shall be permitted provided all animal wastes, polluting effluents, and other harmful, hazardous, or contaminative emissions are confined to or contained on the property where the same is produced:
- (a) Cropping, floriculture, gardening, grazing, horticulture, nurseries, orchards, pasturage, sustained yield forestry, truck farming, viticulture and the like: provided all permanent non-residence buildings or structures are not less than one-hundred (100) feet from any neighboring dwelling nor less than fifty (50) feet from any dwelling on the same premise.
 - (b) Breeding, feeding and raising of livestock, dairying, general farming, paddocks, poultry raising, stables and the like: provided such operation is conducted by a resident operator, and all buildings, structures and yards for housing, feeding or confinement of fowl or animals, all manure storage and disposal sites, and all heavy or noisy machinery, are not less than two-hundred (200) feet from any neighboring dwelling nor less than one-hundred (100) feet from any property line or dwelling on the same premise.
 - (c) Specialized animal husbandry such as the raising, propagation, or boarding of dogs, foxes, mink, pheasants, quails, rabbits and the like: provided the particular lot or property is not less than four (4) acres in area, and all buildings, structures and yards for the housing, feeding, exercise or confinement of such birds and animals, all manure storage or disposal sites, and all heavy or noisy machinery, are not less than three-hundred (300) feet from any neighboring dwelling nor less than two-hundred (200) feet from any dwelling on the same premise nor less than one-hundred fifty (150) feet from any property line.
 - (d) Accessory buildings such as carports, garages, grain bins, machine sheds, silos, and the like, and a single roadside stand along class D or E highways for the sale of farm products produced on the premises: provided all permanent buildings, structures and stands comply with the yard and setback requirements of this ordinance and further provided that all movable structures and stands shall be removed or set back at the owner's expense when determined to be a traffic hazard or nuisance by the highway agency having jurisdiction thereover.
 - (e) Public and Semi-public uses including historic sites and monuments: parks and playgrounds: utilities: telephone and power transmission services, substations, relay stations and equipment housing, radio and television transmission and relay towers, and appurtenant facilities, provided such uses comply with the provisions of this ordinance including the permissible modification set forth in Section 3.15.

(2) **Conditional Uses:** The following uses may be permitted upon issuance of a conditional use permit as provided in Section 3.27 of this ordinance; provided all conditions set forth or specified are complied with.

- (a) Agri-business activities such as the commercial raising, propagation or boarding of fowl or livestock, cow pools, stockyards, and the like by non-resident operators; sawmills; the creation, establishment, extension or enlargement of facilities, plants and operations for the storage, processing, display or distribution of farm products, supplies and equipment: provided the particular lot or property is not less than four (4) acres in area and all principal structures and uses are not less than three-hundred (300) feet from any neighboring dwelling nor less than one-hundred fifty (150) feet from any property line nor less than one-hundred (100) feet from any dwelling on the same premise.
- (b) Farm homes on a single farmstead such as a dwelling for the farm operator or owner, one additional dwelling for his parents or children, and a single mobile home on an operating farm: provided such farmstead does not require more than a single access to a class A, B, or C highway. Existing farm homes and dwellings may be rented for residential use throughout the properly maintained life of the structure provided such structure generally complies with the provisions of the Residential R-1 District.
- (c) Single-family dwellings on separate lots or in new subdivisions: provided such separate lots are not less than three (3) acres in area and one (1) mile or more from any existing public water supply or sewage collection and disposal system. Separate lots within one (1) mile of existing public water or sewerage services shall comply with the provisions of the Residential R-3 District.
- (d) The opening or establishment of new underground mine workings or the extension or enlargement of the same onto lands contiguous to, but not owned by or leased to the particular mine operator or mining company on the effective date of this ordinance; provided all surface features, structures, buildings, housings and installations are so remote or screened by plantings as to be substantially hidden from any adjoining property or public right-of-way, and further provided that all lease agreements adequately insure the maintenance of water supply and waste disposal systems and the structural support of all buildings so undermined.
- (e) Incinerators, sanitary land fills, sewage treatment and disposal facilities, dumps and solid waste disposal areas: provided such uses are not less than four hundred (400) feet from any property line nor less than two hundred (200) feet from any dwelling on the same premise.
- (f) Underground mining or mineral extraction operations and the extension or enlargement of the same within the confines of those properties owned by or leased to the mining or extracting company; provided no surface installation, building, structure, housing or other surface facility is or will be required, and further provided that such mining or extraction will not adversely affect the water supply and waste disposal systems and the structural support of all existing buildings so undermined.

(g) Single family dwellings on lots in a subdivision of record on the effective date of this ordinance; provided such lots comply with the provisions of this ordinance and the dwelling to be built thereon complies with the provisions of this section.

(h) The creation, establishment, or opening of any quarrying operation or the extension or enlargement thereof provided all principal structures and uses are not less than four hundred (400) feet from any property line and so remote or screened by plantings as to be substantially hidden from any adjoining property or public right of way.

(3) Area and Dimensional Requirements: Except as heretofore provided, no lot or parcel of land in this district shall be used, nor shall any structure or building be constructed or installed in this district unless the same complies with the following provisions: The minimum floor area for any residential dwelling shall be eight hundred (800) square feet per dwelling unit. The minimum lot area shall be not less than three (3) acres. The maximum building height shall be forty (40) feet provided that no area above the third floor shall be accessible to persons other than the owner, employees, workmen, repairmen or maintenance personnel. The highway requirements set forth in this ordinance shall be complied with.

Section 3.045 EXCLUSIVE AGRICULTURE DISTRICT

PURPOSE:

- (a) Preserve agriculture land for food and fiber production.
- (b) Protect productive farms.
- (c) Maintain viable agricultural processing and service industries.
- (d) Promote soil conservation practices to reduce soil loss.
- (e) Prevent conflicts between incompatible uses.
- (f) Reduce costs of providing services to scattered non-farm uses.
- (g) Pace and shape urban growth
- (h) Implement the provisions of the Grant County Farmland Preservation Plan.
- (i) Comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Wisconsin State Statutes, Chapter 91.

This district is intended to apply to lands in productive farm operation including:

- (a) Lands historically exhibiting food yields or capable of such yields.
- (b) Lands which have been demonstrated to be productive for dairying, livestock raising and grazing.
- (c) Other lands which are integral parts of such farm operations.
- (d) Lands which are capable of productive use through feasible improvements such as irrigation.

(1) PERMITTED USES:

The only uses allowed in this district are agricultural uses and uses consistent with agricultural use. "Agricultural use" is defined as the following uses:

Beekeeping, commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts, and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising.

(2) Structures:

No structures or improvements may be included within an exclusive agricultural use district unless consistent with agricultural usage. "Consistent with agricultural usage" includes any activity that meets all of the following conditions:

- (1) The activity will not convert land that has been devoted primarily to agricultural use; and

- (2) The activity will not limit the surrounding land's potential for agricultural use; and
- (3) The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreements; and
- (4) The activity will not conflict with agricultural operations on other properties.

The only residences, whether preexisting residences or not, that are allowed as permitted or conditional uses are those that have a use consistent with agricultural use and that are occupied by any of the following:

- (a) An owner (as defined in Wisconsin Statutes Section 91.01 and also includes a partner in a partnership, a member in a limited liability company, and a shareholder in a corporation) of the parcel;
- (b) A person who, or a family at least one adult member of which, earns the majority of his or her gross income (as defined in Wisconsin Statutes Section 71.01) from conducting the farm operations on the parcel;
- (c) A parent or child of an owner who conducts the majority of the farm operations on the parcel;
- (d) A parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel.

Preexisting residences (which are defined as a residence whose initial construction begins before May 14, 1992) located in exclusive agricultural districts that do not conform to Wisconsin Statutes Section 91.75(2)(b) but that were either permitted or continued residential uses under Wisconsin Statutes Section 91.75 of the 1989 Wisconsin Statutes may be continued in residential use and are exempt from any limitations imposed or authorized under Wisconsin Statutes Section 59.69 (10).

- (3) **Conditional Uses:** The following uses may be permitted upon issuance of a conditional use permit provided all conditions set forth or specified are complied with:

- (a) Conditional uses are limited to those agricultural related, religious, other utility, institutional or governmental uses that are consistent with agricultural use (as defined in Section 91.01 (10) Wisconsin Statutes) and are found to be necessary in light of the alternative locations available for such uses. The Wisconsin Department of Agriculture, Trade, and Consumer Protection shall be notified of the approval of any conditional uses in areas zoned for exclusive agriculture use.
- (b) Gas and electric utility uses not requiring authorization under Wisconsin Statutes Section 19.491(3) are conditional uses.
- (c) A new residence may be constructed on a parcel of less than 35 acres only after issuance of a conditional use permit and only in the following situations:
 - (1) Replacement of an existing residence;

- (2) When the subsize parcel was previously incorporated into the district as a nonconforming use prior to passage of Grant County Zoning Ordinance in 1981;

- (3) A second residence for a family member.

A new residence may be constructed on a parcel 35 acres or more as a permitted use as long as all of the requirements in Paragraphs 1 (permitted uses) and 2 (structures) of this section have been met.

- (d) A structure or improvement made as an incident to a lease for oil and natural gas exploration and extraction, and an easement granted for the purpose of using land as part of the ice age trail under Wisconsin Statutes Sections 23.17 and 23.293 and structures and improvements made as an incident to that use of those easements is a conditional use.

- (e) A family farm business is a conditional use. Such use is limited to existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses. NO more than 2 persons who are not members of the resident farm family may be employed in the farm family business. A farm family business means any lawful activity, except a farm operation, conducted primarily for any of the following:

- (1) The purchase, sale, lease or rental of personal or real property;

- (2) The manufacture, processing or marketing of product, commodities or any other personal property;

- (3) The sale of services.

- (f) Nonmetallic mineral extraction, including clay and gravel extraction, is a conditional use. Such use is limited to those parcels subject to an approved reclamation plan that is submitted by the mine operator or person proposing to perform the nonmetallic mineral extraction to Grant County and that provides for the restoration of the nonmetallic mineral extraction site to agricultural use.

(4) Area and Dimensional Requirements:

- (1) Minimum lot area: Not less than thirty-five (35) acres for all uses, including residence or single family dwelling except as provided in subparagraph 3 (c) above under conditional uses for this district. Any parcel that is created less than this 35 acre parcel size within an exclusive agricultural district is allowed only in the following situations: (a) A previously existing nonconforming subsize parcel is included in the district; (b) A subsize parcel is created as part of a farm consolidation provision under this ordinance; and (c) A subsize parcel is created for agricultural use. For new residences on parcels less than 35 acre which meet the requirements of Paragraph 3 (c) above and which are allowed pursuant to a conditional use permit and for previous existing nonconforming subsize parcels created as a result of a farm consolidation and which parcels will be used for agricultural use, said parcels must be on a minimum lot area of five acres.

(2) Maximum Height:

Single family dwellings shall not exceed forty (40) feet in height. All other structures shall comply with the provisions of section 3.15 (1) (c).

(3) Minimum yards:

All single family dwellings shall be 25 feet from property lines. Additional residences located on farms without creating separate parcels shall be fifty (50) feet from other residences and farm dwellings.

(4) Other requirements:

Farm residences or structures which existed prior to the adoption of Grant County's Zoning Ordinance in 1981 may be separated from a larger farm parcel. Any separation of farm residences or structures from the larger farm parcel must meet all of the following requirements:

- (a) The separation is for the purpose of farm consolidation which is defined as the combination of 2 or more farms to create a fewer number of farms;
- (b) The residence or structures existed prior to the adoption of Grant County's Zoning Ordinance in 1981;
- (c) The separated parcel is no larger than reasonably necessary to accommodate the proposed use;
- (d) The separation is a conditional use and is required to be a use consistent with agriculture use and to be found necessary in light of alternative locations available for that use.

All parcels in this district must meet the highway requirements set forth in Section 3.23 of this ordinance.

Any structure or improvement made incident to a conditional use must also be consistent with agricultural use as defined in Wisconsin Statutes Section 91.01 and must be necessary in light of alternative locations available.

(5) Standards for Rezoning:

Grant County can approve petitions for rezoning areas zoned for exclusive agricultural use only after findings are made based upon consideration of the following:

- (a) Adequate public facilities to accommodate development are present or will be provided within a reasonable time;
- (b) Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them;
- (c) The land proposed for rezoning is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas.

The Department of Agriculture, Trade, and Consumer Protection shall be notified of all rezonings of land into or out of the exclusive agricultural district.

(6) Certification:

Comprehensive ordinance revisions or ordinance amendments extending coverage to new towns are to be certified by the Land and Water Conservation Board in order for the landowners within exclusive agricultural use districts to qualify for tax credits.

Section 3.05 AGRICULTURE A-2 DISTRICT

The Agricultural A-2 District consists of and includes the predominantly rural lands of Grant County not otherwise delineated on the Official Zoning Map. Such lands are generally suitable for anticipated land uses and this district is, therefore, intended to accommodate and provide for a variety of non-urban activities within the county.

(1) Permitted Uses:

The following uses shall be permitted provided all animal wastes, polluting effluents, and other harmful, hazardous, or contaminative emissions are confined to or contained on the property where the same is produced:

- (a) Any use permitted in the Agricultural A-1 District shall be permitted in the Agricultural A-2 District.
- (b) Commercial raising, propagation or boarding fowl or livestock, cow pools, stockyards, and the like by non-resident farm operators: provided the particular lot or property is not less than four (4) acres in area and all principal structures and uses are not less than three hundred (300) feet from any neighboring dwelling nor less than one-hundred fifty (150) feet from any property line nor less than one-hundred (100) feet from any dwelling on the same premise.
- (c) Farm house of a single farmstead such as a dwelling for the farm owner or operator, one additional dwelling for his parents or children, and a single mobile home on an operating farm; provided such farmstead does not require more than a single access to a class A, B, or C highway. Farm homes and dwellings, except mobile homes, may be rented for residential use throughout the properly maintained life of the structure provided such structure generally complies with the provisions of the Residential R-1 District.
- (d) Single family dwelling in an approved Planned Unit Development, and a single family dwelling on a separate lot provided such separate lot is one (1) mile or more from any existing public water supply or sewage collection system and such separate lot does not require or employ direct vehicular access to a class A, B, or C Highway.

(2) Conditional Use:

The following uses may be permitted in the Agricultural A-2 District upon issuance of a conditional use permit as provided in Section 3.27 of this ordinance; provided all conditions set forth or specified are complied with.

- (a) Any use set forth as a conditional use in the Agricultural A-1 District and not heretofore permitted shall be considered a conditional use in this district.
- (b) Cemeteries, including mausoleums and crematories, provided the site contains at least (10) acres of land and all principal structures are not less than 200 feet from any property line.

- (c) Churches, public and private schools, hospitals and clinics, nursing and convalescent homes, sanitariums, charitable institutions for the sick or infirm, penal and correctional institutions, and the like; provided the proposed site contains at least 4 acres of land, principal structures and buildings occupy less than forty (40) percent of the site area, and all principal structures and buildings are not less than two-hundred (200) feet from any property line or private dwelling on the same premise.
- (d) Airports, air strips, and landing fields including the addition of runways and the extension of existing runways; provided the site contains at least twenty (20) acres of land per runway. Generally, no proposed airport shall be permitted within ten (10) miles of an existing or approved airport or within two (2) miles of any municipality unless the same is endorsed by the State Department of Transportation or one of its agents.
- (e) Dumps, areas, operations and facilities for the disposal or reduction of garbage, offal, rubbish, sewage or other unstable organic substance; provided such use is not less than thirteen-hundred (1300) feet from the nearest dwelling or place of public gathering, nor less than one-thousand (1000) feet from any property line.
- (f) The creation, establishment, or introduction of any mineral processing plant or operation; concrete or concrete products manufacturing operation; bituminous mixing or proportioning operation; and the extension or enlargement of the same onto lands contiguous to, but not owned by or leased to the particular operator on the effective date of this ordinance; provided all principal structures, excavations and uses are not less than six-hundred (600) feet from any neighboring dwelling nor less than four-hundred (400) feet from any property line.
- (g) Single family dwellings on separate lots within one (1) mile of existing public water supply or sewage collection systems, or requiring direct vehicular access to a class A, B, or C highway; provided it would be impractical to zone the property or area for residential use and it is determined that public water or sewerage service will not be available within the next five (5) years.
- (h) Plants and operations for the manufacture, packing or processing of foods from natural agricultural products, except rendering plants, slaughter houses, pea viners and the like; provided the particular lot or property is not less than three (3) acres in area and all principal structures and uses are not less than two-hundred (200) feet from any neighboring dwelling nor less than one-hundred (100) feet from any property line or dwelling on the same premise.
- (i) Agri-business activities such as the processing, storage, dispensing or retailing of agricultural products, supplies and machinery; provided the particular lot or property is not less than three (3) acres in area and all principal structures and uses are not less than two-hundred (200) feet from any neighboring dwelling nor less than one-hundred (100) feet from any property line or dwelling on the same premise.
- (j) Underground mine workings provided all such operations are governed by written agreements, which insure the maintenance of all water supplies, waste disposal systems, and the structural support of all buildings so undermined.

(k) Planned unit residential developments as provided for in Section 3.21 of this ordinance.

(3) **Area and Dimensional Requirements:** Except as heretofore provided, no lot or parcel of land shall be used, nor shall any structure or building be constructed, erected or installed in this district unless the same complies with the following provisions:

- (a) Minimum Floor Area: The minimum floor area for any single family residential dwelling, shall be eight hundred (800) square feet.
- (b) Minimum Lot Area: Shall be not less than one (1) acre where such lot or parcel of land is not part of a subdivision of record or an approved Planned Unit Development.
- (c) Minimum Lot Width: Shall be not less than two-hundred (200) feet where such lot or parcel of land is not part of a subdivision of record or an approved Planned Unit Development.
- (d) Minimum Yards: As specified for the particular use but not less than thirty (30) feet for any lot not a part of an approved subdivision of record or Planned Unit Development.
- (e) Maximum Building Height: Forty (40) feet provided that no area above the third floor above grade shall be accessible to persons other than the owner, employees, workmen, repairman, or maintenance men.
- (f) Minimum Dwelling Width: Twenty-four (24) feet. A single manufactured housing unit on an operating farm is exempt from the twenty-four (24) foot minimum dwelling width requirement.
- (g) Highway Related Requirements: Except as specifically exempt, excluded or modified under the provisions of this section, the requirements set forth in Section 3.23 of this ordinance shall be complied with.

Section 3.06 RESIDENTIAL R-1 DISTRICT

This district is intended to accommodate low-density residential development. As such the primarily permitted use is single family residential (multi-family residential is excluded).

(1) **Permitted Uses:** The following uses shall be permitted in the R-1 District.

- (a) Single family dwellings.
- (b) Accessory buildings, including private garages and other buildings clearly incidental to an existing residential use of the particular property, provided no such accessory building shall be used as a separate dwelling unit.
- (c) Parks, playgrounds and recreation areas, including swimming pools, golf courses, athletic fields, bathing beaches and the like on public lands, and neighborhood parks and playgrounds on lands in common ownership.
- (d) Governmental and cultural buildings and uses except sewage treatment or disposal plants, garbage incinerators, storage yards, and buildings, or yards for the repair or storage of construction or maintenance equipment and machinery.
- (e) Gardening and farming of plants, grains and the like, provided such activity does not involve any animals or fowl.
- (f) Grazing or pasturage of farm animals, provided such activity is an extension of an abutting permitted use; does not penetrate the perimeter of any existing residential development; is separated from such residential development by stock proof fencing; and the concentration of such activity does not exceed four (4) animals per acre of land so used.
- (g) Home occupation, provided such occupation is incidental to the residential use of the premise; does not occupy more than twenty (20) percent of the floor area; does not involve any external alteration that would significantly change the residential character of the building; and no article is sold or offered for sale that is not produced on the premises by such home occupation.
- (h) Professional offices, provided such office is conducted solely by a member or members of the resident family entirely within and incidental to the resident use of the premise; and further provided such office does not occupy more than twenty (20) percent of the floor area of the principal structure.

(2) Conditional Uses: The following uses may be permitted upon issuance of a conditional use permit as provided in Section 3.27 of this ordinance provided all conditions set forth or specified are complied with:

- (a) Churches; public, private and parochial elementary or secondary schools; provided the area of the particular lot is not less than two (2) acres and all principal structures are not less than fifty (50) feet from any lot line.
- (b) Utilities and essential services such as telephone exchanges, unit substations, pumping or lift stations, and the like including appurtenant equipment, structures and housing, provided all principal structures are not less than fifty (50) feet from any lot line.
- (c) Underground mine workings provided all such operations are governed by written agreements, which insure the maintenance of all water supplies, waste disposal systems, and the structural support of all buildings so undermined.
- (d) Planned unit developments as set forth in Section 3.21 of this ordinance

(4) Area and Dimensional Requirements: No building or structure shall be erected, constructed or used in this district unless the same shall comply with the following requirements.

- (a) Minimum Floor Area: 1200 square feet.
- (b) Maximum Building Height: 35 feet
- (c) Minimum Dwelling Width: 24 feet.
- (d) Minimum Lot Area: 600 square feet plus an area equal to 6 times the floor area of the principal structure.
- (e) Minimum Lot Width: 90 feet.
- (f) Minimum Front Yard: 30 feet
- (g) Minimum Rear Yard: 50 feet.
- (h) Minimum Side Yard: 6 feet plus an additional 6 feet for each floor above grade including the first of such floors.
- (i) Minimum Highway Setback: As set forth in Section 3.23 of this ordinance.

Section 3.07 RESIDENTIAL R-2 DISTRICT

This district is intended to accommodate medium density residential development, including multiple family dwellings. It is expected that this district would be designated in areas where public water and sewer is available or is expected to be available in the near future.

(1) Permitted Uses: The following uses shall be permitted in the Residential R-2 District:

- (a) Any use permitted in the Residential R-1 District.
- (b) The keeping of not more than four (4) roomers or boarders by a resident family.
- (c) Multiple family dwellings.

(2) Conditional Uses: The following uses shall be permitted upon issuance of a conditional use permit as set forth in Section 3.27 of this ordinance; provided that all conditions set forth or specified are complied with:

- (a) Any use listed as a conditional use in the Residential R-1 District.
- (b) Clubs, lodges, social and recreational centers, and buildings devoted to professional offices, provided such buildings are not less than forty (40) feet from any residential property line.

(3) Area and Dimensional Requirements: No building or structure shall be erected, constructed or used in this district unless the same shall comply with the following requirements.

- (a) Minimum Floor Area: 400 square feet plus an additional 600 square feet for each dwelling unit including the first such unit.
- (b) Maximum Building Height: 35 feet.
- (c) Minimum Lot Area: 5000 square feet plus an area equal to 5 times the floor area of the principal structure.
- (d) Minimum Lot Width: 60 feet plus an additional 20 feet per dwelling unit including the first such unit.
- (e) Minimum Front Yard: 25 feet.
- (f) Minimum Rear Yard: 45 feet.
- (g) Minimum Side Yard: 5 feet plus an additional 5 feet for each floor above grade including the first of such floors.
- (h) Minimum Highway Setback: As set forth in Section 3.23 of this ordinance.

Section 3.08 RESIDENTIAL R-3 DISTRICT

The intent of this district is to provide a transition district from urban development to rural. Provision is made for lots to be so designed that they can be divided into two or more lots at such time as public sewer and water utilities are extended into this area. This district is intended to accommodate low density residential initially and medium density ultimately. It is expected that the extraterritorial areas surrounding incorporated municipalities would be designated Residential R-3 Districts.

(1) Permitted Uses: The following uses shall be permitted in the Residential R-3 District:

- (a) Any use permitted in the Residential R-1 District.
- (b) Multiple family dwellings and lodging houses or lodge-type dwellings wherein not more than five (5) persons not members of the occupant family are housed by pre-arrangement for definite periods of time.
- (c) A single mobile home on any separate lot provided such home is occupied by the owner thereof or his parents or children.

(2) Conditional Uses: The following uses may be permitted upon issuance of a conditional use permit as provided hereinafter under Section 3.27 of this ordinance; provided all conditions set forth or specified are complied with:

- (a) Any use listed as conditional use in the Residential R-2 District.
- (b) Lodging houses, lodge-type dwellings, clubs, fraternities, dormitories and the like, wherein more than five (5) persons are housed by pre-arrangement for definite periods of time provided such uses are not less than twenty-five (25) feet from any lot line.
- (c) Neighborhood convenience stores and establishments displaying, storing and/or selling only new merchandise such as, bakery goods, confections, fruits, gifts, groceries, meats, magazines, vegetables and the like, provided such uses generally comply with the area and dimensional requirements of the Commercial C-1 District.
- (d) Planned Unit Developments.

(3) Overlay Requirements: Lots for uses requiring private on-site sewage disposal facilities shall comply with the lot area and width requirements of the particular overlay district.

(4) Area and Dimensional Requirements: Except as other wise provided, no building or structure shall be erected, constructed or used in this district unless the same shall comply with the following requirements.

- (a) Minimum Floor Area: Three hundred (300) square feet plus an additional five hundred (500) square feet for each dwelling unit.
- (b) Maximum Building Height: Thirty-five (35) feet.

- (c) Minimum Dwelling Width: Twenty-four (24) feet.
- (d) Minimum Lot Area: Four thousand (4000) square feet plus an area equal to four (4) times the floor area of the principal building.
- (e) Minimum lot Width: Fifty (50) feet plus an additional twenty (20) feet for each permanent dwelling unit.
- (f) Minimum Front Yard: Twenty (20) feet.
- (g) Minimum Rear Yard: Forty (40) feet.
- (h) Minimum Side Yard: Four (4) feet plus an additional four (4) feet for each floor above grade.
- (i) Highway Related Requirements: As set forth in Section 3.23 of this ordinance.

- (c) Minimum Dwelling Width: ***This would allow for a single wide mobile home to be place in the R-3 District.**
- (d) Minimum Lot Area: Four thousand (4000) square feet plus an area equal to four (4) times the floor area of the principal building.
- (e) Minimum lot Width: Fifty (50) feet plus an additional twenty (20) feet for each permanent dwelling unit.
- (f) Minimum Front Yard: Twenty (20) feet.
- (g) Minimum Rear Yard: Forty (40) feet.
- (h) Minimum Side Yard: Four (4) feet plus an additional four (4) feet for each floor above grade.
- (i) Highway Related Requirements: As set forth in Section 3.23 of this ordinance.

***August 15, 2006, Amendment #367-A**

Section 3.09 COMMERCIAL C-1 DISTRICT

This district is intended primarily to provide for shopping centers and commercial areas for convenience foods and services. This district is orientated toward commercial uses having little outdoor storage and generating relatively lower traffic.

- (1) **Permitted Uses:** The following uses shall be permitted in the Commercial C-1 District provided all driveways from county trunk, state trunk or U.S. numbered highways are approved by the appropriate highway agency and screen plantings are established along all property lines abutting a residential district:
- (a) Retail establishments displaying, dispensing or selling new merchandise such as automotive parts, appliances, bakery goods, books, building supplies, clothing, crockery, confections, cosmetics, dry goods, electrical supplies, feed, seeds, fish, flowers, fruits, furniture, groceries, hardware, heating supplies, jewelry, magazines, meats, office supplies, optical supplies, paints, pet supplies, photographic supplies, plants, plumbing supplies, shoes, sporting goods, tobacco, tools, vegetables and the like and including arcades, convenience stores, delicatessens, department stores, food lockers, gift shops, hobby shops, music stores, pharmacies, supermarkets, upholstery shops, variety stores and the like.
 - (b) Retail establishments displaying, dispensing or selling used or secondhand products and merchandise such as appliances, antiques, books, crockery, furniture, office, optical and photographic supplies, sporting goods, tools, and the like provided such establishments supplement existing commercial enterprises within the particular district.
 - (c) Services trades and offices such as banks, barber shops, beauty shops, business offices, caterers, clothing repair shops, clubs, coffee shops, financial institutions, furniture repair shops, medical and dental clinics, newspaper offices and press rooms, personal service establishments, printing and publishing offices, professional offices, radio and television broadcast studios, restaurants, soda fountains, trade and contractors offices, mini warehouses, and the like.
 - (d) Public and semi-public uses including community centers; fire and police stations; emergency shelters; first aid stations; governmental offices; libraries; museums; parking lots; post offices; transportation terminals except airports, airstrips and landing fields; utility structures and offices except storage yards or buildings; and the like provided all principal structures are not less than fifty (50) feet from any residential district boundary.
 - (e) Schools and churches provided the lot area is not less than two (2) acres and all principal structures are not less than fifty (50) feet from any lot line.
 - (f) Funeral homes provided all principal structures are not less than forty (40) feet from any lot line.
 - (g) Residential uses clearly associated with and accessory to a permitted commercial use, provided such residential uses comply with the provisions of the Residential R-3 District.

- (h) Accessory buildings for the assembly, fabrication, production or storage of products and merchandise provided such use is clearly incidental to the conduct of an existing commercial use and located on the same premises.

(2) **Conditional Uses:** The following uses may be permitted upon issuance of a conditional use permit as provided hereafter under Section 3.27 of this ordinance, provided the particular Commercial C-1 District contains at least five (5) acres of land, and driveway approval and screen planting conditions and such other conditions set forth or deemed necessary are complied with:

- (a) Highway oriented uses including all drive-in type establishments whereby business is transacted without leaving one's vehicle or where facilities are available for the consumption of food or beverage products in a vehicle, provided all principal structures are not less than forty (40) feet from any lot line or existing or proposed highway right-of-way.
- (b) Hotels and motels catering to transient guests, places of entertainment, commercial recreation halls, skating rinks, theatres, gymnasiums and the like, provided all principal structures are not less than forty (40) feet from any lot line or existing or proposed highway right-of-way.
- (c) Vehicle sales and services lots provided all principal structures including gas pumps are not less than forty (40) feet from any lot line or existing or proposed highway right-of-way.
- (d) Establishments displaying, dispensing, selling or serving intoxicating beverages such as bars, cocktail lounges, taverns, packaged liquor stores, night clubs, saloons and the like, provided all principal structures and uses are not less than three-hundred (300) feet from any residential district boundary and not less than forty (40) feet from any lot line or existing or proposed highway right-of-way.
- (e) Underground mine workings provided all such operations are governed by written agreements, which insure the maintenance of all water supplies, waste disposal systems, and the structural support of all buildings so undermined.
- (f) Laundry and dry cleaning establishments.
- (g) Planned Unit Commercial Developments.

(3) **Area and Dimensional Requirements:** No building or structure shall be erected, constructed or used in this district unless the same shall comply with the following requirements.

- (a) Minimum Area in District: No Commercial C-1 District shall hereafter be created unless the same contains at least **one (1) acres** of land.
- (b) Minimum Floor Area: The minimum floor area for any principal structure shall be two thousand (2000) square feet.
- (c) Maximum Building Height: Thirty-five (35) feet.

***June 15, 2004, Amendment #300, amend 5 ac to 1 ac.**

- (d) Minimum Lot Area: Three (3) times the floor area devoted to commercial activities plus four (4) times any such floor area devoted to residential use.
- (e) Minimum Lot Width: The width of the proposed structure plus the combined width of all required side yards.
- (f) Minimum Front Yard: Fifteen (15) feet plus five (5) feet for each floor above grade.
- (g) Minimum Rear Yard: Twenty-five (25) feet plus five (5) feet for each floor above grade.
- (h) Minimum Side Yard: Side yards abutting a residential district shall comply with the side yard requirements set forth for the abutting residential district. Otherwise the minimum side yard shall be six (6) feet plus two (2) feet for each floor above grade except that such side yards may be omitted between adjacent commercial structures and buildings sharing a common wall (or having separate abutting wall without windows), entries or exits.
- (i) Highway Related Requirements: As set forth in Section 3.23 of this ordinance.

Section 3.10 COMMERCIAL C-2 DISTRICT

This district is intended primarily to provide for highway (automobile) oriented commercial areas and those commercial uses requiring open storage. It is intended that such districts would be located with access to major highways and serve as a regional type shopping area.

(1) **Permitted Uses:** The following uses shall be permitted in the Commercial C-2 District provided all driveways from County Trunk, State Trunk or U.S. numbered highways are approved by the appropriate highway agency and dense screen plantings are established along all property lines abutting a residential district:

- (a) Highway oriented business such as confectioneries, drug stores, gift shops, restaurants and the like and including drive-in establishments whereby business is transacted or products are available without leaving one's vehicle.
- (b) Commercial recreation facilities such as dance halls, gymnasiums, skating rinks, theaters and the like, except those displaying, dispensing, selling or serving intoxicating beverages, provided all principal structures and uses are not less than three-hundred (300) feet from any residential property line.
- (c) Vehicle sales and service establishments including parking lots for the temporary storage of vehicles, equipment and/or machinery, provided no wrecked, junked or scrapped vehicles, equipment, machinery or parts thereof are displayed on the premises or visible from abutting properties or public rights-of-way.
- (d) Hotels, motels, tourist homes and the like, provided the particular district fronts on a Class A, B, C, or D Highway, as defined in Section 3.23 of this ordinance.
- (e) Any use which is permitted in the Commercial C-1 District provided such use supplements existing commercial activities within the particular district.

(2) **Conditional Uses:** The following uses may be permitted upon issuance of a conditional use permit as provided hereafter in Section 3.27 of this ordinance provided all conditions set forth or specified are complied with:

- (a) Establishments displaying, dispensing, selling or serving intoxicating beverages such as bars, cocktail lounges, night clubs, package liquor stores, saloons, taverns and the like, provided all principal structures and uses are not less than three-hundred (300) feet from any residential lot line.
- (b) Planned Unit commercial developments.
- (c) Underground mine workings provided all such operations are governed by written agreements, which insure the maintenance of all water supplies, waste disposal systems, and the structural support of all buildings so undermined.

(3) Area and Dimensional Requirements: No building or structure shall be erected, constructed or used in this district unless the same shall comply with the following requirements.

- (a) Minimum Area in District: No Commercial C-2 District shall hereafter be created unless the same contains at least **one (1) acres** of land.
- (b) Minimum Floor Area: The minimum floor area for any principal structure shall be four hundred (400) square feet.
- (c) Maximum Building Height: Forty-five (45) feet provided no area above the third floor above grade shall be accessible to persons other than employees and repair or maintenance personnel.
- (d) Minimum Lot Area: Two (2) times the floor area devoted to commercial activities plus three (3) times any such floor area devoted to residential use but not less than six thousand (6000) square feet.
- (e) Minimum Lot Width: The width of the proposed structures plus the combined width of all required side yards.
- (f) Minimum Yards: The minimum front, rear and side yard shall be fifty (50) feet except that side yards between abutting commercial uses may be reduced to eight (8) feet plus two (2) feet for each floor above grade, and further provided that side yards may be omitted between adjacent commercial structures sharing a common wall or having abutting walls without windows, entries or exits.
- (g) Highway Related Requirements: As set forth in Section 3.23 of this ordinance.

***June 15, 2004 Amendment #300, amend 5 ac to 1 ac.**

Section 3.11 INDUSTRIAL M-1 DISTRICT

This district is intended to provide an area for the less offensive industrial type uses. Such districts, commonly called "light" industrial, are permitted near residential areas provided sufficient screening or other buffer areas are provided.

(1) Permitted Uses: The following uses shall be permitted in the Industrial M-1 District provided all driveways from County Trunk, State Trunk or U.S. numbered highways are approved by the appropriate highway agency and dense screen plantings are established along all abutting residential lot lines:

- (a) Manufacture, fabrication, packing, packaging, processing, assembly and/or storage of products from furs, glass, grains, leather, metals, paper, plaster, plastics, textiles and wood; the making, manufacture, processing, packing, packaging, or assembly, fabrication, finishing, storage or repair of appliances, beverages, confections, cosmetics, electrical and electronic devices, feed, seeds, jewelry, meats and meat products, optical devices, photographic equipment, pharmaceuticals, tobacco, toiletries, and the like; and the making and bottling of non alcoholic beverages; provided all such operations and activities are conducted within an appropriate structure and all resulting odors, noise, smoke, dust, gas, glare, refuse matter, vibration, polluting effluent or other contaminative emission is confined to the particular district in which such use is located and no hazardous, harmful or annoying quality is detectable beyond the boundaries of said district.
- (b) Commercial establishments such as air conditioning, service and repair shops, automotive body repair and upholstery services, carpentry shops, cleaning, pressing and dyeing establishments, commercial bakeries, electrical service and repair shops, greenhouses, farm machinery sales and services, food locker plants, furniture repair shops, heating service and repair shops, laboratories, laundries, machine shops, printing shops, printing and publishing establishments, sheet metal shops, trade and contractors offices, fire repair and recapping concerns, warehouses, wholesale businesses and the like provided such establishments are compatible with such above listed manufacturing and/ or industrial activities as may be in existence in the particular district.
- (c) Parking lots, repair facilities, storage garages, storage yards, and the like, and commercial service facilities including restaurants and fueling stations; provided such facilities are physically and/or sales-wise oriented toward the industrial district users and employees; and further provided that such uses are compatible with and supplemental to the manufacturing and/or industrial plants in existence in the particular district.
- (d) Public and Semi-public uses such as fire and police station; emergency shelters; incinerators; sewage treatment and disposal plants; sanitary land fill operations; communication and power transmission services, substations, relay stations and equipment housings, utilities and the like, provided all resulting odors, noise, smoke, gas, refuse matter, polluting effluent or contaminative emission is confined to the particular district in which such is located.
- (e) Transportation terminals and trans-shipment depots except airports, airstrips and landing fields provided all principal structures and uses are not less than one hundred (100) feet from any lot line nor less than two hundred (200) feet from any district boundary.

- (f) Residential uses in existence at the time of adoption of this ordinance and custodial quarters associated with and clearly incidental to a permitted use, provided such residential or custodial use complies with the provisions of the Residential R-3 District.

(2) **Conditional Uses:** The following uses may be permitted upon issuance of a conditional use permit as provided hereafter in Section 3.27 of this ordinance, provided that any conditions set forth or specified are complied with:

- (a) Manufacturing, fabrication, packaging, processing, bottling, assembly and/or storage of products or goods other than those specifically permitted.
- (b) Airstrips and landing fields provided the site area is not less than twenty (20) acres per runway and further provided that such facilities comply with all applicable state and federal rules, regulations and requirements.
- (c) Underground mine workings provided all such operations are governed by written agreements which insure the maintenance of all water supplies, waste disposal systems, and the structural support of all buildings so undermined.
- (d) Planned Unit industrial developments.

(3) **Area and Dimensional Requirements:** No building or structure shall be erected, constructed or used in this district unless the same shall comply with the following requirements.

- (a) Minimum Area in District: No industrial M-1 District shall hereafter be created which contains less than ***one (1) acres of land.**
- (b) Minimum Floor Area: The minimum floor area for any principal structure shall be two thousand (2000) square feet.
- (c) Maximum Building Height: Fifty (50) feet provided no area above the third floor above grade shall be accessible to persons other than employees and repair of maintenance personnel.
- (d) Minimum Lot Area: Three (3) times the floor area in the principal structure(s) but not less than ten thousand (10,000) square feet.
- (e) Minimum Yards: Except as otherwise provided, no front yard, rear yard or side yard shall be less than forty (40) feet nor less than one hundred (100) feet where abutting a residential district.
- (f) Highway Related Requirements: As set forth in Section 3.23 of the ordinance.

***June 15, 2004, Amendment #300, amend 10 ac to 1 ac.**

Section 3.12 INDUSTRIAL M-2 DISTRICT

This district is intended to provide an area for mining, solid waste disposal, junkyards, and other industrial activity of an offensive or dangerous nature. It is intended that such districts would be located in somewhat remote areas away from residential and commercial areas.

- (1) **Permitted Uses:** The following uses shall be permitted in the Industrial M-2 District, provided all driveways from County Trunk, State Trunk and U.S. numbered highways are approved by the appropriate highway agency; all resulting odor, noise, smoke, dust, gas, glare, vibration, refuse matter, polluting effluent, and contaminative emission is confined to the particular district in which such use is located; no hazardous, harmful or annoying quality is detectable beyond the boundaries of such district; and all potentially dangerous or hazardous uses are enclosed in suitable structures or by security fences or otherwise made inaccessible to the general public:
- (a) Public and semi-public uses including incinerators, sewage treatment plants, refuse disposal operations, sanitary land fills, emergency structures and facilities, utilities, and transportation terminals and depots except airports, airstrips and landing fields, provided such uses are not less than three hundred (300) feet from any abutting residential or commercial lot lines and screen plantings are established along such residential or commercial lot lines.
- (2) **Conditional Uses:** The following uses may be permitted upon issuance of a conditional use permit as provided hereafter in Section 3.27 of this ordinance; provided any conditions set forth or specified are complied with:
- (a) Open pit mines, quarries, digs or excavations for sand, gravel and other minerals; the extension or enlargement of such operations onto lands not owned by or leases to the particular mining, extracting, quarrying or excavating firm at the time of adoption of this ordinance; and such related operations and activities not otherwise permitted in this district.
 - (b) Mineral processing plants; aggregate crushing, screening, drying and/or stockpiling operations; waste product stockpiles; sludge ponds; effluent holding ponds; and the like; concrete mixing and batching plants; bituminous mixing and proportioning plants; outside storage or manufacturing areas; wrecking or demolition yards; junk and scrap yards; areas for the storage, use, manufacture, or processing of explosive, flammable lethal or toxic products; and related operations and activities not otherwise permitted in this district.
 - (c) Airstrips and landing fields provided the site area is not less than twenty (20) acres per runway and all principal structures and uses such as hangars, runways, warm up stands, parking lots and the like are not less than three hundred (300) feet from any residential commercial district boundary.

(3) Area and Dimensional Requirements: No building or structure shall be erected, constructed or used in this district unless the same shall comply with the following requirements:

- (a) Minimum Area in District: No Industrial M-2 District shall hereafter be created which contains less than ***two (2) acres of land**.
- (b) Minimum Floor Area: The minimum Floor area for any principal structure shall be one thousand (1000) square feet.
- (c) Maximum Building Height: Sixty (60) feet provided no area above the third floor above grade shall be accessible to persons other than employees and repair or maintenance personnel.
- (d) Minimum Lot Area: Three (3) times the floor area in the principal structure(s) but not less than twenty thousand (20,000) square feet.
- (e) Minimum Yards: No front yard, rear yard or side yard shall be less than forty (40) feet, nor less than two hundred (200) feet where abutting a residential or commercial district, nor less than the dimensions specifically set forth for the particular use.
- (f) Highway Related Requirements: As set forth in section 3.23 of this ordinance.

***June 15, 2004, Amendment #300, amend 10 ac to 2 ac.**

Section 3.13 CONSERVANCY-FORESTRY-RECREATION CFR DISTRICT

This multiple-use district is intended to protect, preserve, enhance and provide for the optimum use of those areas which have unique historic, scenic, scientific or natural assets; those areas which have substantial stands of desirable tree species; and those areas where existing soils have severe use limitations and pose special problems in building construction, sub-soil sewage disposal and erosion control.

- (1) **Permitted Uses:** The following uses shall be permitted in the Conservancy-Forestry-Recreation District, provided the same do not cause or contribute to soil erosion, alter the existing topography, or destroy the natural faun, flora or water regimen:
 - (a) Conservation practices such as development of ground cover and other erosion control devices; improvement of water courses, shorelands and bodies of water; fire prevention; wildlife protection; development of historic, scenic and scientific features; and the construction of feeding stations, observation structures and the like.
 - (b) Outdoor sports and recreation activities such as hunting, fishing, trapping, swimming, wading, boating, skating, skiing, hiking, and riding.
 - (c) Propagation and raising of fish and wildlife; harvesting of wild crops such as berries, ferns, marsh hay, moss, rice, tree fruits and seeds for recreation and reforestation, and related forest management practices.
 - (d) Flora culture, feed and seed production, horticulture, nurseries, orchards and related agricultural uses; sustained yield forestry; commercial harvest of mature trees; and the home use of forest products, provided such activities do not involve dumping or filling of soil or mineral removal.
 - (e) Parks, playgrounds, picnic areas, camp sites, boat rentals, boat landings, refreshment stands, sale of bait and marine fuels, and related uses and activities, provided the same are located on public lands or subject to control by a public agency.
 - (f) Communication and power transmission lines, poles, towers and appurtenant structures; and utility conduits, pipelines, sewers and appurtenances, provided such facilities are designed to minimize their conflict with other permitted uses.
- (2) **Conditional Uses:** The following uses may be permitted upon issuance of a conditional use permit as provided under Section 3.27 of this ordinance provided any conditions set forth or specified are complied with:
 - (a) Grading and filling operations, soil or mineral removal, truck farming, and related activities, which substantially disturb the existing soils or alter the natural features of the particular area.

- (b) Underground mines, mine workings and mineral extraction operations; provided all polluting effluents and harmful, hazardous or contaminative emissions are confined to or contained on the premises where the same is produced, and such operations are governed by written agreements which insure the maintenance of all water supplies, waste disposal systems, and the structural support of all buildings so undermined.
 - (c) Burning of existing trees, shrubs, or vegetation.
 - (d) Building or construction of private roads or trails, dams, dikes, and levees.
 - (e) Beaches, boathouses, boat landings campsites, marinas, refreshment stands, sale of bait or marine fuels, trap and skeet ranges, and related recreational activities on private lands or operated as a commercial enterprise.
 - (f) Cottages for seasonal occupancy, recreation camps and housing facilities for persons acting as proprietors or caretakers.
 - (g) Planned Unit Developments as set forth in Section 3.21 of this ordinance.
- (3) Area and Dimensional Requirements:** Except as otherwise provided for a particular use, no lot or parcel of land shall be used, nor shall any structure or building be constructed, erected or installed in this district unless the same complies with the following requirements.
- (a) Minimum Floor Area: The minimum floor area for any residential building shall be three hundred (300) square feet plus three hundred (300) square feet for each dwelling unit.
 - (b) Minimum Lot Area: Four (4) acres or such larger area as required by the provisions of the particular Overlay District.
 - (c) Minimum Lot Width: Two hundred (200) feet or such greater width as required by the provisions of the particular Overlay District.
 - (d) Minimum Yards: Front, rear and side yards shall be not less than forty (40) feet.
 - (e) Maximum Building Height: Forty (40) feet.
 - (f) Highway Requirements and Restrictions: As set forth in Section 3.23 of this ordinance.
 - (g) Must comply with applicable provisions of Grant County's Shoreland Zoning Ordinance.

Section 3.15 PERMISSIBLE MODIFICATIONS

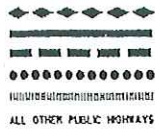
Where unique conditions, the type, character or style of a particular structure, or other extraordinary circumstances preclude a precise compliance with the area and dimensional requirements of the particular district, the Zoning Administrator may permit the proposed use in accordance with the following permissible modifications:

- (1) **Height Modifications:** The height limitations set forth for each primary district may be exceeded but such modification shall be the minimum necessary and in compliance with the following conditions:
 - (a) Public and semi-public facilities, such as schools, churches, hospitals, libraries, monuments, museums, offices, sanitariums, and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased five (5) feet for each floor above the maximum height provision of the particular district.
 - (b) Essential services, utilities, water towers, fire towers, communication and power transmission lines, substations, relay and receiving towers and aerials, related facilities and their mechanical appurtenances, may exceed the height limitations of this ordinance, provided the height of such structure is not more than twice the distance to the nearest lot line and further provided that any such structures exceeding one hundred (100) feet in height shall require the issuance of a Conditional Use Permit.
 - (c) Special structures requiring an elevated location such as cooling towers, gas tanks, grain elevators, scenery lofts, silos, smoke stacks, ventilators, windmills and related mechanical equipment and appurtenances, may exceed the height limitations of the particular district, provided the height of such structure is not more than one and one-half times the distance to the nearest lot line and further provided that any such structure exceeding one hundred (100) feet in height shall require the issuance of a Conditional Use Permit.
 - (d) Architectural projections such as spires, belfries, parapet wall, cupolas, domes, flues, and chimneys may be permitted to a height of one hundred (100) feet above grade.
- (2) **Yard Modifications:** The yard requirements set forth for each primary district may be modified, but such modification shall be in compliance with the following conditions:
 - (a) Essential services and landscaping features such as communication and power transmission lines, security and protective devices, utilities and service facilities, trees, shrubs, hedges and other vegetation, may be exempt from the yard and setback requirements of this ordinance, provided they do not obstruct the use of any public right-of-way and comply with the vision corner requirements as set forth in Section 3.23.

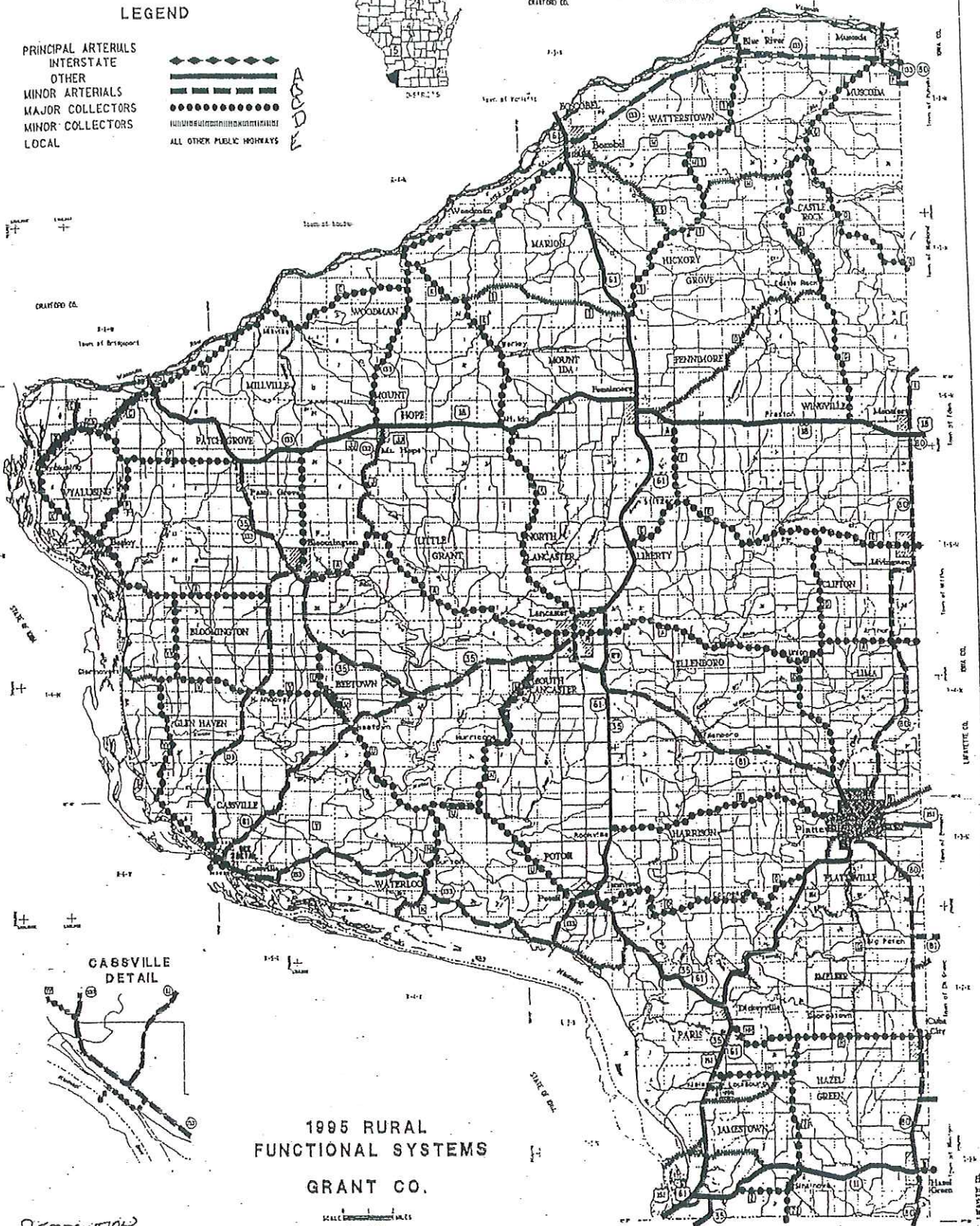
- (b) Architectural projections such as belt courses, chimneys, decks, eaves, fire escapes, flues, landings, open stairs, ornaments, patios, porches, retaining walls and related structural requirements may project into a required yard, provided such projection does not exceed four (4) feet nor extend within five (5) feet of any lot line.
- (c) Accessory uses and detached accessory structures may be permitted in side and rear yards, provided such structures do not exceed twenty (20) feet in height, do not occupy more than twenty (20) percent of the particular yard area, are not less than ten (10) feet from any principal structure nor less than five (5) feet from any lot lines.
- (d) Residential fences may be permitted in the yards of residential dwellings, provided such fences do not exceed five (5) feet in height when located in a front yard, do not extend within one (1) foot of any public right-of-way, and comply with the vision corner requirements as set forth in Section 3.23.
- (e) Security fences may be permitted in all districts except residential districts, provided such fences located in a front yard or along a public right-of-way do not exceed ten (10) feet in height, do not extend within one (1) foot of any public right-of-way, and comply with the vision corner requirements as set forth in Section 3.23.

LEGEND

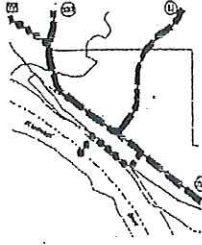
PRINCIPAL ARTERIALS
INTERSTATE
OTHER
MINOR ARTERIALS
MAJOR COLLECTORS
MINOR COLLECTORS
LOCAL



ADD



CASSVILLE DETAIL

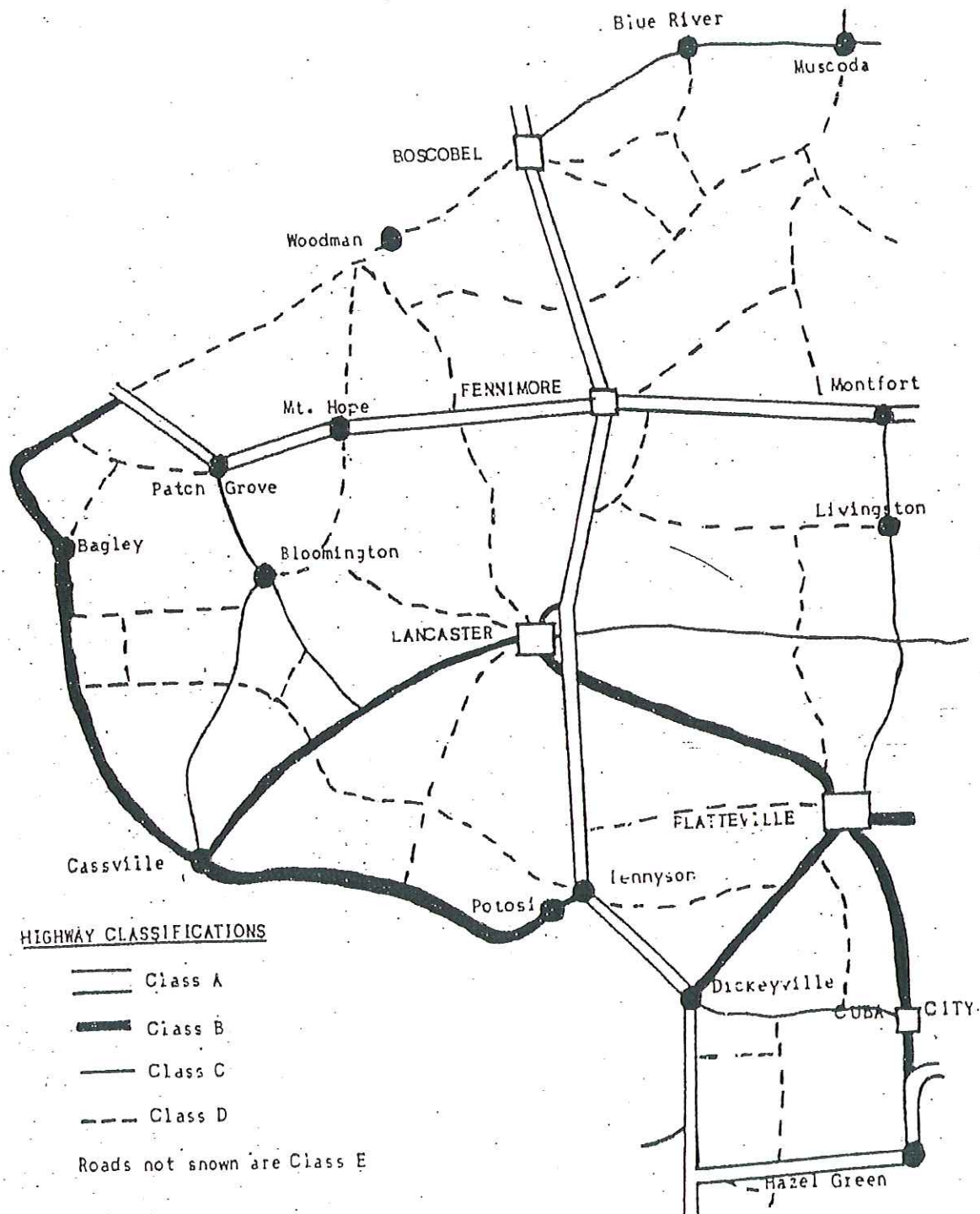


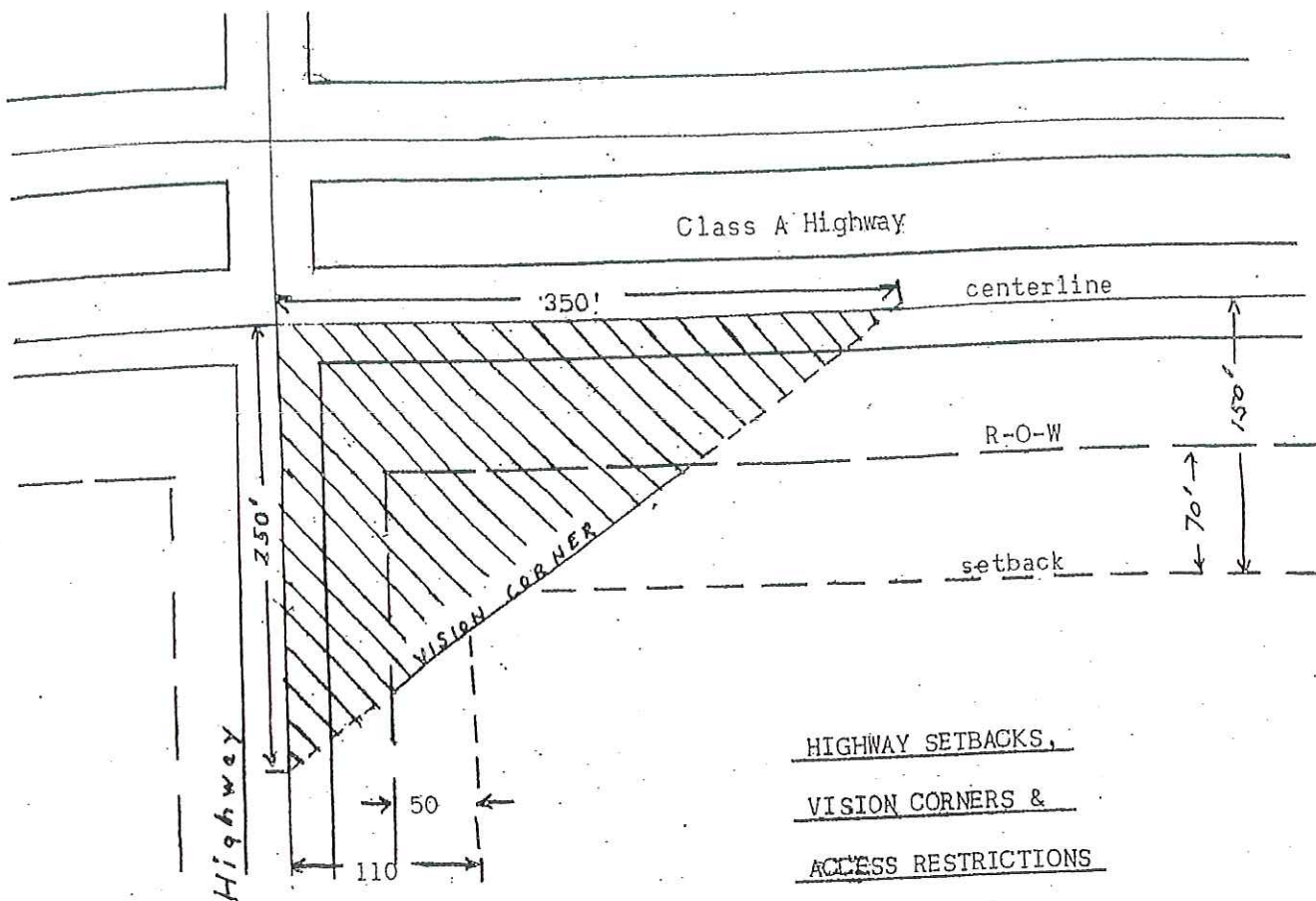
1995 RURAL FUNCTIONAL SYSTEMS GRANT CO.

SCALE 1:50,000
AUGUST 1988

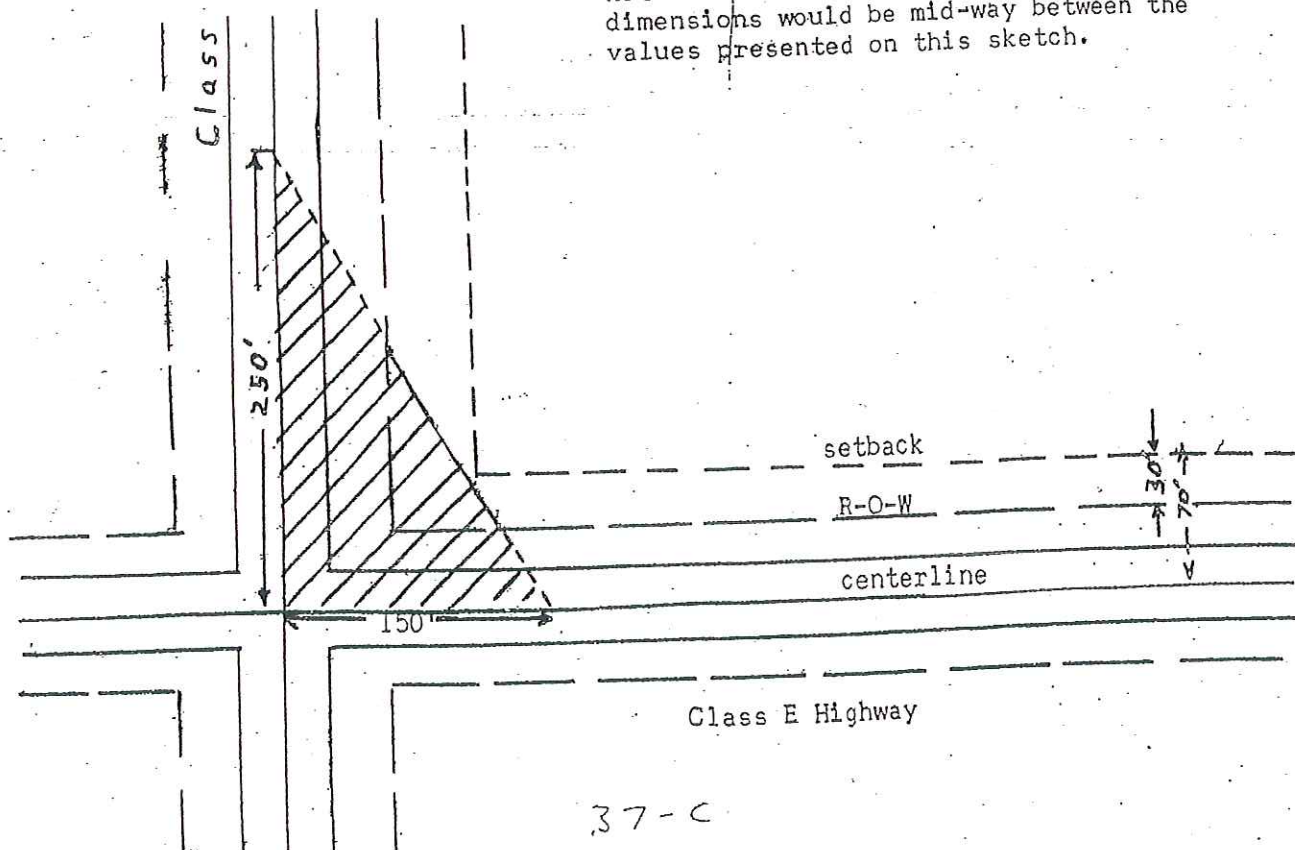
RESOLUTION
LETTER FROM Hwy Committee TO
ADD 'D' AS MAJOR COLLECTOR
TRAFFIC COUNTER ON HWY
ICE IT MAINT DURING CONSTRUCTION

37-A





Note: Class B and Class D Highways are not shown. Their distances and related dimensions would be mid-way between the values presented on this sketch.



Section 3.17 HIGHWAY INTERCHANGE DISTRICT

The purpose of this district is to promote highway safety by protecting the traffic operations of highway interchanges and to provide for the orderly development of lands adjacent to interchanges.

(1) **General Provisions:** This overlay district shall apply to any designated highway interchange. All uses within such designated area shall require the issuance of a conditional use permit. The following additional rules shall apply to this district:

- (a) Landscaping, tree planting and removal and screening: In order to maintain the natural beauty and prevent distraction to the traveler, preservation of trees and landscaping of all new commercial and industrial buildings shall be required. The lot owner or developer shall submit a sketch of his lot or area to be developed to the Planning & Zoning Committee and include the following information: Location of all structures, parking areas, topography, trees, ground cover, and any proposed tree cutting or tree planting and landscaping.
- (b) Filling, grading and excavating: Filling, grading and excavating which would result in substation erosion of soils which adversely affects roads, ditches or adjoining property or adversely affects the scenic beauty is prohibited.
- (c) Planned Unit Development: Industrial and commercial uses will be permitted only under the provisions of the Planned Unit Development contained in Section 3.21 of this ordinance. In addition to the requirements of Section 3.21, the following standards shall be used to evaluate Planned Unit Developments.

(1) Site design and physical characteristics:

- (a) Existing topography, drainage patterns, water table and high water level, vegetative cover and the suitability of the proposed use in this regard.
- (b) Availability of water, sewer, rail and other services and the utility requirements of the proposed use.
- (c) Adequacy of the proposed internal circulation system, including safety consideration.
- (d) Preservation of adequate traffic visibility.
- (e) Access to sites from the internal circulation system.

(2) Site location relative to the interchange area:

- (a) Need of the use for convenient access to a high volume highway.
- (b) Visibility from the freeway and the need for visibility.
- (c) Location to provide access primarily by right hand turning movements.

(3) Land Use:

- (a) Compatibility with existing or proposed uses in the area.
- (b) Relation to any existing land use plan.
- (c) Relation to existing or proposed development at nearby interchanges.

(4) Traffic Generation:

- (a) Amount of daily and peak-hour traffic to be generated relative to site size.
Traffic is to be subclassified as to approach routes.
- (b) Amount of traffic generated relative to existing and anticipated generated traffic in the interchange area.
- (c) Expected composition of site-generated traffic by vehicle types.
- (d) Effect of site-generated traffic on the operation of the interchange.

(5) Community Effects:

- (a) Immediate and long-range tax base.
- (b) Access to market or service area.
- (c) Relation to scenic or recreational values.
- (d) Relation to the public interest, the purpose and intent of this ordinance and substantial justice to all parties concerned.

(6) Other Relevant Factors:

(2) Special Provisions:

- (a) Highway Interchange District Regulations: Access will only be permitted in accordance with state and federal standards for highway interchanges and as designated on the zoning map. Commercial, industrial and other heavy traffic generating uses will not be permitted to have access within two thousand (2000) feet of the interchange. Only directory signs and signs advertising products or services available on premises shall be permitted. General outdoor advertising signs are prohibited.

Section 3.18 FOREST FIRE PROTECTION DISTRICT

The Grant County Board of Supervisors recognizes that certain portions of its jurisdiction have thick stands of coniferous trees and that cabins, dwellings and other buildings are situated within these forested areas, and that these structures are very susceptible to loss in the event of forest fires. The Board of Supervisors further recognized that local fire fighting forces cannot give individual attention to every building involved in a forest fire and that certain precautions taken before a forest fire will lessen the chance of buildings being destroyed.

For the purpose of this section the following fire hazard zones are hereby created and the Wisconsin Department of Natural Resources shall prepare and have available a map delineating what land in Grant County is located within these fire hazards zones.

- (a) High fire hazard zone;
- (b) Moderate fire hazard zone.

Existing Developments: Clearance of brush, trees or vegetative growth from structures. Any person, firm, corporation, or business owning, leasing, controlling, operating or maintaining any cabin, dwelling or other building upon or adjoining any land forested with coniferous trees or located in the above fire zones, and any person, firm, corporation or business owning, leasing or controlling any land adjacent to such structure or property shall at all times:

- (a) Maintain around and adjacent to such cabin, dwelling or building an effective fire break made by removing and/or mowing away all flammable vegetation for a distance of not less than one hundred (100) feet on each side or to the property boundary thereof. This section shall not apply to broad-leaf trees, ornamental shrubbery or cultivated ground cover such as short mowed lawns, ivy, and succulents provided that they do not form a means of readily transmitting fire from vegetation to any structure.
- (b) Coniferous trees should not be closer than 25 feet from any cabin, building, or permanent dwelling and must be thinned to 25 feet apart to a distance of 75 feet from any structure.
- (c) Remove any portion of any coniferous tree that extends within 10 feet of the outlet of any chimney.
- (d) Maintain any tree adjacent to or overhanging any building free of dead wood.
- (e) Maintain the roof and gutter of any structure free of leaves, needles or other dead vegetation.
- (f) Maintain the space under any cabin, home or building free of any leaves, needles, dead vegetation, stored lumber, firewood or other combustibles.

New Development Construction Standards: Any person, firm or corporation constructing any cabin, dwelling or other building in the above high fire or moderate fire hazard zones shall comply with the following:

- (a) Driveways shall be at least 18 feet wide with no tree branches or brush extending into the driveway to a height of 15 feet.
- (b) Cul-de-sac roads shall not exceed 1000 feet as measured on the centerline, and shall be terminated by a turn-around of not less than 55 feet in radius to the right-of-way and 45 feet of roadway.
- (c) Dead-end streets and roads without a cul-de-sac shall not be permitted.
- (d) Roads or streets, which end in a cul-de-sac, shall have posted at their junction with a main road a sign indicating they are a dead-end street/road.
- (e) Bridges shall be constructed to support a gross vehicle weight of 40,000 pounds.
- (f) All electric power lines are to be buried.
- (g) Roads and streets shall have their entire right-of-way cleared of trees and brush.
- (h) Streets and road signs of durable and permanent material shall be placed at the intersections.
- (i) Town or county fire numbers shall be placed on all lots prior to construction. These signs shall be so placed as to be readily visible from a public road.
- (j) A subdivision may not be created in a high fire hazard zone if it lies adjacent to any sanitary landfill which has an exemption to burn, or active railroad right-of-way, unless a 100 foot wide firebreak, clear of all flammable material, is created and the land for said firebreak is dedicated to the governing body in perpetuity as a public firebreak.
- (k) Foundations and porches shall be enclosed in a manner which prevents the accumulation of leaves or other combustible material.
- (l) Foundations shall be constructed of a non-combustible material.
- (m) A minimum clearance of 36 inches shall be left between any roof eave and the ground.
- (n) Roof coverings shall be non-combustible or of fire resistant type.
- (o) Chimneys for solid fuel heating shall be equipped with the proper underwriter's laboratory approved spark arresters.

3.19 Flood Plain Districts:

All property located in a flood plain overlay district must also meet the requirements of Grant County's Flood Plain Ordinance.

3.20 Shoreland District:

All property located in a shoreland overlay district must also meet the requirements of Grant County's Shoreland Zoning Ordinance.

Section 3.21 PLANNED UNIT DEVELOPMENTS

The intent of this section is to encourage good community development and a more efficient use of land and of public services by allowing under certain circumstances, a more flexible means of land development than is otherwise permissible under lot by lot restrictions generally. Such development shall be in accordance with the purpose and intent of this Ordinance and shall not be hazardous, harmful, offensive, or otherwise adverse to the environment of the value of the immediate area or the community as a whole.

(1) General Provisions:

- (a) Official Public Plans and Policies: Any proposed development shall be in accordance with plans, policies and codes which are adopted by the county or other governmental bodies having jurisdiction.
- (b) Relation to Public Facilities and Development: An applicant for a planned unit development permit shall submit plans or other documentation to the Zoning Administrator which shall indicate where the proposed project relates to existing and proposed facilities and development patterns, particularly existing or proposed commercial, residential, industrial, or other development in the immediate area. Plans shall indicate site layout and access. Location of existing and proposed utilities and roads (or streets) shall be shown as well as off street parking areas. Indication shall be made of the existence and adequacy of sewer and water facilities as well as solid waste disposal facilities. State standards regarding air, water or soil pollution shall also be met. Also provision for control of erosion or excessive run-off shall be made.

(2) Application Procedure:

- (a) Any applicant who desires to initiate a planned unit development project shall submit to the Zoning Administrator an application for the approval of such project designating the type of development (one of the types designated in subsections 3.21 (4) to 3.21 (9) of this ordinance proposed to be created. A planned unit development requires a planned unit development permit. An applicant for such a permit must also submit a plan to the Zoning Administrator, which meets the requirements of Subparagraph (I)(b) above.
- (b) An applicant must submit a Preliminary Plat as defined in Chapter 236 of the Wisconsin Statutes to the Zoning Administrator. As a condition of approval of a planned unit development permit, the Grant County Planning and Zoning Committee must approve the preliminary plat. However, any proposed development not involving the division of land into parcels of less than one and one-half (1 ½) acres shall be exempt from the requirement in this subparagraph.
- (c) Upon submission of a Preliminary Plat the Zoning Administrator shall make a finding of fact as to whether the preliminary plat meets the requirements of Wisconsin Statutes Chapter 236 and the requirements of this ordinance and the Zoning Administrator shall report to the Planning and Zoning Committee indicating the degree of compliance or lack of compliance. If the plat fails to meet the requirements of Wisconsin Statutes Chapter 236 and this ordinance or if the plans and application reflect that the development will not meet the standards in this ordinance, the permit shall be denied.

- (d) Any information regarding the proposed development requested by the Zoning Administrator in processing the applicant's request for a planned unit development permit must be submitted by applicant. If the information is not submitted, the permit shall be denied.
- (e) The preliminary plat submitted by an applicant along with a finding of facts shall be submitted to the Town Board of the Town where the proposed development is located at least 40 days before the Planning and Zoning Committee meets to act on the proposed Planned Unit Development.
- (f) A final plat shall be submitted by the applicant to the Zoning Administrator for approval by the Planning and Zoning Committee in accordance with Wisconsin Statutes Chapter 236. The final plat must meet the requirements of Wisconsin Statutes Chapter 236 and this Ordinance in order to be approved. If the final plat is not approved, the permit shall not be granted. If the Planning and Zoning Committee is going to approve the plat, a ten days prior written notice to the Town Clerk where the proposed development is located shall be sent notifying the town of its intention.
- (g) If a state authority described in Wisconsin Statutes Section 236.12 rejects a preliminary or final plat, the permit shall not be granted.

(3) Required Design Principles:

- (a) Streets: Cul-de-sac or loop streets are desirable to discourage through traffic on local streets. Tee intersections for residential areas are also preferred to reduce accidents. No street is to exceed 10% grade unless it can be shown undesirable, impractical or cause undue hardship. All streets shall be provided with a smooth, hard and dense surface, which shall be durable and well drained under normal use and weather conditions. Off street parking and setbacks from roads or highways will be as required in Sections 3.23 and 3.24 of this Ordinance.
- (b) Sidewalks and Pedestrian Way: Pedestrian circulation system need not parallel the street system but the following criteria must be observed:
 - (1) A sidewalk shall be provided on at least one side of a public street except where it can be demonstrated that such a sidewalk is not desirable.
 - (2) Pedestrian circulation systems must be provided as convenient, safe, and attractive links between residential grouping, open space areas, recreational areas, schools, and local shopping areas.
 - (3) The width of any sidewalk must be at least four (4) feet.
- (c) Utility Placement: Utilities, including electrical and telephone lines, should be placed underground wherever feasible. However, existing watercourses are desirable for storm drainage.

- (d) **Site Characteristics:** Pre-existing site conditions have considerable importance in establishing the character of a development. A flexible and positive response to the natural assets or the site is encouraged. Specific site assets which should be considered are:

Trees: Of 6-inch diameter and larger are to be protected and saved wherever possible, particularly where grouping of such trees exists.

Contours: The location of ridges, rock outcroppings, slopes, and hills all require that special consideration be given to the siting of buildings.

Water: Existing site water, in the form of water courses, streams, marshes, wet lands and ponds should be considered as possible resources for the establishment of recreation areas or storm drainage courses. Excess surface water or storm water shall be drained in a safe, efficient manner.

Orientation: The siting of development should be assessed in terms of terrain, views, sun, prevailing winds, water resources, soil characteristics, ease of access and the functional relation to adjacent areas or structures.

Open Space: All of the above considerations should be coordinated with the view towards developing pleasant and usable open space patterns, particularly in residential, recreational and resort developments.

- (4) **Planned Residential Development:** Planned Residential development may be permitted in Residential R-1, R-2, R-3 and Agriculture A-2 districts.

(a) **Use Regulations:** Same as specified in the primary use district except that in the Agriculture A-2 district, a single family dwelling only is permitted.

(b) **Land Area Requirements:** Minimum of ten (10) acres.

(c) **Density Permitted:** Same as primary districts except in Agriculture A-2 district. In A-2, density shall not exceed 2 dwelling units per acre.

(d) **Site Planning:** The plan shall also provide for the layout and design of residential structures, usable building sites, and screening or other separation from neighboring objectionable use (such as commercial and industrial activities). No building site shall front on a state or federal highway.

(e) **Location:** Such development shall not be proposed within 2,000 feet of any existing dump, salvage yard, or junkyard. If the proposed development is adjacent to commercial or industrial activities, a buffer or screening shall be provided. Such a development shall be located in an area where adequate public and private water and sewage facilities and services are available or are to become available by the time the development reaches the stage where they will be required.

(5) **Planned Commercial Development:** Planned commercial development may be permitted in commercial C-1, C-2, Residential R-3 and Flood Plain districts where planned shopping centers will serve areas not already conveniently and adequately provided with commercial and service facilities of the kind proposed.

(a) Use Regulations: Same as specified in the primary use district except uses permitted in Commercial C-1 and C-2 are also permitted in the Residential R-3 district.

(b) Land Area Requirement: Minimum of five (5) acres.

(c) Land Occupancy by Buildings: Total land occupancy by all buildings shall not exceed 30% of the lot area.

(d) Site Planning: Location of structures and signs shall also be shown on the plan. Also access points shall be indicated on the plan. If there are adjacent residential areas the type and location of screening or buffer zone shall be indicated on the plan.

(6) **Planned Industrial Development:** Planned industrial development may be permitted in Industrial M-1, M-2 and Residential R-3 districts, and Flood Plain (flood fringe), provided any adjacent residential areas are not adversely affected. In the Residential R-3 District, a Planned Industrial Development is not permitted within 500 feet of an existing residential area.

(a) Use Regulations: Same as specified in the Industrial M-1 district.

(b) Land Area Regulations: Minimum of the (10) acres.

(c) Land Occupancy by Buildings; Total land occupied by all buildings shall not exceed 30% of the lot area.

(d) Site Planning: Location of major structures shall also be shown on the plan as well as access. Location of existing and proposed utilities, transportation facilities and off street loading and parking areas shall be shown on the plan. If there are adjacent residential areas, the type and location of screening or buffer zone shall be indicated on the plan. In an R-3 Residential district, no structures shall be located within 100 feet of the perimeter of the proposed Planned Industrial Development.

(e) Private Covenants: Any private restrictions controlling odor, noise, pollution, signs or required screening or landscaping shall be reflected on the plan. These will be evaluated in determining if the general intent of this district and the general provisions are being met. Adequate provisions for enforcing these restrictions shall be included in the plan.

(f) Flood Plain: Will also require a conditional use permit.

(7) **Planned Resort Development:** Planned resort development may be permitted in C.F.R., Flood Plain and Shoreland districts subject to the general requirements and according to the procedures specified herein.

(a) Use Regulations: Cottages, marinas and water oriented recreational activities are the primary uses permitted. Accessory uses including the convenience store and bait shops are permitted. Accessory uses, however, shall not occupy more than 10% of the gross usable area.

(b) Land Area Requirements: Minimum of ten (10) acres.

(c) Density Permitted: 6 units/gross usable acre, indicated for residential use. Lesser density, in accordance with soil type, will be required if private sewage systems are used.

(d) Site Planning: The plan shall provide for the layout of access roads and parking as well as areas designated for cottages, marinas or other uses. If the proposed development is in a flood plain area, provision shall be made for flood conditions in accordance with the requirements of that district.

(8) **Planned Mobile Home Parks:** Mobile home parks may be permitted in the Residential R-3 district only.

(a) Use Regulations: Year round mobile homes are permitted and accessory uses including convenience stores and laundering area. However, such uses shall not exceed 5% of the gross usable area of the proposed park.

(b) Land Area Requirements: Minimum of (10) acres.

(c) Density Permitted: 6 units/gross usable acre. Mobile homes shall be separated from each other and from other buildings and structures by at least 15 feet.

(d) Site Planning: The plan shall provide for the layout of access roads and parking as well as the location of the mobile homes. No exposed ground surface will be permitted, where feasible vegetative growth capable of preventing soil erosion and eliminating dust is required.

(e) Required Recreation Areas:

(1) In all parks accommodating or designed to accommodate 25 or more mobile homes, there shall be one or more recreation areas, which shall be easily accessible to all park residents.

(2) The size of such recreation areas shall be based upon a minimum of 100 square feet for each lot. No outdoor recreation area shall contain less than 2,500 square feet.

(3) Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.

(f) Required Setbacks, Buffer, Strips and Screening:

- (1) All mobile homes shall be located at least 25 feet from any park property line abutting upon a public street or highway and at least 15 feet from other park property boundary lines.
- (2) There shall be a minimum distance of 10 feet between the mobile home stands and the abutting park street.
- (3) All mobile home parks located adjacent to industrial or commercial land uses shall be provided with screening such as fences or natural growth along the property boundary line separating the park and such adjacent nonresidential uses.

(g) Park Street System:

- (1) General Requirements: 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.
- (2) Park Entrance: Entrances to mobile home parks shall be designated to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of 100 feet from its point of beginning, unless the park entrance is at least 34 feet wide.
- (3) Internal Streets: Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:
 - (a) All streets, except minor streets (from back of curb to back of curb)-24 feet wide.
 - (b) Minor streets (acceptable is less than 500 feet long and serving less than 25 mobile homes or any length if mobile home lots abut on one side only.) 18 feet wide.
 - (c) Dead end streets shall be limited in length to 1,000 feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 60 feet.
- (h) Utilities and Refuse: Particular attention should be given to these. A less density will be required if a private sewer system is provided. Adequate provisions shall be made for solid waste disposal at an approved site and reflected in the plans.
- (i) Private Covenants: Any private restrictions controlling odor, noise, pollution, signs or required screening or landscaping shall be indicated on the plan. These will be evaluated in determining if the general intent of this district and the general provisions are being met. Adequate provisions for enforcing these restrictions shall be included in the plans.

- (j) Planned unit development mobile home parks in the Residential R-3 are exempt from the minimum dwelling width of twenty-four (24) feet.

(9) Planned Trailer Parks and Campgrounds:

- (a) Trailer parks and campgrounds may be permitted in C.F.R., Shoreland, and Flood Plain districts.
- (b) Use regulations: Trailer or camp sites as seasonable uses only. No trailer or campsite is permitted over 30 days. Accessory uses including convenience stores and laundry areas are permitted. However, accessory uses shall not occupy more than 10% of the gross usable area.
- (c) Land area requirements: Minimum of ten (10) acres.
- (d) Density permitted: 10 units/gross usable acre.
- (e) The plan shall provide for the layout of access roads and parking as well as areas designated for campsites and accessory uses. If the proposed development is in a flood plain, provisions shall be made for flood conditions in accordance with the requirements of the district.

Section 3.23 HIGHWAY RELATED REQUIREMENTS AND RESTRICTIONS

The following provisions apply to lands abutting a public road, street or highway so as to lessen conflicts and congestion and to promote the safety and efficiency of such transportation facilities.

- (1) **Classification of Highways:** The public roads, streets, and highways of Grant County are hereby divided into the following five (5) zoning classifications in relation to the functional classification of highways as set forth in the State Highway Plan. The highways so classified are shown on the Highway Zoning Map and therefore made a part of the original copy of this ordinance as fully as if set forth at length herein.

Zoning Classification	Highway Classification
Class A Highways	Principal Arterial Highways for which right-of-way lines have been officially mapped. Primary Arterial Highways
Class B Highways	Minor Arterial Highways, Principal Arterial Highways without or prior to having officially mapped right-of-way lines
Class C Highways	Minor Arterial and Major Collector Highways. All State Trunk Highways not designated as a Class A or Class B Highways.
Class D Highways	Minor Collector Highways and all County Trunk Hwys not otherwise designated as a Class A, B, or C Hwy.
Class E Highways	Local Highways, Town Roads and Public roads and streets other than those listed above.

- (2) **Minimum Highway Setback:** All buildings, structures and other objects shall be set back from abutting public highways so as to comply with the following minimum requirements, or as otherwise permitted or modified by the approval of the plat of a legal subdivision or the approval of a Planned Unit Development or a particular provision of this ordinance.

- (a) Setbacks from public highways shall be not less than the horizontal distances set forth in this subsection and measured from the near existing right-of-way line or the near officially mapped right-of-way line, whichever is more restrictive, and the centerline of the abutting roadway or the centerline of the near pair of travel lanes whichever is more restrictive. The more restrictive of the two measurements shall prevail.

ZONING CLASSIFICATION	SETBACK FROM RIGHT-OF-WAY	SETBACK FROM CENTERLINE
CLASS A HWY	70 FT	150 FT
CLASS B HWY	60 FT	130 FT
CLASS C HWY	50 FT	110 FT
CLASS D HWY	40 FT	90 FT
CLASS E HWY	30 FT	70 FT

- (b) The above listed highway setback requirements are subject to the following conditional modifications. Where such conditions occur, the Zoning Administrator may permit a setback modified in accordance with the particular condition but such modification shall not exceed ten (10) feet where applied to a listed right-of-way setback nor exceed twenty (20) feet where applied to a listed centerline setback.

(1b) Where existing principal structures or buildings front on the same side of the abutting highway and within two-hundred (200) feet on both sides of the subject site, the highway setback may be modified to the average of the setbacks existing on the two abutting properties.

(2b) Where two (2) or more principal structures or buildings front on the same side of the abutting highway and within four-hundred (400) feet in one direction from the subject site, the highway setback may be modified to the average of the setback on the near existing structures.

- (3) **Vision Corners:** In each quadrant of every at-grade intersection of a public road, street or highway with another public road, street or highway or with a mainline railroad, there shall be a vision corner consisting of a triangular area within which no structure, building, vegetation or other fixed object shall be permitted if the same would obstruct the highway users' view across such vision corner or otherwise restrict said users' ability to perceive an on-coming vehicle.

- (a) All such vision corners shall be bounded by the centerlines of the intersecting roads, streets, highways or railroad tracks, on a straight line connecting points on said centerlines and at the following horizontal distances from their point of intersection. In the case of a multi-lane or divided highway or a multi-track railroad, said center line shall be construed to be the centerline of the near pair of travel lanes or the near pair of rails.

ZONING CLASSIFICATION	DISTANCE FROM INTERSECTION
CLASS A HWY	350 FT
CLASS B HWY	300 FT
CLASS C HWY	250 FT
CLASS D HWY	200 FT
CLASS E HWY	150 FT

(4) **Access Restrictions:** No direct private access shall be permitted to the right-of-ways of any public road, street or highway except in compliance with the following provisions:

- (a) No direct private access shall be permitted to the right-of-way of any class A Highway; to the right-of-way of any ramp or turning or acceleration or deceleration lane of any interchange on a Class A Highway; nor to any public road, street, or highway intersecting or interchanging with an interchange, unless said access is included in the construction plans for the particular highway or subsequently permitted by the issuance of a conditional use permit.
- (b) No direct private access shall be permitted to the right-of-ways of two intersecting public roads, streets or highways within the following horizontal distances as measured from the point of intersection of the two right-of-way lines and along the right-of-way abutting the subject site.

ZONING CLASSIFICATION	RESTRICTED DISTANCE
CLASS A HWY	500 FT
CLASS B HWY	400 FT
CLASS C HWY	300 FT
CLASS D HWY	200 FT
CLASS E HWY	100 FT

- (c) Lots and parcels of land requiring direct private access to the right-of-way of any public road, street, or highway shall have a frontage along such right-of-way of not less than the following minimum distance.

ZONING CLASSIFICATION	MINIMUM FRONTAGE
CLASS A HWY	400 FT
CLASS B HWY	300 FT
CLASS C HWY	200 FT
CLASS D HWY	100 FT
CLASS E HWY	Lot Width

- (d) Vehicular entrances and exits serving drive-in establishments which generate traffic volumes in excess of one-hundred (100) vehicles per day, shall be not less than one-hundred (100) feet from any pedestrian entrance or exit serving a school, church, hospital, park, playground or other place of public assembly.

(5) Exceptions to Highway Requirements and Restrictions: The following structures and uses are excepted from the above listed highway setbacks, vision corner and access regulations:

- (a) Signs placed by or under the direction of the appropriate highway agency for the guidance, direction, control or warning of traffic, including construction barricades and safety devices.
- (b) The planting and harvesting of field crops, flowers, shrubs, hedges and the like and the use of open fences, equipment and machinery commonly associated with such planting or harvesting, provided the same shall be subject to such trimming, pruning, cropping or control as may be deemed necessary by the highway agency having jurisdiction over the abutting highway.
- (c) Communication and power transmission lines, poles and appurtenant structures, and underground structures provided the same are not capable of being used as a foundation for prohibited above-grade structure.
- (d) Lots of record as of the effective date of this ordinance may be excepted where such exception is necessary or essential to the proper use of such lot.
- (e) Temporary use of the above restricted areas or temporary access to the above restricted right-of-ways may be permitted but such temporary permit shall be revocable, subject to conditions, and limited to not more than twelve (12) consecutive months.

Section 3.24 OFF-STREET PARKING AND LOADING REQUIREMENTS

(1) **Parking Requirements:** In all primary districts, off-street parking space shall be provided at the time a principal structure or building is constructed, erected, installed, enlarged, extended or converted.

(a) The quantity of such off-street parking to be provided shall comply with the following minimum requirements:

Type of Use

Single-family dwellings and mobile homes on separate lots.

2.0 stalls per dwelling unit.

Mobile homes in mobile home court.

2.0 stalls per dwelling unit, with 500 ft.

Multi-family dwellings

1.5 stalls per dwelling unit.

Hotels, motels, tourist homes, lodging houses, resorts, camp sites and the like.

1.0 Stalls per guest room and/or rental

Clubs, lodges, fraternities, sororities, dormitories and the like.

0.5 stalls per tenant and/or occupant.

Hospitals

1.5 stalls per bed.

Sanitariums, rest or nursing homes

0.3 stalls per bed or per patient housed.

Medical and dental clinics, professional offices and the like.

4.0 stalls per doctor, dentist and/or other professional occupant.

Churches, theatres, auditoriums, community centers, funeral homes and other places of public assembly.

0.2 stalls for each available seat.

Jr. High and elementary schools

1 stall per employee

High Schools

0.2 stalls per student

College and universities

0.4 stalls per student

Drive-in food services, eating stands, beverage stands and the like

5.0 stalls per person employed to serve customers.

Vehicle service stations

3.0 stalls for each gas pump and/or grease rack

Restaurants, bars, taverns, night clubs and places of entertainment	1.0 stalls per 100 square feet of floor area devoted to patrons and/or patron services.
Retail business and service establishments	1.0 stalls per 200 square feet of floor area devoted to the display of merchandise.
Financial institutions, business and governmental offices.	1.0 stalls per 300 square feet of floor area devoted to patron, client or customer services.
Museums, art galleries	1.0 stalls per 400 square feet of display area
Furniture or appliance stores: automotive, machinery or equipment sales & service.	2.0 stalls per salesman, mechanic and/or other person employed to serve customers.
Manufacturing, processing and packaging plant, laboratories, warehouses & other industrial uses.	0.5 stalls per employee on the main shift at maximum employment.
Bowling alleys	5.0 stalls per lane.
Golf courses	2.0 stalls per hole
Athletic fields, ballparks, & the like	0.2 stalls for each seat available to spectators.

- (b) The size of each parking stall shall be adequate for the vehicle to be parked thereon but not less than one hundred and eighty (180) square feet exclusive of the area required for ingress and egress.
- (c) The location of all required parking stalls shall be within six hundred (600) feet of the structure to be served by such parking space.
- (d) Adequate access to a public road, street or highway shall be provided for each parking stall and all aisles or driveways shall be at least ten (10) feet wide where serving a one or two family dwelling; at least fifteen (15) feet wide where providing one-way access to other uses; and at the least twenty (20) feet wide where providing two-way access to other uses.
- (e) All off street parking areas shall be graded, have a dust free surface, be properly drained, and usable when needed. Any parking area serving more than ten (10) vehicles shall have its stalls and aisles clearly marked.
- (f) No parking stall or aisle or driveway except in residential districts shall be less than ten (10) feet from any residential district boundary. Where necessary, curbs or barriers shall be installed so as to prevent parked vehicles from extending over any abutting lot line.

(g) Combinations of any of the above listed uses shall be provided with off street parking of a quantity equal to the total number of stalls required for each individual use. Any use not specifically named shall be provided with off street parking of a quantity equal to that required by a similar use as determined by the Zoning Administrator subject to appeal to the Board of Adjustment.

(2) Loading Requirements: In all primary districts and in association with all continuing and/or principal uses in said districts, off street areas shall be provided so that pickup, delivery and service vehicles may be loaded, unloaded and maneuvered in compliance with the following provisions:

- (a) In all primary districts, sufficient areas shall be provided on the premises so that pickup, delivery and service vehicles may be loaded, unloaded and maneuvered off street without intruding into the right of way or backing onto the roadway of any Class A, B, or C Highway.
- (b) In all commercial and industrial districts, sufficient area shall be provided on the premises so that pickup, delivery and service vehicles may be loaded, unloaded and maneuvered off street without intruding into any public right of way and without backing onto any public roadway.
- (c) The required off street loading, unloading and maneuvering areas shall be provided at the time a principal structure or building which requires pickup, delivery or service vehicle accessibility is constructed, erected, installed, enlarged, extended, or converted.

Section 3.25 SIGN REGULATIONS:

In order to promote the order and beauty of the countryside and to prevent despoilment of roadside conditions within the county, all signs and billboards existing and to be erected in the future shall meet the following requirements.

(1) General Provision: These regulations shall apply to all signs unless such signs are specifically exempt by the provisions of this ordinance. Deteriorated, illegible, or obsolete signs are prohibited. Such existing signs shall be removed by the owner. Signs that are a traffic hazard, as determined by the County Engineer, shall be removed. Signs (except official signs) shall not be permitted in the public right of way or in the vision triangle at intersections. Signs, other than those permitted in residential districts, are required to be 400 feet from any residence. A minimum 1,000 foot sign interval shall be maintained along highways having a 65 mile-per-hour speed zone and 500 feet along highways having less than a 65 mile-an-hour speed zone. No signs shall be erected adjacent to highways in violation of the provisions of Wisconsin Statutes Sections 86.19, 84.30 and 86.191 and regulations of the Wisconsin Department of Transportation except as allowed by said statutes or regulations or which are posted by the state or a municipality to regulate traffic and parking.

(a) **Sign Permit Required:** After the enactment of this ordinance, a sign permit is required before any new sign is erected, painted, installed, located or otherwise placed as provided in this ordinance.

(b) **Signs excepted:** All signs must have a sign permit except the following:

Signs over show windows or doors or on barns and relating to the establishment and announcing only the name of the farm or business and the occupation (or name) of the proprietor.

Real estate signs not to exceed eight (8) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.

Name, occupation, and warning signs not to exceed two (2) square feet located on the premises.

Bulletin boards for public, charitable or religious institutions not to exceed eight (8) square feet in area located on the premises.

Memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against the structure.

Official signs, such as traffic control, parking restrictions, information, historical markers, and notices.

Temporary Signs when authorized by the Zoning Administrator for a period not to exceed 30 days.

(2) District and Use Sign Regulations:

- (a) In commercial and industrial district, signs are subject to the following additional restrictions:

Wall signs placed against the exterior walls of buildings shall not extend more than six (6) inches outside of a building's wall surface.

Projected signs fastened to, suspended from or supported by structures shall not be less than ten (10) feet above a sidewalk nor less than fifteen (15) feet above a driveway.

Roof signs shall not exceed ten (10) feet in height above the roof.

Combinations of any of the above signs shall meet all the requirements for the individual sign.

- (b) In residential districts, signs are subject to the following additional restrictions:

For sale or rent signs, no trespassing signs, or similar signs shall be no larger than six square feet in gross area.

Home occupation signs advertising a legal home occupation shall not exceed six square feet in gross area.

- (c) In shoreland districts, any sign visible from the water shall be at least seventy-five (75) feet from the normal high water elevation and shall not exceed 30 feet in gross area.

- (3) Non-Conformance:** Signs not in conformance with the provisions of this ordinance shall be removed by the owner (or owners) of property on which they are located within three years of the date of the enactment of this ordinance. However, signs that are deteriorated, not legible or obsolete shall be removed within 30 days.

- (4) Sign Removal by County:** If an owner fails to remove a sign in accordance with the provisions of this ordinance, Grant County will remove the sign at the owner's expense following a 30 day removal notice from the Zoning Administrator.

Section 3.26 NONCONFORMING LOTS, STRUCTURES, AND USES

Lots, structures and land or water uses not in conformity with the provisions of this ordinance or specified as a permitted or conditionally permitted continuation of an existing structure or use, shall be deemed a lawful nonconforming lot, structure or use and may be continued in accordance with the following provisions, provided it does not constitute a public nuisance under state law or endanger the public health, safety or general welfare.

- (1) **Existing Nonconforming Lots:** In any district, a conforming structure (except multi-family) may be erected or constructed on any legal lot or parcel of land in separate ownership from abutting lands and of record in the Office of the County Register of Deeds before the effective date of adoption (1981) or amendment of this ordinance. If abutting lands and a recorded lot or parcel of substandard size or dimension are owned by the same owner, the substandard lot or parcel shall not be sold or used without compliance with the provisions of this ordinance. If in separate ownership, the district requirements shall be complied with insofar as practical including building height and setback requirements and not less than sixty (60) percent of the floor, lot, and yard areas and/or dimensions prescribed for the particular district.
- (2) **Existing Nonconforming Structures:** A lawful nonconforming structure existing at the time of adoption (1981) or amendment of this ordinance may be continued although its size, dimensions, or location on the lot does not conform with the area or dimensional requirements of the particular district or with the parking, loading or setback provisions of this ordinance. However said structure shall not be extended or enlarged, nor shall it be moved or structurally altered except as required by law or order or so as to more fully comply with the provisions of this ordinance. Pre-existing residences located in areas subject to zoning under this Ordinance may be continued as a residential use. Such pre-existing residences may be altered, repaired or rebuilt if destroyed, but are subject to setback, height and other dimensional requirements.
- (3) **Existing Nonconforming Uses:** The existing lawful use of a structure, premise, property, or parcel of land and/or water which is not in conformity with the uses permitted in the particular district in which it is located, may be continued subject to the following conditions:
 - (a) Only that portion of the property in actual use at the time of adoption (1981) or amendment of this ordinance may be so continued and the nonconforming structure or use shall not be extended or enlarged, reconstructed, moved, or structurally altered except as required by law or order or so as to more fully comply with the provisions of this ordinance.
 - (b) The total structural repairs, restoration, and permitted alterations over the nonconforming life of such structure, shall not exceed fifty (50) percent of the equalized assessed value of said structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of the particular district in which it is located.
 - (c) When a nonconforming use or structure thereof is damaged by fire, wind, explosion, flood, or other calamity to the extent of more than fifty (50) percent of its current equalized assessed value, it shall not be restored except as to comply with the provisions of the particular district in which it is located unless authorized by a conditional use permit.

- (d) If such nonconforming use is terminated or discontinued for a period of twelve (12) consecutive months, any future use of the property, premises, parcel of land, or structure thereon shall be in conformity with the provisions of this ordinance.
 - (e) Any nonconforming use of land not involving a structure (except signs) and any nonconforming junkyard may be continued but such continuation is limited to five (5) years from the time of beginning of such nonconformity, whereupon the nonconforming use shall cease. Nonconforming signs are subject to the provisions of Section 3.25 of this ordinance.
- (4) **Flood Plains and Shorelines:** Nonconforming structures and uses in a flood plain or shoreland district shall be subject to the following conditions in addition to those listed above.
- (a) Any alteration, addition, repair, or restoration of a nonconforming structure in a flood plain district shall include "flood proofing" measures.
 - (b) Existing waste disposal systems and methods in flood plain and shoreland districts not in compliance with applicable state and county laws and ordinances, shall not be permitted to continue as a lawful nonconforming use.
- (5) **Changes and Substitutions:** The Board of Adjustment, for due cause, may grant a variance in the case of a nonconforming structure, or permit the substitution of a less objectionable nonconforming use for an existing nonconforming use, or permit such other changes, alterations or substitutions as will reduce the incompatibility of a nonconforming use with its neighboring uses.

Once a nonconforming use or structure or lot has been changed to conform, it shall not revert or be permitted to return to its original nonconforming status. A nonconforming use replaced by a permitted substituted use shall not revert or be permitted to return to its original status as a more objectionable nonconforming use and shall be subject to any and all conditions required by the Board of Adjustment.

Section 3.27 ADMINISTRATION

The administration of the zoning ordinance is primarily a process that is handled by the Zoning Administrator, the Planning and Zoning Committee and the Board of Adjustment.

A zoning permit is issued by the zoning administrator if the proposed use is in accordance with permitted uses for that particular district and if it appears that any proposed structure or work to be done on said property will meet the requirements of the zoning ordinance. If it appears that the use, work, and any proposed structure will not meet all of the requirements of this ordinance, the zoning permit shall be denied by the Zoning Administrator. If the permit is refused, appeal can first be made to the Board of Adjustment and then to a court of law.

The Grant County Planning and Zoning Committee will decide the issue of whether a conditional use permit is granted. If it appears that the proposed use will not meet the requirements of this ordinance, the conditional use permit shall be denied. The Grant County Planning and Zoning Committee also decides whether a permit is issued for a planned unit development.

Zoning violations are reported to the Corporation Counsel. The Corporation Counsel is authorized to file a lawsuit against any violators of this ordinance.

If a change in the zoning ordinance is desired, petition to the county board can be made by affected property owners or members of the Planning and Zoning Committee or the Zoning Administrator.

- (1) **COUNTY PLANNING AND ZONING COMMITTEE:** The County Planning and Zoning Committee shall study and report to the County Board on proposed amendments to the zoning ordinance, oversee the administration of the zoning ordinance, authorize the issuance of conditional use permits for planned unit developments if all applicable requirements of this ordinance have been met, and approve the official Planning and Zoning Guide to Land Development.
- (2) **ZONING ADMINISTRATION:** The County Planning and Zoning Committee shall appoint a county Zoning Administrator to handle the administration and enforcement of this ordinance. The County Zoning Administrator shall issue zoning permits when all of the required provisions of this ordinance have been met. The Zoning Administrator is also empowered to investigate complaints and give notice of all violations to the violators.
- (3) **BOARD OF ADJUSTMENT ESTABLISHMENT:** There is hereby established a Board of Adjustment for Grant County for the purpose of hearing appeals and applications for granting variances to the provisions of this ordinance in harmony with its provisions. Membership of the Board of Adjustment shall consist of 3 members to be appointed by the Chairman of the County Board with the approval of the County Board.
 - (a) **Principles Guiding Board Decisions:** The following are principles that shall guide the County Board of Adjustment:

- (1) The burden is upon the appellant to prove the need for a variance.

- (2) Pecuniary hardship, loss of profit, self-imposed hardships, such as that caused by ignorance, deed restrictions, proceeding without a permit, or illegal sales, are not sufficient reasons for granting a variance.
- (3) The Board is bound to accept the zoning ordinance and map as being correct.
- (4) The plight of the appellant must be unique, such as a shallow or steep parcel of land, or situation caused by other than the appellant's own action.
- (5) The hardship justifying a variance must apply to the individual appellant's parcel or structure and not generally to other properties in the same district.

(b) Powers: The Board of Adjustment shall have the following powers:

- (1) **Errors:** To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator or County Planning and Zoning Committee.
 - (2) **Variances:** To hear and grant appeals for variances not contrary to the public interest, where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulty or unnecessary hardship so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted. Variances shall not create a substantial detriment to adjacent property.
 - (3) **Interpretations:** To render interpretations of the zoning regulations and the boundaries of the zoning districts after the County Planning and Zoning Committee has made a review and made recommendations.
 - (4) **Substitutions:** To hear and grant applications for substitutions or more restrictive nonconforming uses provided no structural alterations are to be made and the County Planning and Zoning Committee has made a review and made recommendations.
 - (5) **Assistance:** The Board may request assistance from other County Officers, Departments, Commissions, and Boards.
 - (6) **Oaths:** The Chairman may administer oaths and compel the attendance of witnesses.
- (c) Findings:** The facts of each case and the specific reasons for granting or denying a variance shall be clearly stated in the minutes of the Board of Adjustments proceedings.
- (d) Appeals:** Appeals to the Board of Adjustment may be taken by a person aggrieved, or by an officer, department, board or bureau of the municipality affected by any decision of the Zoning Administrator or the Planning and Zoning Committee. Such appeal shall be taken within 30 days after issuance of the decision, which is being appealed. To file an appeal, the appellant must file a written notice of appeal with the Zoning Administrator setting forth the name and address of the appellant, the decision being appealed, the date of the decision being appealed, and the grounds upon which the appellant is filing the appeal. The Zoning Administrator shall

forthwith transmit to the Board all the papers constituting the record concerning the matter being appealed.

- (e) **Hearing Appeals:** The Board of Adjustment shall review appeals on a monthly basis. The Zoning Administrator shall give public notice of the hearings by a Class 2 publication in the official newspaper of the county prior to the hearing. The notice shall specify the date, time and place of hearing and the matters to come before the Board. A written notice shall be mailed by the Zoning Administrator to the parties in interest at least ten days prior to the hearing. The Board shall decide the matter within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney. The Board of Adjustment shall adopt such rules, as it deems necessary for the conduct of business.

(4) ZONING PERMITS AND CERTIFICATE OF COMPLIANCE.

- (a) **Zoning Permit:** No building, mobile home, manufactured home, or other structure or any part thereof shall hereafter be located, installed, erected, constructed, reconstructed, extended, enlarged, converted, structurally altered or placed on a lot or parcel of land within the area subject to the provisions of this ordinance until a zoning permit has been applied for in writing and obtained from the Zoning Administrator. Such permit shall be posted in a prominent place on the premises prior to and during the period of construction, alteration or installation. The Zoning Administrator shall keep a record of all permits issued by the Zoning Administrator. Any zoning permit issued in conflict with the provisions of this Ordinance shall be null and void. All permits shall expire twelve (12) months after the date of issuance unless the Zoning Administrator approves an extension of time in writing upon assurance that reasonable progress is being made toward the completion of the permitted work.
- (b) **Application for Zoning Permit:** All applications for a zoning permit shall be filed by the applicant with the Zoning Administrator on forms to be furnished by the Zoning Administrator and completed by the applicant and to such scale as may be prescribed by the Zoning Administrator. The application form shall require the applicant to furnish the following information:
1. Names and addresses of the applicant, owner of the site, architect, professional engineer, surveyor, contractor, and the subject site.
 2. Description of the subject site by lot, block and recorded subdivision or by certified survey: the type of structure: existing and proposed operation or use of the structure or site: number of units, occupants, and/or employees; height and floor area of principal structures, and the primary and overlay zoning district within which the subject site is located.
 3. A sketch or plat of survey, plat plan, or development plan showing the location, boundaries, dimensions, elevations, uses and size of the site, existing and proposed easements, streets, and other public ways, existing and proposed structures, yards, off-street parking, loading areas, and driveways, primary, flood plain, shoreland, and other overlay district boundaries, existing and proposed highway access restrictions, and the location, elevation, and use of abutting lands and their structures within two hundred (200) feet of the subject site.

4. Proposed water supply and/or sewage disposal plan if municipal water and/or sewage service is not available. A certification by a licensed plumber or engineer shall be furnished evidencing that satisfactory, adequate and safe water supply and waste disposal is possible on the site as proposed by the plan in accordance with applicable local, county and state regulations.
5. Additional information as may be required by the Zoning Administrator.

(c) **Certificate of Compliance:** If the Zoning Administrator grants a zoning permit and the applicant complies with the provisions of this ordinance, a certification shall be entered on the zoning permit by the Zoning Administrator. No vacant land shall be occupied and no structure or building for which a zoning permit is required shall hereafter be occupied, nor shall the principal use of such building or structure be changed and the building or structure reoccupied unless said certification has been issued to show that such building or premises and the use thereof are in compliance with the provisions of this ordinance. At his discretion, the Zoning Administrator may issue a temporary certificate pending final determination of compliance but such issuance shall not authorize an occupancy in excess of one (1) year. The issuance of a temporary certificate shall not be construed to imply that the particular building, structure or use complies with this ordinance in any respect.

In the event of construction in the flood plain district, the Zoning Administration shall request the applicant to submit a certification by a registered professional engineer that the finished fill and flood protection factors were accomplished in compliance with the provisions of this ordinance.

(d) **Cases Where Zoning Permit Not Required:** No zoning permit shall be required in any of the following cases.

1. For any building on which work having a value of \$250 or more has been done prior to the approval of Grant County's 1981 zoning ordinance.
2. For any accessory building costing \$500.00 or less, provided such building conforms to all the setback, yard and open space requirements of this ordinance.
3. For any improvements or alterations to an existing building in the amount of \$500 or less which shall not effect a change in use or encroach upon any yard or open space requirement in this ordinance. A permit shall not be required for any maintenance repairs regardless of costs.
4. For farm building and farm structures not for human habitation which are not permanently affixed to the ground and are readily removable in their entirety. This exception does not apply to mobile homes.

(5) **CONDITIONAL USES:**

- (a) **Permit:** The County Planning and Zoning Committee is authorized to issue or deny conditional use permits.

1. Any conditional use permit for a quarry or nonmetallic mine shall be limited to a 5 year permit. If the conditional use granted by a permit is stopped and does not commence again within those five (5) years, the permit process must start again with opportunity for public input. Any Administration Code Chapter NR 135 shall be resolved in favor of the latter.

(b) **Application:** Applications for conditional use permits shall be filed by the applicant in duplicate with the Zoning Administrator on forms provided by the Zoning Administrator and completed by the applicant. Such applications shall include the following information to be furnished by the applicant:

- (1) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and abutting property owners of record.
- (2) Description of the subject site by lot, block, and recorded sub-division or certified survey, address of the subject site, type of structure, proposed operation or use of the structure or site, number of employees, and the zoning district within which the subject site lies.
- (3) Sketch or plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses and size of the site, existing and proposed easements, streets, and other public ways, existing and proposed structures, yards, off-street parking, loading areas, and driveways, primary, flood plain, shoreland, and other overlay districts boundaries, existing and proposed highway access restrictions, and the location, elevation, and use of abutting lands and their structures within two hundred (200) feet of the subject site.
- (4) The Planning and Zoning Committee may request additional information to be furnished by the applicant.

(c) **Review and Approval:** In deciding upon a conditional use permit for the proposed use, the Planning and Zoning Committee shall take into account the following:

- (1) The maintenance of safe and healthful conditions.
- (2) The prevention and control of water pollution including sedimentation.
- (3) Existing topographic and drainage features and vegetation cover on the site.
- (4) The location of the site with respect to flood plains and floodways of bodies of water.
- (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetation cover.
- (6) The location of the site with respect to existing or future access roads.
- (7) The need of the proposed use for shoreline location.
- (8) Its compatibility with uses on adjacent land.
- (9) The amount of storm water and solid and liquid wastes to be generated and the adequacy of the proposed disposal system.
- (10) Location factors under which:

***June 15, 2004, Amendment #299 added (1) to Permit.**

- (a) Domestic uses shall be generally preferred.
- (b) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source.
- (c) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase the possibility.

(11) Whether requirements of this ordinance have been met by the applicant which apply to the particular district in which the subject property is located.

(12) The Planning and Zoning Committee shall also consider any reclamation plan submitted for the property and the reclamation plan's provisions for maintaining lateral support and for depth of the quarry pursuant to the standards set forth in Wisconsin Administration Code Chapter NR 136.

- (d) **Conditions:** The Planning and Zoning Committee or the Board of Adjustment may attach conditions, in addition to those required elsewhere in this ordinance, that it deems necessary in furthering the purpose of this ordinance. Violation of any of these conditions shall be deemed violations of this ordinance. Such conditions may include but are not limited to conditions as to type of shore cover, increases setback and yards, specified sewage disposal and water supply facilities, landscaping and planting screens, hours of operation, operational control, sureties, deed restrictions, locations of piers, docks, parking, and signs, type of construction or any other requirement necessary to fulfill the purpose and intent of this ordinance.

In order to secure information upon which to base a determination, the applicant may be required to furnish additional information including but not limited to the following:

- (1) A plan of the area showing contours, soil types, high water mark, ground water conditions, bedrock, slope and vegetable cover.
- (2) Location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping, and lighting.
- (3) Plans for buildings, sewage disposal facilities, water supply systems and arrangements of operations.
- (4) Specifications for areas of proposed filling, grading, lagoons or dredging.
- (5) Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.

***June 15, 2004, Amendment #299 add (12)**

The Planning and Zoning Committee in evaluating an application may request assistance from other local, county, state or federal agencies.

- (a) Hearings on applications for conditional use permit shall be by the Planning and Zoning Committee. A Class 2 notice shall be published in the newspaper prior to said hearing. Written notice shall be sent by the Zoning Administrator to all interested persons at least ten days prior to the hearing.
- (b) No conditional use permit shall be granted where the proposed use is deemed: To be inconsistent or conflicting with neighboring uses for reasons of smoke, dust, odors, noise, vibration, lighting, health hazards, or possibly of accident. In addition, any development requiring approval of State or local agencies, such as any commercial or industrial uses, will not be given approval by the Planning and Zoning Committee until such development has prior approval by the relevant agencies.
- (c) An appeal regarding a conditional use decision of the Planning and Zoning Committee can be made by filing a writ of certiorari with the Circuit Court within 30 days of a decision by the Planning and Zoning Committee.

(6) **Planned Unit Development Permits:** For a planned unit development, an applicant shall file an application for a planned unit development permit on an application form furnished by the Zoning Administrator and completed by the applicant. Such application form shall provide for the following information to be furnished by the applicant:

- (a) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and abutting property owners of record.
- (b) Description of the subject site by lot, block, and recorded sub-division or certified survey, address of the subject site, type of structures, proposed operation or use of the structures or site, number of employees, and the zoning district within which the subject site lies.
- (c) A detailed plan must be furnished with the application which includes all information required under Section 3.21 of this ordinance.
- (d) A preliminary plat meeting the requirements of Section 3.21 of this ordinance must be provided with the application.
- (e) A final plat must be submitted by the applicant as required by Section 3.21 of this ordinance.
- (f) The Planning and Zoning Committee may request additional information to be furnished by the applicant.

The hearing regarding a planned unit development shall take place before the Planning and Zoning Committee who shall decide whether said permit is granted or denied. A Class 2 notice as to the hearing shall be published in the newspaper. Notice of the hearing shall be given to interested persons in writing at least ten days in advance. A

planned unit development or conditional use hearing notice is to provide for the date and time of the hearing and the location of the hearing. Notice shall be given to the town involved as provided for in Section 3.21 of this ordinance. If the requirements set forth in this ordinance have not been met, the permit shall be denied. The permit shall also be denied if health or safety hazards will be created as a result of the development or if the development will conflict with neighboring uses of the property.

(7) MEETING DATES AND FEES:

- (a) **Meetings:** Appeals to the Board of Adjustment, hearings and reviews by the Planning and Zoning Committee and action by the County Board related to zoning will be permitted according to the following schedule:

County Board – at the regular meeting.

Board of Adjustment – at the regular meeting as determined by the Board of Adjustment.

Planning and Zoning Committee – at the regular meeting as determined by the Chairman of the Committee.

(b) Fees for Permits and Appeals:

(1) **Zoning permits and planned unit development permits:** A statement as to the value of the proposed construction or improvement ***The applicant must pay a zoning fee for a zoning permit or planned unit development permit equal to one dollar (\$1.00) for each one thousand dollars (\$1,000) of work to be done on the property, but not less than twenty five dollars (\$25.00).** When applying for a conditional use permit, applicant must pay a conditional use permit fee of one hundred dollars (\$100.00) at the time of applying for a conditional use permit. When filing for a variance, an applicant must pay a one hundred dollar (\$100.00) fee when the applicant files his notice of appeal to the Board of Adjustment. All of the above fees shall be paid to the Grant County Zoning Administrator. Failure to pay the required fee at the time of filing of the application will result in the permit or variance being denied.

Zoning “Rezone” Ordinance Amendment: A petition to amend the zoning ordinance shall be accompanied by a fee of ***four hundred dollars (\$400.00)** except when the petition is filed by Grant County.

(8) COMPLIANCE AND ENFORCEMENT:

- (a) It shall be the duty of the Zoning Administrator, with the aid of his duly appointed deputies, the Corporation Counsel and the Grant County Sheriff’s Department to review applications for Zoning permits; issue or deny such permits and certificates of compliance; investigate all complaints; give notice of any violations; and otherwise enforce the provisions of this ordinance.
- (b) The Zoning Administrator and his duly appointed deputies may enter at any reasonable time onto any public or private land or water to make a zoning inspection and may require, call for, or secure professional advice, and/or assistance in regard to technical matters.

***December 21, 2004, Amendment #316 fee changes on zoning permit, conditional, variance, rezone.**

- (c) Any person, firm, company, or corporation who violates any provisions of this ordinance, shall be subject to a forfeiture of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00), plus costs and attorney fees, for each day of violation. Default in payment may result in imprisonment in the Grant County jail for a period not to exceed six months for contempt.

(9) PLANNING AND ZONING GUIDE TO LAND DEVELOPMENT:

The County planning director shall prepare a guide to advise on land development in the County. This guide shall be the official Grant County Planning and Development Guide when approved by the Planning and Zoning Committee.

This guide shall contain statements of policy, aids to interpretation, information as to ordinances regarding zoning, subdivision, shoreland, and flood plain rules, summary of permits, changes, standards for maps and other information to be submitted for reviews, detailed interpretation of type of land uses to be included in the different zoning districts, and any other information relevant to the guiding of land development in Grant County.

Additional Appeal Information:

Any person, firm, or corporation aggrieved by a decision of the Board of Adjustment can appeal the decision of the Board of Adjustment by filing a writ of certiorari with the Circuit Court within 30 days of the entry of the decision by the Board of Adjustment.

Signs: To apply for a sign permit, an applicant must complete and file with the Zoning Administrator a sign application on a form furnished by the Grant County Zoning Administrator. The applicant shall furnish the following information on the application form: The applicant's name, address, proposed location of the sign and the name and address of the owner who owns the property on which the sign is to be placed, the size of the sign, and a statement as to what pictures, words, and message will be on the sign. If the applicant does not own the property on which the sign will be placed, applicant shall furnish to the Zoning Administrator written evidence of the landowner's permission to place the sign on his or her property.

Additional Requested Information:

The Zoning Administrator, the Planning and Zoning Committee, and the Board of Adjustment can request additional information or documentation from any applicant for a permit. If the applicant fails or refuses to provide the additional requested information or documentation regarding the matter, the permit can be denied.

Section 3.28 DEFINITIONS

Except where specifically defined herein, all words used in this ordinance shall carry their customary meanings. The word "shall" is mandatory, not permissive. All distances unless otherwise specified, shall be measured horizontally. In this ordinance, the following words have the following meanings:

- (1) **Airport:** Any airport which complies with the definition contained in Section 114.002(7), Wisconsin Statutes, or any airport which serves or offers to serve any commercial carriers engaged in air transport.
- (2) **Accessory use or Structure:** A use, building or detached structures (on land or water) and located on the same lot or parcel serving a purpose customarily incidental to the principal structure or use.
- (3) **Boathouse:** Any structure designed for the purpose of protecting or storing boats for non-commercial purposes. Boathouses shall not be used for human habitation.
- (4) **Buildable Area of a Lot:** That part of the lot bounded by the required building setback, side, and rear yard line and less than 15% grade.
- (5) **Building:** Any structure used, designed, or intended for the protection, shelter, or roofed enclosure of persons, animals or property.
- (6) **Building Height:** The vertical distance from the average elevation of the finished grade at the building line to the highest point of a flat roof, or the deck line of a mansard roof, or to the average height of the highest gable, gambrel or hip of a pitched roof.
- (7) **Camp Grounds and Camping Resorts:** Any privately or municipally owned parcel or tract of land accessible by automobile or other engine driven vehicle. The parcel or tract of land must be designed, maintained, intended or used for the purpose of supplying accommodations for overnight use by seasonally used recreational vehicles or tents. The parcel of land or tract of land must be open to the public and designated as a developed camp area and set aside for free or paying camping services.
- (8) **Dwelling, Single-Family:** A detached building designed for or occupied exclusively by one family.
- (9) **Dwelling, Multi-Family:** a dwelling containing separate living units for two or more families.
- (10) **Family:** One or more persons related by blood or marriage occupying the premises and living together as a single house-keeping unit, as distinguished from a group occupying a boarding house, lodging house, club fraternity or hotel.
- (11) **Farm:** A parcel of land on which crops or animals are raised, including the farmstead as well as crop and pastureland.
- (12) **Farmstead:** The buildings (including residences) of a farm.

- (13) **Floor Area:** The sum of the gross horizontal areas of the several floors of the building, measured from the outer lines of the exterior walls of the buildings, provided that the floor area of a dwelling shall not include space not useable for living quarters, such as attics, unfinished basement rooms, garages, breezeways, and unenclosed porches or terraces.
- (14) **Highway:** A public way for purposes of vehicular travel including the entire area within the right-of-way. As modifiers, "arterial" denotes a highway primarily for through traffic on a continuous route. "Road" denotes a public highway in a rural area, and "street" denotes a public highway in an urban area.
- (15) **Highway Interchange:** A separated grade intersection with one or more turning roadways and including all such roadways, ramps, entrance and exit terminals, flares, tapers, structures and appurtenances, and the right-of-way devoted thereto.
- (16) **Highway Intersection:** The area within which two or more highways join or cross including the roadway, and roadside facilities for all associated traffic movements, and the right-of-way devoted thereto.
- (17) **Home Occupation:** A gainful occupation conducted by a member of the family within his or her place of residence, where the space used for conducting the occupation is incidental to residential use, where the floor area where the occupation is conducted does not exceed twenty (20%) percent of the total floor area, and where no article is sold or offered for sale except such as is produced by such home occupation. A home occupation includes such things as babysitting, millinery, dressmaking, canning, launderings and crafts, but does not include the display of any goods.
- (18) **Junk or Salvage Yard:** An area where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled.
- (19) **Landing Strip:** An airport, which has only one runway for the landing of aircraft. This runway shall not exceed 2500 feet in length.
- (20) **Lot Width and Frontage:** Lot width is the distance between sidelines of the lot. Frontage is the linear distance of property along a public highway, street, or roadway or a body of water.
- (21) **Manufactured Home:** A factory manufactured dwelling or structure which is transported to a building site for placement. It includes mobile homes.
- (22) **Marina:** A small harbor or boat basin providing dockage, supplies, and services for small pleasure craft.
- (23) **Mobile Home:** Means a vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used or intended to be used, primarily for human habitation. It includes all mobile homes regardless of whether or not the mobile home is on wheels, on jacks, or any foundation or other device or structure.

- (24) **Mobile Home Park:** Any park, court, site, lot, parcel, or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for 2 or more mobile homes and shall include all buildings used or intended for use as part of the park thereof, whether or not a charge is made for the use of the mobile home park and its facilities. A mobile home park shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.
- (25) **Professional Home Offices:** Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions where the area used to conduct their occupations does not exceed 20% of the total floor area.
- (26) **Right-of-way:** a strip of land, property, or interest therein acquired for or devoted to a highway or other public way.
- (27) **Street:** A right-of-way accepted and designated as a public street, road or highway by a public authority.
- (28) **Sanitary Landfill:** A method of disposing of solid waste on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation.
- (29) **Sign:** A sign is any structure or natural object of part thereof or device attached thereto or printed or represented thereon which is intended to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, word, a message, picture or representation used as or which is in the nature of an announcement, direction or advertisement.
- (30) **Structure:** anything constructed or erected, the use of which requires a more or less permanent location on or in the ground.
- (31) **Trailer:** A vehicular, portable structure built on a chassis which can be transported by any motor vehicle and is designated to be used as a temporary dwelling for travel, recreation and vacation use and which does not fall within the definition of a mobile home.
- (32) **Trailer Camp:** Any privately or publicly owned parcel or tract of land accessible by automobile or other engine-driven vehicle; which camp is designed, maintained, intended, or used for the purpose of supplying accommodations for use by recreational vehicles on a temporary basis and is open to the public.
- (33) **Useable Area:** Land that has a slope of less than 20%. Land that is permanently under water shall not be considered useable area.
- (34) **Uses Consistent with Agricultural Use:** As defined in section 91.01(10) Wisconsin Statutes.

- (35) **Yard:** an open space on a lot, on which a building is situated, open and unobstructed from the ground to the sky by structures. A yard extends across the full length (in the case of a side yard) or width (in case of a front or rear yard) of a lot or parcel.
- (36) **Silviculture:** A woodland management practice by which desirable and long lived species of trees are perpetuated and provision is made for efficient control growth and the disposal of slash material.
- (37) **Subdivision:** The division of a lot, parcel or tract of land by the owner thereof, or his agent, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of one and one-half acres each or less in area; or five or more parcels or building sites of one and one-half acres each or less in area are created by successive divisions within a period of five (5) years.
- (38) **Subdivision of record:** Refers to a subdivision that existed prior to Grant County's adoption of its Comprehensive Zoning Ordinance in 1981.
- (39) **Unnecessary Hardship:** An unusual or extreme reduction in the adaptability of a property to the use permitted in the particular zoning district due to its unique site or soil characteristics as distinguished from those applicable to most or all property in the same zoning district.

Recommended for passage by the Grant County Planning and Zoning Committee.

/s/ John Patcle, Chairman
/s/ Hans Kostrau
/s/ Allan Jansen
/s/ Eugene Bartels

/s/ Robert Acton
/s/ Dwight Nelson
/s/ Ralph Noble

ATTEST:

I, Chris Carl, hereby certify that the above ordinance was duly adopted by the Grant County Board of Supervisors on the 15th day of June, 2004.

/s/ Chris Carl, County Clerk

